

Organic production in Mexico: seed availability issues and their effect on the market, growers and certifiers

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Presentation Outline

- Brief history: NAFTA, NOM-029-FITO-1995, NOP
- False starts: Natural Coat II
- Current problems: Delays, conflicting bureaucracies, poor germination, cost
- What it means on the ground.



Regulatory History

NAFTA (1994). Guaranteed rights of ratifying countries to impose phytosanitary protections.

-Argument presented by many Mexican operations to justify the use of treated seed, prior to and after the establishment of the NOP.

- NOM-029-FITO-1995
- NOP (2001), prohibited the use seeds treated with most synthetic fungicides, but allowed for use “when the application of the materials is a requirement of Federal or State phytosanitary regulations” § 205.204(a)(5)
 - Only later was this point clarified to specify that this only pertains to **US Federal or State laws.**



Regulatory History NAFTA AND NOP

- April 25, 2007. Organic Trade Association Mexico Federal Seed Treatment Requirement Task Force :
“Before deciding that the ‘... use of seeds treated with a prohibited substance is valid only when such treatment is mandated by United States Federal or State phytosanitary regulations. Exemptions do not extend to the phytosanitary requirements imposed by foreign governments.’, the USDA should verify that this decision will stand up in a court of international law. Because, although this issue has not yet been brought before an international court of law, it is very likely that this eventually will occur if the NOP insists on implementing this interpretation.”



Regulatory History

- 2005-2008
 - Limited allowance for the use of Natural II (Agricoat product) (2005) and a provision that allowed organic “untreated” seed (2008) to enter Mexico subject to testing and post entry quarantine inspections as conditions of phytosanitary certification.
- 2009 SAGARPA stops recognizing Natural II, citing insufficient evidence of product efficacy.
 - Immediate effect was confusion/panic on the part of growers.
 - Many hybrid seeds became immediately unavailable, notable peppers and tomatoes.
 - People stopped planting these crops
 - Land was decertified.



Regulatory History

- Feb. 2009. In meeting with AMSAC, SAGARPA reports that the following products, currently recognized by COFEPRIS would be allowed as seed treatments:
 - T-22 (*Trichoderma harzianum*)
 - *Bacillus subtilis*
 - *Trichoderma lignorum*
 - HWT
 - *Proposed provisions for importation of untreated seed, including strict monitoring of growing areas, to be paid for by grower.*



Regulatory History

- 2006-??? Ley de Productos Orgánicos.
 - Still awaiting final publication of the guidelines
 - Draft version still does not allow for ANY use of NOG seeds, nor mention seed treatments. Not much help on the importation of seeds.
 - Everyone is eagerly awaiting the final publication.



On the Ground

- Currently only 1 facility licensed to apply T-22 in US.
 - Growers complain about price (8x), lower germination.
- Still VERY limited number of species available with treatment. Vegetables, other than peppers/tomatoes nearly impossible.
- Provisions for the importation of untreated seed are so unworkable that NONE of the growers I work with (± 60) have even attempted it.



On the Ground.

- None of the other methods mentioned by SENASICA and approved by COFEPRIS are being used.
- Growers are choosing not to grow certain species...ex cauliflower, chard, spinach.
- Acreage is being left fallow. Est. on 15-20 % of farms. Biggest problem growers report.



Certifiers forced to de-certify land for 3 years.

On the Ground-Contrabando

- Huge problem that nobody wants to talk about.
- Inspection/traceability nightmare.
 - Double invoices
 - False labeling of packaging (stating “treated with Thiram,” when it actually isn’t)
- Obvious implications from a phytosanitary perspective



On the Ground-The human cost



Dagoberto Ramos, Lucero de Ramales



Ground was removed from certification
for 3 years in 2010 for planting chili
transplants started with Thiram-treated
seed



At time he purchased the seed (2009) it was impossible to legally obtain hybrid tomato or chile seed in Mexico that was not treated.



“If big companies have problems finding, purchasing and importing NOP compliant seeds, small and medium sized companies have even more problems; small growers die.”



"Si las empresas grandes tienen problemas encontrar, comprar e importar semillas que cumplen con el NOP, las empresas pequeñas y medianas empresas incluso tienen más problemas; los pequeños productores se mueren.”

