



ORGANIC FARMERS ASSOCIATION

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February 6, 2018

The Honorable Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave SW
Washington DC 20250

Dear Secretary Perdue;

The Organic Farmers Association (OFA) is a membership organization that represents America's certified organic farmers. While we have supporting and organizational members, only domestic certified organic farmers vote on OFA's policies and leadership.

At OFA, we are very concerned by the National Organic Program's (NOP) January 25, 2018, statement that "Certification of hydroponic, aquaponic and aeroponic operations is allowed under the USDA organic regulations, and has been since the National Organic Program began." We see this action as revisionist history, and an incorrect interpretation of organic law.

Eight members¹ of OFA's leadership team have served on the USDA National Organic Standards Board (NOSB). We believe it is critical you are aware that the USDA has several times in the past sought guidance from the NOSB on the advisability of allowing hydroponic production to be certified organic, and every time there has been a decisive vote, the Board rejected the idea of allowing organic certification of hydroponics. These discussions and votes are documented in NOSB meeting minutes for your historical reference.

In 2010, the NOSB, by a 14 to 1 vote, recommended that hydroponic production not be allowed to be certified organic, stating "systems of crop production that eliminate soil from the system, such as hydroponics or aeroponics cannot be considered as examples of acceptable organic farming practices...due to their exclusion of the soil-plant ecology intrinsic to organic farming systems and USDA/NOP regulations governing them."

Most USDA-accredited certifying agencies have avoided certifying hydroponic operations as organic because of the long-standing requirement—rooted in the Organic Foods Production Act (OFPA)—that organic production must be in the soil.

¹ Current OFA Steering Committee and Policy Committee Members who have served on the National Organic Standards Board (NOSB) and their Years of Volunteer Service to USDA: Bob Quinn, 1992-1997; Michael Sligh, 1992-1997; Jim Riddle, 2001-2006; Jeff Moyer, 2006-2011; Jennifer Taylor, 2011-2016; Nicholas Maravell, 2011-2016; Francis Thicke, 2013-2018; and Harriet Behar, 2016-2020.

While the word “soil” is mentioned in the Organic Foods Production Act (OFPA) seven times and in the NOP Final Rule fifty times, the words “hydroponic,” “aquaponic,” “aeroponic,” or “soilless” are not mentioned at all. In short, there are no federal standards or regulations for certifying hydroponic production as organic.

OFPA—the enabling legislation that created the National Organic Program—indicates that organic production must be soil-based. The Act states, *“An organic plan shall contain provisions designed to foster soil fertility, primarily through the management of the organic content of the soil through proper tillage, crop rotation, and manuring.”*

Members of the Organic Farmers Association are concerned that the NOP’s recent statement was accompanied by no legal justification for unconditional allowance for organic certification of hydroponic production.

The notice contained no OFPA or NOP rule citations to justify the novel position being taken by the USDA. Further, the notice contained no guidance to certifying agencies on how to certify operations that do not comply with most NOP requirements.

OFA members are concerned that soilless production systems are inconsistent with OFPA and do not comply with numerous sections of the NOP Final Rule.

Specifically, OFPA Section 6513 “Organic Plan” states:

“(b)(1) Soil Fertility. An organic plan shall contain provisions designed to foster soil fertility, primarily through the management of the organic content of the soil through proper tillage, crop rotation, and manuring. (underline added)

(g) Limitation on Content of Plan. An organic plan shall not include any production or handling practices that are inconsistent with this chapter.”

Soilless hydroponic production systems do not foster soil fertility or build soil organic matter content, as required by OFPA. Organic plans for soilless operations, by definition, include production practices that are inconsistent with OFPA since such systems rely exclusively on inputs for fertility, instead of implementing a soil fertility program that builds soil organic matter, as required by OFPA 6513(b)(1).

The authors of OFPA made it clear that soil, and maintenance of soil fertility, are essential components of an organic system of production. In the Senate Report on the Food, Agriculture, Conservation and Trade Act of 1990, Congress wrote, *“a crop production farm plan must detail the procedures that the farmer will follow in order to foster soil fertility, provide for crop rotations, and prohibit certain manuring practices inappropriate to the crop being raised and the land in use.”* (p. 292)

The NOP Final Rule, Section 205.200 “General” requirement states:

“Production practices implemented in accordance with this subpart must maintain or improve the natural resources of the operation, including soil and water quality.”

Soilless hydroponic production systems do not comply with NOP 205.200, since they do not maintain or improve the natural resources of the operation including soil quality.

The NOP Final Rule, Section 205.203 “Soil fertility and crop nutrient management” states:

- “(a) The producer must select and implement tillage and cultivation practices that maintain or improve the physical, chemical, and biological condition of soil and minimize soil erosion.*
- (b) The producer must manage crop nutrients and soil fertility through rotations, cover crops, and the application of plant and animal materials.*
- (c) The producer must manage plant and animal materials to maintain or improve soil organic matter content”*

Soilless hydroponic production systems do not comply with NOP 205.203(a-c) because tillage and cultivation practices do not maintain or improve the physical, chemical or biological condition of soil. Soilless hydroponic operations do not manage fertility through the use of crop rotations or cover crops, and they do not maintain or improve soil organic matter content.

The NOP Final Rule, 205.205 “Crop rotation” states:

- “The producer must implement a crop rotation including but not limited to sod, cover crops, green manure crops, and catch crops that provide the following functions that are applicable to the operation:*
- (a) Maintain or improve soil organic matter content;*
- (b) Provide for pest management in annual and perennial crops;*
- (c) Manage deficient or excess plant nutrients; and*
- (d) Provide erosion control.”*

Soilless hydroponic production systems do not comply with NOP 205.205, because they do not implement crop rotations to maintain or improve soil organic matter content; provide pest management; manage deficient or excess plant nutrients; or provide erosion control. Soilless hydroponic systems do not comply with the crop rotation requirement, which is a cornerstone of organic crop production.

Soilless production systems do not comply with the NOP Section 205.2 definition of “organic production” because they do not “promote ecological balance and conserve biodiversity” as required according to the legal definition of “organic production.”

The OFPA and NOP Rule sections cited above use the words “shall” and “must,” not “should” or “may.” These are mandatory provisions, and they cannot be ignored.

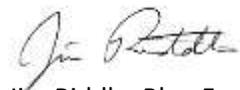
In addition, soilless, hydroponic systems do not comply with the National Organic Standards Board’s Principles of Organic Production and Handling, the first sentence of which reads, *“Organic agriculture is an ecological production management system that promotes and enhances biodiversity, biological cycles, and soil biological activity.”*

The Organic Farmers Association respectfully requests the United States Department of Agriculture to retract the policy statement issued by the National Organic Program on Jan. 25, 2018, which stated, “Certification of hydroponic, aquaponic and aeroponic operations is allowed under the USDA organic regulations.”

As you evaluate our request to withdraw this unprecedented policy, OFA calls on the USDA to issue a legal opinion examining if soilless, hydroponic production systems, and the products thereof, can be certified and labeled as "USDA Organic."

We appreciate your prompt attention to this critical issue.

Respectfully,



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