



**ORGANIC FARMERS  
ASSOCIATION**

September 29, 2022

Ms. Michelle Arsenault  
Advisory Committee Specialist  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Avenue SW  
Room 2642-S, STOP 0268  
Washington, DC 20250-0268

Docket No. AMS-NOP-22-0042

Dear National Organic Standards Board Members,

The Organic Farmers Association is led and controlled by domestic certified organic farmers and only certified organic farmers determine our policies using a grassroots process. OFA appreciates the opportunity to provide comments to the Board (NOSB) and the National Organic Program (NOP) on several specific items on the agenda for your spring meeting.

***Compliance, Accreditation, & Certification Subcommittee***

**Proposal: NOP Risk Mitigation Table Review**

OFA supports the Subcommittee recommendation that NOP revises the Risk Mitigation Table to include the areas outlined by the CACS and that the NOP incorporate the Risk Mitigation Table (NOP 1009) into their procedures. We also support continuous improvement by the NOP by prioritizing future work on the areas CACS identified: 1. developing a transparent tool for certifiers to compare accreditation findings, 2. addressing systemic sources of conflicts of interest such as organic operators choosing their own certifiers and paying them for certification, discrepancies between certifiers' interpretation and implementation of the rule, and operators shopping for certifiers that may be more in line with the operator's preferred interpretation of organic regulations, and 3. transparent clarification and revision to the standards on a routine basis to resolve known inconsistencies and divergent certification practices in order to fully ensure strong and consistent oversight of certifiers and uniform interpretation and implementation of the standards.

**Proposal: NOSB Technical Support**

OFA appreciates the effort by the NOSB and the NOP to explore methods for supporting the work of the board and board members. It is vital that the NOSB be fully representative of the

organic community, including certified organic farmers. But as the NOSB notes, the volume of material and complex agenda that the board handles can be burdensome for volunteers who have demanding jobs like farming. Therefore, we believe it is appropriate to consider measures that recognize the tremendous time commitment required to participate as a board member. Because the proposal from the subcommittee contains multiple ideas, we have broken it up to comment on each piece.

- *CACS recommends that NOP proceed with an initiative to provide technical support to the NOSB.*

OFA supports this part of the recommendation.

- *CACS further recommends that the source of technical support come from within the USDA but from outside the AMS/NOP.*

OFA has concerns about this part of the recommendation. Our experience with various USDA agencies outside the AMS/NOP is that their knowledge of organic operations is extremely limited, as is the time of many USDA employees.

OFA and other organic advocates have long called for more education on organic agriculture within land grant universities and extension services to grow the pool of people working in agriculture who understand the unique aspects of organic production. Building the capacity of these entities, as well as nonprofit organizations, by creating opportunities for organic research assistants will help build the infrastructure of the overall organic community. Working with others outside the USDA could also help to alleviate another concern the Board has expressed, the need for more people to serve as organic inspectors and certification staff.

OFA urges the NOP to establish a conflict-of-interest process to use in hiring research assistants, no matter where they come from, to identify potential conflicts due to other employment or research funding that could pose a conflict when support staff are providing assistance that could influence Board decisions.

- *Technical support staff should NOT draft proposals or discussion documents, initiate polls of stakeholder groups, or communicate on behalf of the NOSB or any subcommittee.*

OFA supports this part of the recommendation.

- *Technical support should attend all meetings relevant to their topics.*

OFA has concerns about this part of the recommendation. To understand the type of research support and other assistance that would be most useful for NOSB members, the support team should be privy to Subcommittee meetings and discussions, but not allowed to participate in those discussions beyond offering specific clarifications on research they conducted, if board solicits their input. The discussions by the Subcommittee will likely lead to further research

needs and hearing the discussion could help the support team be more effective. However, the NOSB and NOP should create some kind of confidentiality policy for support team members, to ensure that conversations they are privy to are not disclosed to the public or interests that have business before the NOSB beyond the procedures that already exist for sharing information publicly. And we urge the NOSB and NOP to create dedicated opportunities for Board members to have confidential conversations, without having technical support staff present.

- *The NOP should serve as the administrator of the support staff but not task them directly.*

OFA supports this part of the recommendation. Regardless of where the research assistants come from, OFA believes that the NOP should be responsible for contracting with research assistants. This administration should include setting up contracts and payment for these individuals. But individual NOSB members should create the work plan for the topics their research assistant works on and be able to specify what type of research is needed to best assist them in their NOSB responsibilities.

