



**ORGANIC FARMERS  
ASSOCIATION**

April 3, 2024

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-23-0075

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 spring meeting. These comments were developed based on group discussions in OFA work groups, email comments from OFA members, and feedback from our annual policy survey.

***Livestock Subcommittee (LS)***

***DL Methionine***

§ 205.603(d) As feed additives.

OFA wonders if the NOSB has received any previous communications from the methionine working group on their efforts to find a replacement for synthetic methionine. There are still challenges in finding a natural alternative to this synthetic amino acid, but there does seem to be some movement in the commercial availability of Soldier Beetle Larvae, which can be used in

livestock feed for non-human consumed livestock products. OFA urges the NOSB to investigate why there is a ban on this high methionine input in livestock feed for human-consumed livestock products and to consider working towards addressing this issue. We are interested in determining if this insect would need to be certified organic if used as a livestock feed, and if so, how this might be accomplished. We request that the methionine working group resume and be asked to present on this topic at an upcoming meeting.

#### *Fenbendazole*

§ 205.603(a) As disinfectants, sanitizer, and medical treatments as applicable.

OFA knows that Fenbendazole is a useful tool rotated with moxidectin as a dewormer for mammals. The current annotation for Fenbendazole should remain as is. The ban on fenbendazole use for egg-laying poultry should remain in effect, due to the research that shows residues of fenbendazole are found in eggs where it is allowed in nonorganic production.

#### ***Materials Subcommittee (MS)***

##### Discussion Document: Inert Ingredients in Pesticide Products

Organic Farmers Association strongly supports the extensive comments submitted by the National Organic Coalition, which has received input from many farmers who have served on the NOSB and align with OFA's mission and priorities. **We would like to lend our organization's voice in support of their *Recommended Process and full analysis*.** This common sense approach strives to not add an excessive amount of work to the National Organic Standards Board agenda, while maintaining the control of what materials are allowed to be used in organic production. We have seen that relying on a separate entity outside of the National Organic Program is a failing strategy. That separate entity could end the management of the material list as occurred with the EPA or they could change their review criteria to a type that would not serve organic standards. The only safeguard to long term review of inserts is for the NOP to manage it to maintain organic integrity as well as to allow for innovation in a timely manner. We urge the NOSB to prioritize a final proposal on inerts for the fall meeting, especially since there will be a large turnover of NOSB members starting in January 2025, which could lead to more delay in solving this important issue.

#### ***Crops Subcommittee (CS)***

## Discussion Document: Compost Production for Organic Agriculture - petitioned

Compost is a foundational input to organic farming, and there are many excellent sources of compost on the market that meet the current regulation and have, for decades, been producing high-quality crops while improving the soil resource on the farm. The recycling of plant- and animal-based materials to provide nutrients is part of the definition of organic. *We strongly disagree with changing the definition of compost feedstocks as proposed. Changing the definition to only require feedstocks that have been determined (mostly by those who manufacture or want to use these materials) to be biodegradable, does not uphold organic integrity and changes a proven system for soil fertility based on plant and animal materials.* These supposedly biodegradable materials and feedstocks may include contaminants like PFAS and microplastics, many times in large quantities. There is no reason to include post-consumer garbage in compost allowed on organic land.

It is a longstanding practice for industry and municipalities to use agricultural land for the disposal of their wastes. In organic, we have not allowed waste such as whey and cleaning products from cheese making or the by-products of municipal water treatment (biosolids) to be spread on the land. We have seen the devastating results on land exposed to these types of waste application, which last for decades. The current, NOP-approved compost feedstocks, time and temperature requirements are working well and provide high-quality compost without risk of pathogens or other contaminants. The current rule has proven effective for decades, the proposed changes would be detrimental. Contamination is a high priority of organic farmers, and we should be working to reduce, not increase contamination on organic farms.

Regarding compost tea, we urge that compost tea used on organic land should be made from compost that meets the current regulatory requirements.

### 2026 Crops Sunset Reviews: §205.601 & §205.602

#### *Oils, Horticultural*

205.601(e) As insecticides (including acaricides or mite control) (7) Oils, horticultural—narrow range oils as dormant, suffocating, and summer oils; and 205.601(i) As plant disease control (7) Oils, horticultural, narrow range oils as dormant, suffocating, and summer oils.

