



**ORGANIC FARMERS
ASSOCIATION**

September 28, 2023

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 # AMS-NOP-23-0026-0002

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 and the National Organic Program on several specific items on the agenda for your fall meeting.

Compliance, Accreditation, & Certification Subcommittee

Discussion Document: Organic and Climate-Smart Agriculture - Climate Induced Farming Risk and Crop Insurance

OFA appreciates the board's work on this important topic. OFA farmer-members have a wide range of experiences with crop insurance. Frustration with difficulties trying to get organic to fit into existing crop insurance is widespread.

Whole Farm Revenue Protection is an important option for diversified operators to be covered through crop insurance, but it must be improved in order to be a functional option for organic and other diversified producers. In fact, some OFA members report struggling to use Whole Farm Revenue Protection because it is onerous to do the paperwork – it's especially difficult for new farms to provide the historic production records required, but even established farmers struggle with this program. Many farmers expressed that new farmers need an entirely different program because WFRP is too daunting. There is clearly room for improvement here.

OFA has members with different experiences using crop insurance for organic row crops. Those who do use it still do not express a lot of confidence in the program and report that it feels like a gamble.

Overall, there is a dire need for increased education of insurance agents on organics. It is rare that farmers can find an agent who understands organic systems and methods.

Crop insurance needs to be fair and functional for all farmers. OFA supports the following improvements to crop insurance programs

- Recognition by the USDA Risk Management Agency (RMA) that any practice approved in a farmer's Organic System Plan by a USDA-accredited certifying agent as compliant with organic production standards must be recognized and approved as a "Good Farming Practice" as defined by the RMA.
- Creation of new crop insurance tools that serve the needs of diversified organic growers serving all types of markets, including direct sales, that has a more streamlined application process and prioritizes low paperwork burden.
- Allowing organic farmers to use organic prices for all federal farmer support programs.
- Development of additional organic price elections for crop insurance coverage, and review of policies that cap Contract Price Addendums at two-times the conventional price election for any specific crop.
- Allowing organic transition producers and beginning farmers to calculate the Actual Production History Yield (APH) for new acres or acres under organic transition using the APH of other organic acres on their farm, rather than the county T-Yield for the acres under transition.
- Continuation of Whole-Farm Revenue Protection, established in the 2014 Farm Bill, and recognize the change in farm revenue after a farm has transitioned to organic. Raise the cap to 50% on increased production value under the expansion provision.
- Development of organic price elections for storage loans offered by Farm Service Agency so that producers can access working capital based on the actual value of their crops to cash flow their operations. Utilize existing organic price data developed by RMA to establish storage loan prices.
- Organic farmers must have a crop rotation, which is not currently well supported by Crop Insurance. We need crop insurance coverage, not just in the form of written agreements, for crops besides corn, beans, wheat, and rice. Further, we need a way for organic farmers to be supported, rather than penalized (through the APH system) for

enacting a robust and extended rotation both during transition and as organic producers.

- Farmers need a way to manage risk due to genetic and pesticide drift contamination. If these situations could be recognized as a qualifying event for crop insurance, farmers suffering from loss wouldn't be required to identify a source, which isn't always possible. More support from USDA to protect farmers from these types of contamination and to deter the practice of drift is necessary.

Furthermore, OFA points to the extensive comments submitted by the Ohio Ecological Food and Farming Association (OEFFA). Their crop insurance work group has provided a list of suggested solutions developed by farmers struggling to make these programs support the needs of their farms.

In addition to the improvements to crop insurance outlined above, OFA identifies a need for risk management within the organic dairy industry. For the past year, OFA has facilitated a national organic dairy farmer working group to identify farmer-driven solutions to the national organic dairy economic crisis. This farmer-led group has identified a strong need for the creation of a safety-net program specifically for organic dairy, based on organic-specific milk and input cost data. In order to support the viability of independent small and mid-size family organic dairy farms, OFA asks that USDA's National Organic Program (NOP) increase enforcement of the organic standards (including access to pasture requirements and the updated Origin of Livestock rule) to ensure that all organic dairy farmers are following the same rules so that farmers are operating on an equal playing field. Read more about our organic dairy policy platform [here](#).

