

For the International Task Force on Harmonization and  
Equivalency in Organic Agriculture

## OBJECTIVES OF ORGANIC STANDARDS PROGRAMS

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## ORGANIC PROGRAM OBJECTIVES

- Guiding principles - what are the formally articulated goals?
- Programmatic objectives - what is the program actually trying to accomplish in context?
- Environment/production related - how does it guide operators?
- Value chain/consumption related - how does it convey information to the value chain?
- Programs included
  - National organic programs of the EU, US, Japan and China
  - Codex Alimentarius, Soil Association, Organic Trade Association IFOAM, AFRISCO

## GUIDING PRINCIPLES AND VALUES

- High degree of agreement on
  - Long-term fertility, biological activity of the soil
  - Prohibit use of synthetic inputs
  - Responsible use and conservation of water and natural resources
  - Biodiversity and ecosystem management
  - Prohibit recombinant-DNA technology
  - Reference to a wider context for organic agriculture
- Less agreement to several other principles
  - Provide quality of life to satisfy basic needs
  - Supply domestic markets
  - Supply international markets
  - Promote fair practices in the food trade

## PROGRAMMATIC OBJECTIVES (Structure, Scope, Coverage)

- National programs
  - Regulatory in nature - operate more like technical regulations than voluntary standards (note civil and criminal penalties)
  - Meet national objectives that differ from country to country (EU v. China)
  - Meet industry and/or consumer demand for new areas (e.g., fish)
- Private sector programs
  - Achieve and maintain market share (note "mission creep")
  - Maintain credibility (value chain major stakeholder)
- Conclusion: major differences among programs that spring from entirely legitimate sources
  - National standards-making processes differ
  - Political context differs
  - Stakeholders differ (industry v. consumer v. government)
  - Structure, scope and coverage mix differs in substance and process

## ENVIRONMENTAL/PRODUCTION GOALS

- This is where most comparisons are made
- Lots of rules for inputs, lots of differences
  - Cultural, philosophical differences
  - Regional or national environmental differences (grazing)
- Some overflow from programmatic areas
  - Other legislation or programs may cover
  - Effluent rules, habitat, animal handling practices
  - Social standards increasingly relevant here
- Little exists in terms of objective bases of comparison
  - Few science-based arguments or metrics, little transparency
- Carefully negotiated issues, passionate constituencies

## VALUE CHAIN GOALS (Non-Tariff Barriers?)

- Many differences are in areas that affect trade rather than production per se
  - Traceability
  - Intellectual property
- Labelling and processing already part of a national and international legal context with very detailed rules
- Legal basis for certification rules, conformity assessment, equivalency determinations
- Obvious potential for trouble with process-based standards in international political context given retail consolidation in food sector

## COMMON REGULATORY OBJECTIVE

- Term is mentioned in WTO TBT Agreement but not defined
- No process for determining
- UNECE - Recommendation “L” somewhat constructive
- Articulates process for achieving regulatory harmonization
- “Call for Participation” by a country initiates a bilateral or multilateral process (standards task force) to create a CRO
- CRO registered with UNECE, used as reference

## CRO V. WTO?

- WTO envisages international standards as basis for national ones
- CRO process sidesteps this, elevates bilateral processes, establishes alternative system to WTO
- Less transparent (eliminates stakeholders)
- Not practical in current context - top down, not bottom up
- Most useful when there are no existing standards
- Ignores problems neither system has dealt with
  - Lack of multi-stakeholder processes
  - Lack of transparency and consultation
  - Role of private v. public sector standards systems

## ROADBLOCKS TO EQUIVALENCE IN THE ORGANIC SECTOR

- Equivalence means compliance
  - National organic regulatory schemes are essentially technical regulations
  - Regulators bound by law and politics - discretion very risky in charged political context
  - Participatory processes in private sector also limit flexibility
- ALL national programs change over time
- Trade issues govern equivalence negotiations
  - Different priorities for each country (apples v. dairy, US/EU) and they won't play if they can't win
  - Mitigates against sub-sectoral approaches
  - Unequal bargaining strength in import and export markets
- Policy-makers shouldn't negotiate technical issues, and v.v.

## SOLUTIONS?

- Can CRO's be useful?
- **INFORMALLY** articulated common regulatory objectives as reference points, particularly for new systems
- Success more likely at lower levels of equivalence - mutual recognition of conformity assessment systems
- Suppliers declaration of conformity
- Legal standards for TBT equivalence decisions - Codex? WTO?
- Private sector support for equivalence in importing countries
  - Does trade really matter to organic consumers?
- Simplified, metrically measurable production standards

## MORE SOLUTIONS?

- WTO litigation for failure to base standards on international standards NOT a good idea, but some precedent
- Sub-sectoral equivalence agreements (dairy, apples)
- Mediate the US-EU negotiation and other likely candidates
- Use the bilateral trade agenda
  - US FTA's include CAFTA, Thailand, Middle-East countries, may include Malaysia, South Korea, etc..
  - EU negotiations - Mercosur?
- Use other institutions for sub-sectoral agreements (OIE for livestock?)
- Leverage public-private-sector partnerships

## WWF - COMMODITY BENCHMARK STANDARD

- Address standards proliferation, cost, relative effectiveness to accomplish goals
- Compare functional aspects of programs
- Identify areas of overlap, duplication, conflict
- Assess effectiveness in terms of broad parameters
  - How they were created (multi-stakeholder process)
  - Do they focus on key impacts? Environmental, social)
  - Are they measurable? Do they use metrics?
  - Do they reward performance?
- Work in Bananas, cocoa, coffee, sugar, cotton, soy, palm oil