**OFA supports the relisting of horticultural oils.** According to our NOSB workgroup, it is very difficult to find a substitute for these materials. In the Midwest, many orchards have chosen to go to IPM production because limited tools exist for organic orchards. Horticultural oils are an important tool for organic fruit growers and should remain available.

There has been some on-farm research using vegetable-based oils, but this material has a shorter life span and is not effective for smothering insects on fruit trees. Until there is an acceptable and readily available natural alternative, this tool should remain in the organic farmer toolbox.

### *Pheromones*

205.601(f) As insect management. Pheromones.

**OFA supports the continued listing of pheromones.** OFA farmers use these tools in the orchard as mating disruptions for pests and as attractants to traps. They note this is a proactive tool to keep pests from reproducing rather than a reactive control.

### *Magnesium Sulfate*

205.601(j) As plant or soil amendments (6) Magnesium sulfate—allowed with a documented soil deficiency.

**OFA supports the relisting of magnesium sulfate.** It is needed in a specific, targeted way to provide an available form of magnesium to crops when soil pH and potassium levels are already where they should be, so limestone, and sul-po-mag are not appropriate magnesium sources.

### ***Compliance, Accreditation, and Certification Subcommittee (CACS)***

Discussion Document: Residue Testing for a Global Supply Chain

### **Stopping Organic Fraud**

Stopping organic fraud is consistently the number one priority for organic farmers in our annual policy survey. When OFA asks farmers about conditions to deter organic fraud, they typically support those efforts. While OFA does not have specific feedback on the questions posed to stakeholders in the discussion document, we do want to note that domestic testing of loads in the grain sector is commonplace, and that the same testing domestic producers experience at local mills ought to also apply at ports of entry. It is also common for U.S. grain to be tested at ports of entry into other countries, and the same scrutiny should be activated at the U.S. borders. This idea, now being proposed in the form of a marker bill, has received strong support from OFA farmer members. OFA and the broader-organic community worked hard to advocate for the SOE rule so that NOP could obtain the necessary authorities to stop organic fraud, particularly at the U.S. borders, and we support measures that utilize a risk-based

assessment to stop organic fraud. For domestic certified organic farmers to survive and be encouraged to expand their organic acreage and encourage more farmers to transition to organic, farmers must be able to compete in a fair and equitable marketplace devoid of fraudulent products that undercut our domestic organic market.

At the same time, OFA would like to emphasize that organic is a process based standard. And testing for residue should be used to evaluate high-risk operations and products delivered through complex supply-chains. **It must not be the standard for proving organic practices.**

### **Drift Challenges**

Additionally, proposals to increase testing for residues domestically must be paired with a plan to assist farmers who are impacted by pesticide drift or other unintentional contamination. Federal 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.

### **PFAS**

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.

### Discussion Document: Climate Induced Farming Risk and Crop Insurance

OFA has facilitated an active organic farmer-led Crop Insurance Workgroup since last fall. The group provides the following feedback in response to your questions. The OFA Crop Insurance Farmer Workgroup knows how critical risk management is for organic producers. We also know

that crop insurance is an issue which represents the intersection of climate change and consolidation— two issues about which OFA members care deeply. Thank you for your work on this important topic.

**1. T-yields (Assigned yields when a producer doesn't have production history):**

**a. Would organic producers be open to using transitional yield history to accelerate t-yield replacement to build organic yield history faster?**

Yes. The OFA Crop Insurance Farmer Workgroup has two ideas for improving transitional crop insurance with regard to APH.

1. Allow Annual Production History (APH) data from transition years 1-3 to be utilized as part of organic APH. This makes sense because the land is managed according to organic standards during the transition, so the “practice” is the same.
2. Organic producers frequently have organic and transitional acres at the same time. Given production experience and yields on existing organic acres, it makes sense to allow organic producers transitioning new acres the option to calculate the Actual Production History (APH) for new acres under organic transition using the APH of other organic acres on their farm, in addition to the county T-yield. This option would allow producers two options to mitigate the risk in transition, which is flexible to meet farmer needs, because some parts of the country offer accurate T-yields, and others do not.