Discussion Document: Oversight improvements to deter fraud: Consistent Location Identification

Dealing with fraud has been a top priority for OFA members since the organization's founding, and our farmer members are generally willing to take steps that aid in the prevention of fraud.

While we appreciate the Board's continued attention to this topic, we have concerns about how this proposal could be implemented. Not all farmers have the technological expertise to provide this information to certifiers, or in some cases, as in some orders of the Plain Community, technology use may not be appropriate or accessible.

We appreciate the following provision:

"Should GPS coordinates be unavailable due to technology access or other barriers, the following suggestions based on public comment should be used as acceptable alternatives as all three ways, with additional steps, will lead to GPS-coordinate capture.

- i. Parcel numbers (standard property identifiers that each county recognizes)
- ii. Address (not mailing route such as Rt 2 Box 176, but a street address if applicable)

iii. Legal address including Section / Township / Range”

However, some of OFA’s farmer members have expressed concern that as written, GPS will be the default that everyone will be expected to use first, when there are acceptable alternatives. Farmers should not have to prove a barrier if they prefer to use one of the acceptable alternatives. Just like there is flexibility in the type and technological advance of the farm map, allowing for people to achieve this requirement best suited to their technological comfort, so should the GPS coordinate option allow for flexibility so as not to create yet another barrier to certification. OFA sees more work needed on this suggested requirement and recommends that it return to the subcommittee for more discussion and farmer-input.

Discussion Document: Residue Testing in a Global Supply Chain

OFA agrees with the Board that residue testing is an important tool for fraud prevention. However, organic is a process based standard, and testing for residue must not be the standard for proving organic practices.

Furthermore, any proposal to increase testing for residues must be paired with a plan to assist farmers who are impacted by pesticide drift or other unintentional contamination. Action must be taken to prevent and deter pesticide drift and to compensate farmers for losses associated with damage caused by genetic engineering and pesticide contamination of organic crops and other affected areas.

More needs to be done to protect farmers from pesticide drift. Dicamba drift is an especially difficult problem, and guidelines for certifier response are inconsistent and open to interpretation. OFA encourages this guidance to be developed with farmer input.

OFA Farmers have identified a solution to classify pesticide and genetic drift contamination as an acceptable loss on crop insurance. If drift was a qualifying event, farmers suffering from loss wouldn't require an identifying source, which isn't always possible. More support from USDA to protect farmers from these types of contamination and deter the practice of drift is necessary.

Here we would also like to mention that OFA supports efforts by state and federal agencies to help farms cope with contamination of soil and water by per-and poly-fluoroalkyl (PFAS) chemicals, including assistance with 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. MOFGA has provided outstanding guidance and support to the organic farmer community throughout this devastating uncovering of forever-chemical contamination on Maine organic farms. We know that PFAS contamination exists across the country and urge the NOSB and NOP to get ahead of the problem with more proactive strategies and support for farmers dealing with contamination.

Crops Subcommittee

Work Agenda Request: Biodegradable Biobased Mulch Film (BBMF)

This issue is a low priority for OFA farmer members. There is no BBMF currently available that meets the standards. The issue has been adequately discussed and addressed. OFA urges the NOSB to prioritize issues of more importance to organic growers.

Livestock Subcommittee (LS)

2025 Livestock Sunset Reviews: §205.603

Biologics – Vaccines

205.603(a) As disinfectants, sanitizer, and medical treatments as applicable. (4) Biologics - Vaccines.

OFA knows and values that vaccines are an essential tool for livestock health maintenance in an organic production system, but currently there is an inconsistency in the rule. Clarity is needed so that farmers can protect the health of their livestock with confidence that they are upholding organic regulations. More materials review is needed so that organic producers and certifiers can use vaccines produced with approved methods when they are available. OFA supports NOSB's recommendation that NOP adopt the 2019 recommendation that will eliminate this confusion.