Beyond the concept of providing technical support, we also urge the NOP to consider mechanisms to help farmers on the board cover costs they incur for participating in the meetings, such as the cost of hired help for their farm while they are performing board duties. Expanding the existing list of approved reimbursable expenses may be one way to address this need.

#### Proposal: Oversight Improvements to Deter Fraud: Acreage Reporting

OFA appreciates the Board's work on this important topic. Dealing with fraud has been a top priority for OFA members since the organization's founding, and improving the potential to identify fraudulent transactions is a necessary part of strengthened enforcement.

In general, we support the subcommittee's proposal to the NOP that certifiers be required to list harvested acres by crop type and the total acres of a certified organic operation on the organic certificate, for both domestic and international producers.

But as the NOP proceeds with implementing this regulation, it will be critical that this requirement works for all types and scales of organic producers. It will be important to ensure that any new requirements do not create additional burdens on farmers who already do a lot of recordkeeping to be certified organic. There must be flexibility for those producers who use paper-based systems due to difficulty accessing the internet or religious beliefs. Traceability requirements must also consider the different marketing structures of various commodities; tracing sales data for commodity corn is very different from tracing sales data for highly perishable wholesale market vegetables.

For example, for producers with a diversified crop mix, especially fruit and vegetable producers who may grow many varieties every year on small parcels of land, a streamlined way to estimate acreage will be needed to avoid creating a huge reporting burden. The process must also account for the fact that the total acreage per crop may not equal the total farm acres as crop succession could utilize the same piece of ground many times in one growing season. We urge the NOP to heed the suggestions made by the Subcommittee about addressing the needs of small and diversified producers:

1. Special consideration for granularity could be given to small-scale producers that direct market a wide variety of crops, such as CSAs and farmers' markets.
2. Guidelines could be set to express the needed granularity or aggregation of produce crops grown on small parcels so as not to be overly cumbersome to diversified small growers and instead prioritize specificity for commodities where risk of fraud is highest.

#### Discussion Document: Oversight Improvements to Deter Fraud - Minimum Reporting Requirements

OFA appreciates the NOSB's work to identify ways to bring more consistency to organic certification and inspection. In addition to oversight of certifiers, NOP must provide clear guidance on how organic standards should be interpreted, and when they do it should be shared with all certifiers so that all accredited certifiers receive the same guidance. An additional area where NOP could help ensure consistency among certifiers is by exploring the possibility of standardizing some forms to ensure a minimum level of reporting to allow adequate auditing that is necessary to detect fraud in organic supply chains.

1. How could the NOP engage, facilitate, and help inform certifier exploration of universal documents like mass-balance and traceback worksheets?

We urge the NOSB and NOP to work with certifiers to first assess what forms farmers are currently using. It may be necessary to create common forms for different sectors of products – grains that are shipped in bulk, livestock, milk, fruits and vegetables, etc.

Pilot programs with commodities that have been demonstrated to present the highest risk of fraud could be a mechanism for certifiers to assess this proposal and identify necessary adaptations to roll it out across farm size, diversity, and market type.

2. Is there any unforeseen downside to inspectors, reviewers, and certifiers all working with the same traceback and mass-balance templates?

Any move to standardize forms or templates must ensure that certifiers working with Plain community farmers or others who require paper-based systems can still meet the new standards. Any new standardized forms must not require farmers to use specific software, technology or other purchased services beyond certification.

Standardized forms must not put undue burden on small diversified farmers who sell diversified quantities daily to many buyers.

3. Are there other forms (i.e., Dry Matter Intake (DMI) worksheet, Bills-of-Lading (BOLs), inspection report forms, etc.) that we can make universal to promote consistency for certifiers, inspectors, and operations?

The earlier proposal to require acreage information to organic certificates will serve as an important step in standardizing a key document in the organic supply chain.

In addition to these specific questions, we also urge the Board and NOP to consider the potential to provide sample or common forms in multiple languages as this process moves forward. Making forms more accessible to non-English speakers could remove one of the obstacles for more diverse producers who are considering organic certification. This process could also allow for an equity lens on form assessment to ensure that cultural sensitivities are addressed and accommodated in the organic certification process.

#### Discussion Document: Organic and Climate-Smart Agriculture

OFA appreciates the effort by the NOSB to articulate why, if an agriculture producer is certified organic, they should be automatically considered climate-smart and made eligible for all climate-smart funding, procurement, and other programmatic opportunities administered by the USDA. OFA members agree that certified organic production should be automatically considered “climate-smart” and therefore eligible for any and all funding opportunities and support through relevant USDA programs.

