



ORGANIC FARMERS ASSOCIATION

March 31, 2021

To Whom It May Concern:

The Organic Farmers Association appreciates the opportunity offer comments to the USDA on the “development, coordination and implementation of grant programs to support food processing, distribution, seafood processing, farmers markets, and producers and other businesses identified in the Consolidated Appropriations Act, 2021, and on the development, coordination and implementation of a food purchase and distribution program intended to provide additional aid to nonprofits serving Americans in need of nutrition assistance.”

OFA is a membership organization that represents America’s certified organic farmers. Our organization was founded by and is controlled by certified organic farmers, and only domestic certified organic farmers vote on OFA’s policies and leadership.

We are deeply concerned about the impact of Covid-19 on organic farmers, farmworkers, businesses, certifiers and inspectors, and consumers. We are mindful of the need to protect the health and safety of all who are involved in organic agriculture, certification, and compliance. Because of the annual organic certification process and the need to protect the integrity of the USDA organic seal during this time of ongoing market disruption, some of our concerns and recommendations may be unique from those raised by other sectors of agriculture.

The Covid-19 Relief and Fiscal 2021 Act includes \$11.2 billion to:

“prevent, prepare for, and respond to coronavirus by providing support for agricultural producers, growers, and processors impacted by coronavirus, including producers and growers of specialty crops, non-specialty crops, dairy, livestock, and poultry, producers that supply local food systems, including farmers markets, restaurants, and schools, and growers who produce livestock or poultry under a contract for another entity:”

as well as a provision that:

“in making direct support payments in this section, the Secretary of Agriculture may take into account price differentiation factors for each commodity based on

specialized varieties, local markets, and farm practices, such as certified organic farms (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)):"

As the USDA moves forward with programs to implement this section of Act, we would like to point out that organic farmers represent a significant percentage of the farmers in each of the specialty crop, livestock and dairy, and local food supply categories prioritized by Congress. Therefore, it is critical that organic farmers be included in any programs created to implement this provision of the Act.

In response to the questions posed for this comment period regarding food purchase programs, we offer the following comments:

- Because AMS did not plan to track whether organic products were included in food boxes delivered under contracts in 2020, we do not have any reliable way to measure whether this program was useful to certified organic producers. As you move forward with new versions of food purchase programs, we urge you to include tracking of whether certified organic products are being supplied under these contracts.
- Most organic and small farms have not traditionally accessed food purchasing programs run by the USDA. As you develop new purchasing programs to both aid farms and procure food for emergency feeding or other nutrition programs, we urge you to make the procurement process flexible enough to work for organic and small farms, not just large conventional operations. This should include purchases of a diverse set of crops, not just commodity crops.

In response to the questions posed for this comment period regarding coronavirus response grants, we offer the following comments:

- As farmers innovated to respond to the social distancing recommendations related to the pandemic, they took on new expenses to set up virtual platforms to facilitate the sale of their products, as well as “on-farm” stands, curbside pickup, and other direct to consumer “no-touch” distribution channels that minimize interaction. In the same way that restaurants across the nation shifted to take-out options, farmers also shifted and financial assistance to reimburse past expenses or help with new expenses will help ensure they can continue to operate in a way that is protective of public health.
- The federal government has historically reimbursed up to 75 percent of organic certification fees paid by organic farms and businesses, with a maximum reimbursement of \$750 per certification scope (crops, livestock or handling) per operation. Congress reinforced these reimbursement rates when it reauthorized the National Organic Certification Cost Share Program through the 2018 Farm Bill. Unfortunately, in August, the Farm Services Agency cut reimbursement rates for 2020 certification costs to 50 percent, up to a maximum of \$500 per scope. This action leaves organic operations –

who had been planning on being reimbursed for their certification costs at the same level as previous years – burdened with an unplanned expense, in the midst of a period of higher costs and disrupted markets caused by the pandemic. The cost share program is particularly important to small and mid-sized organic farms, and those who are just starting out with organic certification. We urge the USDA to act quickly to restore the funding levels for this program mandated by Congress.

- One obstacle that could exist for many organic, small and specialty crop producers is unfamiliarity with Farm Service Agency offices or AMS contracting procedures. Outreach to these producers will be necessary to improve participation in the programs USDA creates. Please consult with farm organizations, state departments of agriculture, accredited certification agencies (organic certifiers), and other entities outside the USDA to spread the word about new programs and how farms who may not be familiar with USDA county offices can access these programs.
- We also urge the USDA to consider flexibility across all of its agencies to provide flexibility in nutrition programs that could allow organic, diversified and direct market farm operations to provide food to their communities. The modifications include allowing Supplemental Nutrition Assistance Program (SNAP) payments to be made online directly to farms and CSAs and expanding SNAP online options for customers of smaller retailers, such as local food cooperatives; providing waivers and direction to States to broaden their WIC-approved food lists to allow WIC participants to purchase organic foods; and supporting the ability of food banks and other emergency feeding programs to purchase organic products directly from farmers at market prices.

Critical Rulemaking Forward to Protect Organic Integrity

In addition to disruption and new expenses caused by the pandemic, the organic sector needs swift action from the USDA on the standards that serve as the foundation of the organic label and that ensure the economic viability of organic farmers. There are several long overdue rulemakings that need immediate attention:

- The rulemaking to improve organic enforcement, both domestically and internationally, (the “Strengthening Organic Enforcement” rule) is critical for the economic viability of the U.S. organic sector. The 2018 Farm Bill required USDA to complete the rulemaking by December 19, 2020, but it has not. The public comment period on the proposed rule closed on October 5, 2020. This rulemaking must be finalized and move forward to implementation as quickly as possible.
- The final rule on Origin of Livestock (OOL), to close loopholes with regards to the organic standards related to the transitioning of conventional dairy cows into organic dairy operations, is another critical regulation for the organic sector. Through the Fiscal Year 2020 appropriations process, Congress mandated that USDA complete OOL final rule by

June 17, 2020 but the USDA missed this deadline. We need the USDA to finalize an enforceable rule on Origin of Livestock as quickly as possible

- The Organic Livestock and Poultry Practices (OLPP) rule is another long-overdue measure to strengthen the organic standards, which was delayed and ultimately withdrawn by the Trump Administration. The OLPP final rule would allow the NOP to consistently enforce stronger animal welfare standards on organic farms and close loopholes being taken advantage of by some large operations. We urge you to reinstate the final OLPP rule as quickly as possible.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Mendenhall".

Kate Mendenhall
Executive Director