205.105(e) from:

Excluded methods, except for vaccines: *Provided*, That, the vaccines are approved in accordance with [§ 205.600\(a\)](#);

To:

(e) Excluded methods, except for vaccines: *Provided*, That, vaccines produced through excluded methods may be used when an equivalent vaccine not produced through excluded methods is not commercially available.

This annotation change is critical to ensure the consistent application of this standard by all certifiers. In the meantime OFA supports the relisting of biologics – vaccines on the national list.

Phosphoric Acid

205.603(a) As disinfectants, sanitizer, and medical treatments as applicable. (25) Phosphoric acid - allowed as an equipment cleaner, *Provided*, That, no direct contact with organically managed livestock or land occurs.

OFA supports the relisting of phosphoric acid as a synthetic sanitizer/disinfectant. It is used to remove deposits on equipment such as milk lines and bulk tanks that cannot be removed with

other detergents and acids. This buildup creates conditions where bacteria can rapidly multiply and degrades the safety and quality of the milk. OFA dairy farmer members report that more compatible substances are not available, and that without the use of phosphoric acid they would need to leave organic production.

The National Organic Coalition (NOC) has raised concerns about consistency as to whether certifiers were or were not requiring a rinse after use. This should be clarified in the annotation or in guidance so that all certifiers are operating under the same procedures.

The Ohio Ecological Food and Farming Association (OEFFA) has also identified concerns with the inclusion of land at the close of the listing as many dairy lagoons end up being spread on organic land. This should be clarified in the annotation or in guidance so that all certifiers are operating under the same procedures.

Additionally, the listings for use in handling and livestock are different. The handling annotation should be changed to come into alignment with the livestock listing.

OFA urges NOSB to consider a comprehensive review of sanitizers, disinfectants and cleaners to inform decision making when a new material is petitioned or a material is reviewed at sunset.

NOSB Agenda Items:

Organic Swine Management

OFA eagerly awaits publication of the final Organic Livestock and Poultry Standards, and applauds the organic community for its collaborative work on that rule. As a second step towards better animal welfare standards within organic regulations, we find the OLPS lacks enough detail to address the many areas of swine management typically covered in humane standards and other national organic standards. Third-party certifications that address animal welfare and humane treatment have details that include a variety of issues such as: lighting, housing ventilation, restricted feeding, weaning, wallowing, farrowing, outdoor area requirements, housing temperatures, reduction of heat stress strategies, ear notching, nose rings, and both indoor and outdoor stocking rates. To expand the organic pork industry and better serve consumers and producers of organic pork, more clarity is needed to promote high-quality animal welfare for swine on organic farms and clearly communicate to consumers how organic pork is differentiated from other labels.

Since these issues have not been fully discussed with all stakeholders able to participate in the development of these standards for organic swine, *we ask the NOP and NOSB to place this issue on the NOSB work agenda.* An organic swine producer panel at the spring NOSB meeting in Milwaukee (a good location for convening organic swine producers), would be a start to creating the issue as an NOSB work agenda item. Organic Farmers Association would be happy to help you find producers for this panel.

Greenhouse and Container Production Standards

OFA supports organic certification of crop production where typical terrestrial plants are grown to maturity in the ground with no barriers between the topsoil, subsoil, and bedrock. The plants must obtain the majority of their nutrients from that soil rather than from highly soluble fertilizers. OFA opposes organic certification of hydroponic production and other production systems which do not meet the preceding requirement and URGES the NOP to revoke the organic certification of such operations.

Current standards for the organic production of crops in containers in and outside of greenhouses are very limited, which has led to widespread certifier inconsistency in this area. As these production methods proliferate, strong standards are urgently needed to create a level playing field for organic producers and ensure that all certified organic production is climate-smart. OFA urges the NOSB to resume work on the agenda item “Field and Greenhouse Container Production.”