Organic agriculture has tremendous potential to address climate change while making sure that family farms flourish. But for organic agriculture to meet its full potential, we need the USDA to take several steps to protect the integrity of the USDA certified organic label. This is necessary to maintain the standing of the organic label with consumers, ensure a level playing field for organic farmers, and to make sure that organic methods provide the maximum benefit in addressing the climate crisis.

There are several critical areas of NOP rulemaking and enforcement necessary to ensure that organic agriculture is truly climate-smart:

#### *Livestock Standards*

The NOP must finalize the long-overdue Organic Livestock and Poultry Standards Rule as quickly as possible to strengthen the standards for livestock and ensure outdoor access and other welfare standards that prioritize pasture-based systems.

The NOP must also prioritize enforcement of the existing pasture standard to guarantee that organic animals are raised in climate-friendly pasture-based systems.

## *Ensuring that Organic Farming is Soil-Based*

Soil health is a foundational principle of organic agriculture. The NOP's decision to allow hydroponic (soil-less) operations to be certified organic, as well as inconsistent interpretation of the NOP's guidance for how container operations transition to organic, could undermine consumer confidence in the organic label overall and reduces the potential for organic agriculture to sequester carbon. The NOP should clarify that organic farming occurs in the soil and ensure that all organic certifiers are consistently applying this requirement. For organic agriculture to maximize its potential as climate-friendly agriculture, soil must be recognized as the cornerstone of organic production.

### **Materials Subcommittee**

#### Proposal: Research Priorities 2022

OFA supports the efforts of the Board to highlight specific topics for research that will advance organic production. In addition to the topics outlined by the board, OFA's farmer members have identified the need for the USDA to prioritize research to identify tools for organic farms to identify and remediate legacy chemical contamination in soils that is the result of non-organic practices. Farmers need access to cost-effective soil and water testing, technical assistance for determining whether farm operations can safely continue, and compensation for lost production and lost farm value due to contamination.

We would also like to emphasize the following topics on the 2022 list because they align with research needs that have been highlighted through our policy priority setting process.

#### Livestock:

1. Determine the efficiency of natural parasiticides and methodologies, including but not limited to, nutritional programs, use of herbs, essential oils, homeopathic remedies, Diatomaceous Earth, and the genetic pool of laying hens in controlling *A. galli* and *H. gallinarum* in laying and replacement chickens intended to become hens.
2. Evaluate natural alternatives to DL-Methionine in a system approach for organic poultry feed program.
3. Evaluate ways to prevent and manage parasites in livestock, examining breeds, geographical differences, alternative treatments, and pasture species.

4. Develop a dairy program to address climate change mitigation strategies where milking capabilities are not hindered, and effective forage rotations are maximized.
5. Develop balanced organic livestock rations that incorporate high percentages of diverse, regionally adapted crops to reduce the reliance on corn and soybeans and allow farmers to realize more marketing opportunities for a robust crop rotation.

#### Crops:

2. Conduct whole farm ecosystem service assessments to determine the economic, social, and environmental impact of farming systems choices.
4. Develop cover cropping practices that come closer to meeting the annual fertility demands of commonly grown organic crops.
5. Development of systems-based plant disease management strategies (including specific considerations related to copper use in organic rice production) are needed to address existing and emerging plant disease threats.
7. Strategies for the prevention, management, and control of invasive insects and weeds.
8. Factors impacting organic crop nutrition, and organic/conventional nutrition comparisons.
11. More research, extension, and education are needed to fully understand the relationship between on-farm biodiversity and pathogen presence and abundance.
12. Elucidate practices that reduce greenhouse gas emissions and that contribute to farming systems resilience in the face of climate change.

#### Coexistence with GE and Organic Crops:

3. Develop, then implement, methods of assessing the genetic integrity of crops at risk to quantify the current state of the organic and conventionally produced non-GMO seed.
4. Techniques for preventing adventitious presence of GE material in organic crops, and evaluation of the effectiveness of current prevention strategies.

5. Testing for fraud by developing and implementing new technologies and practices.

Thank you for your consideration of these comments and for the work you do on behalf of the organic community.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Mendenhall". The signature is fluid and cursive, with the first name "Kate" and last name "Mendenhall" clearly distinguishable.

Kate Mendenhall  
Executive Director