**b. Would “buy up” coverage above 85%, which is the current limit, to 120% be of interest to obtain more coverage?**

The OFA Crop Insurance Farmer Workgroup agrees this could be a good option to have for organic producers, as similar options exist for conventional commodity crops. This could be particularly helpful during transition while trying to establish APH and utilizing T-yields. This option could help to ensure more margin for transitioning producers.

Another option would be to make the T-yields more accurate in parts of the country where they are lagging. In some counties, the organic T-yield is falling 20-40 bushels below the conventional T-yield, which in the experience of our group, is not an accurate representation of transitional yields. Some members of the group would rather see the T-yields adjusted to reflect reality, rather than the option to buy-up additional coverage.

**c. Suppose you have a currently approved production history (APH) for [conventional] production. Would you be interested in having a percentage of that APH carried over to your transition or organic t-yields?**

This question addresses a challenge which has been much discussed among our workgroup—when a farmer changes from one form of production to another (conventional→organic), even if one is very experienced and has an established track record of good management, one is treated like a beginning farmer in the RMA system. This is likely an inaccurate risk prediction, given the experience and track record, and it also systematically disadvantages farmers entering transition and organic production.

In discussing this potential solution, OFA farmers suggested an index by which one's conventional APH could be adjusted to form a more accurate transitional or organic APH, noting this could be a way to have one's production experience honored within the new system of production.

Other challenges previously noted still arise here:

- inaccurate T-yields,
- the required rotation in organic production, which means it takes much longer to build up an APH on multiple crops, which continues to disincentivize a robust rotation, and disadvantages farmers who are utilizing robust rotations as a part of their organic management systems.

## **2. What other concerns remain?**

Every farm deserves a safety net. With a changing climate, many farmers who haven't previously engaged with crop insurance recognize the need to have a safety net that works for everyone. Organic Farmers Association farmer-members offer the following recommendations to help make crop insurance more fair, functional, and informed.

### **FAIR:**

While crop insurance works well for a few commodity crops, it does not serve the broader community of organic, sustainable, and regenerative farmers. It also takes advantage of taxpayers, subsidizing the cost of crop insurance for large farms at the same rate it does a small, beginning farmer. To make crop Insurance more fair, OFA recommends:

- Organic farmers need more organic price elections to accurately reflect the value of their crops, and to meet the USDA NOP requirement for crop rotations.
- Remove policies that artificially cap Contract Price Addendums at two times the conventional price election for a specific crop.
- Specialty Crop insurance coverage needs to be on equal footing with other RMA programs. These crops are truly “specialty” and coverage for them needs to reflect unique county by county yield and loss ratios.

## **FUNCTIONAL**

Crop insurance policies align with conventional commodity agriculture practices. But organic farmers have additional standards to which they are accountable. To better serve this growing sector, OFA recommends crop insurance policy changes to be more functional for organic, transitioning, and family-scale diversified farms:

- Whole Farm Revenue Protection: WFRP, a type of crop insurance intended to serve small and diversified producers, must be tweaked to better support diversified producers through lower premium costs associated with higher levels of diversity, and true revenue protection for operations already mitigating risk through diverse production systems. In WFRP, recognize the change in farm revenue after a farm has transitioned to organic. An uninsured gap occurs in the first year of organic certification when the farmer receives organic prices for crops. Raise the cap to 50% on increased production under the expansion provision to prevent this uninsured gap in coverage.
- In WFRP, when a claim is filed, the settlement from any other insurance policy is deducted. This causes WFRP to function like catastrophic coverage. Remove the settlement deduction from other insurance policies when a claim is filed, this will better reward production diversity.

**Organic Transition:** A clear, transparent, consistent path for organic transition and crop insurance must be established. USDA’s Organic Transition Initiative investment must support producers with a streamlined farm safety net.