Big Picture Topics:

Racial Equity:

OFA members support addressing issues of race, gender, and social equity in agricultural and food policies. OFA urges the NOP and NOSB to actively seek to center racial equity, apply the [USDA’s 2023 Equity Commission](#) recommendations, and embed racial equity in NOSB processes, discussion documents, and public meetings.

OFA would like to echo our colleagues at National Organic Coalition and while acknowledging that you are already shouldering an enormous workload, ask that NOSB actively center racial equity in the organic movement for the following reasons:

Diversity is a central tenet of organic: In the same way that biological diversity is foundational to the healthy agricultural systems we support, we recognize that diversity of people makes the organic movement healthier and more sustainable.

Systemic Racism has Disenfranchised Black & Brown Farmers: Access to the organic movements and to organic certification has not been equal across racial groups: systematic racism has kept our movement from reaching its full potential. Only 3% of organic farmers identify as "Black, Indigenous, LatinX, Asian American or Pacific Islanders."

Acknowledging Indigenous Knowledge: Black & brown farmers have been, and continue to be, foundational to every aspect of the organic movement. Our movement has historically mostly elevated the voices of white (male) farmers as pioneers/fathers of the organic movement.

Collective Liberation: A Farmer Focus Group & the OFRF NORA report demonstrated that a lot of the challenges faced by BIPOC farmers were faced by many small-scale white farmers. Addressing these challenges would help all farmers.

(from

<https://organicfarmersassociation.org/wp-content/uploads/2022/10/DEI-Resources-for-Organic-Professionals-Project-Report-2.pdf>)

NOSB can center racial equity by reading and implementing the applicable USDA Equity Commission's 32 actionable recommendations presented in a 2023 [Interim report](#) and encouraging the NOP to engage and address the recommendations in the report as well. Not only does this commitment to racial equity and implementation of recommended changes for action support a more diverse organic farming community, but it helps us continually improve as a community to live more deeply in the organic principles of care and fairness, foundational to the organic movement.

Please refer to NOC's excellent comments on this topic for more detail on how NOP and NOSB can build a culture of inclusion and support through ongoing Anti-Racism and Cultural Sensitivity Training, by embedding racial equity into NOSB processes and by including racial equity as a standing agenda in NOSB Meetings.

In-Person Oral Comments:

OFA members would like to see the Board return to allowing public stakeholders to give comments in person at NOSB meetings, starting with the [Milwaukee NOSB Meeting](#) in the

Spring of 2024. The point of moving the meetings was to give each region an opportunity to speak directly to the NOP and NOSB. While the online testimony is important, and we want you to continue that mode of communication, OFA farmers also see value in in-person testimony. We surveyed our organic farmer members in May 2022 following the Spring NOSB meeting. Of the 54 nationwide farmers that responded, 69% indicated support for a return of the in-person testimony in front of the NOSB in addition to the webinar testimony.

Strengthening Organic Enforcement (SOE) Implementation

It is the understanding of OFA that the implementation of SOE is not intended to impact small to mid-size farmers, but rather that it was intended for handlers, large farms, and the import arena.

However, we have heard from small farmers that they are now expected to know the organic certification status of each buyer or business they deal with, and if an operation is going to be exempt from certification under SOE, the farmer is being told they need to get additional paperwork from them proving their exemption or push them to get certified by March 2024. It is unreasonable to expect growers to track the handling of their certified organic product as it moves through the supply chain, especially for those with many distributor or storage type businesses they work with.

Organic farmers take pride in upholding organic integrity on their farms, and work hard to ensure that their labeling is correct and their certificates are getting to buyers that need them. It is the responsibility of farmers to ensure that they are only working with certified operations, or those that are exempt, however, the burden of ensuring that operations newly required to be certified are in compliance should not fall on small farmers.

OFA requests that you continue to work with NOP on this issue.

Thank you for your consideration of these comments.

Sincerely,



Kate Mendenhall
Executive Director