- Allow Annual Production History (APH) data from transition years 1-3 to be utilized as part of organic APH. Land is managed according to organic standards during the transition. (noted above)
- Allow transitioning producers the option to calculate the Actual Production History (APH) for new acres under organic transition using the APH of other organic acres on their farm, in addition to the county T-yield. (noted above)
- Working with TOPP Partners and other organic service providers while a farmer is in transition should suffice to access transitional crop insurance. RMA should provide organic insurance to producers transitioning to certified organic status without requiring an Organic System Plan.
  - The new Transitional Production Plan (TPP) is about the length of a typical OSP, but without the tools certifiers have honed over time to try to make the OSP process more accessible. The TPP is adding work for producers who would be better off choosing a certifier and filling out an OSP they can actually use when the time comes. If the TPP must be used, then we recommend revising this TPP and making it much shorter so that it does not present so much duplicative paperwork burden as well as allowing other confirmation of a farmers' transition status.
- Planting dates: Organic producers often plant later than their non-organic counterparts due to strategic organic systems management. RMA must establish a unique final planting date for certified organic crops in each region with a non-penalizing grace period so producers can maintain productivity and organic status.

## **INFORMED**

In order for Crop Insurance to serve currently underserved farmers, information must be gathered regarding how to do better, and share among agencies and with RMA staff and agents on the ground.

- Require federal agencies to share information to reduce farmers' paperwork burden.
- Allow organic farmers to use organic prices for all federal farmer programs, rather than reverting to inaccurate, conventional prices for some programs, which undervalues organic producers' crops.

- Require organic literacy within RMA to help employees and agents be informed about organic insurance to better serve organic clients and grow the benefits of the organic Industry.
- AMS, NASS, and RMA should work together to regularly compile and report organic production, yield, and acreage data, better informing this growing industry.

### Discussion Document: Organic Food System Capacity and Constraints

We appreciate the discussion on Food System Capacity with a focus on developing the organic marketplace so both existing and transitioning producers find ready and viable markets for their organic production. In dairy production, we know we are losing organic producers, but not necessarily organic animals or acreage. Consolidation has occurred; unfortunately, somewhat spurred by lax enforcement of both the pasture rule and inconsistent interpretation of the origin of livestock rule. The NOP's current commitment to pasture oversight and implementation of the clear origin of livestock rule will hopefully help with this issue.

OFA is also pleased with the NOP's recent retail organic promotion materials, supplied to the general public. More needs to be done in this area by the NOP. Truthful and direct information to consumers explaining the basic rules and the built-in accountability and tracing performed by the organic sector will go a long way to helping build the organic marketplace. More organic infrastructure, including small and mid-sized processing facilities, agricultural support systems from feed mills to veterinarians, and canning and freezing operations for fruits and vegetables, is certainly needed. But there is also a great need for information coming from the USDA and NOP so the consumer will trust and purchase organically labeled goods.

We are aware that there are areas of organic concentration in the U.S., where producers find numerous buyers for their products both at retail and wholesale outlets, and the greater community benefits greatly from this economic activity. However, there are many regions of the country where lack of infrastructure is stifling the growth of organic production, even when there are producers willing to achieve organic certification for their farms. Solving this problem, especially in typically underserved communities of color and in rural areas, will require a more strategic assessment of infrastructure needs, understanding of potential domestic market growth for different crops and livestock products in various regions, and creative solutions to meet those needs. For example, one Native American tribe runs a mobile farmers market on

tribal land that provides the elderly and those with limited transportation access to locally grown organic food. Seeking to address the specific challenges faced by each region and community is needed to successfully grow the organic marketplace, both for producers and consumers. But, for the U.S. organic market to grow and sustain itself, strategic needs-assessment must be used to identify where investment is most investment critical and can instigate further local investment. Furthermore, consistent organic standards and a rulemaking process that responds in a timely manner to NOSB recommendations is essential to ensuring that U.S. farmers supply our own growing domestic market..

### Proposal: Opportunities in Organic - Improving Support for Organic Transition

The current investment in organic transition is unprecedented. We want to ensure that the energy and momentum that is created through the TOPP program is not fleeting, but rather a sustained and supportive effort to grow organic with attentiveness to organic integrity, strong relationships, inclusive community, and ongoing support from USDA. Additionally, continued support from the NOSB and NOP is needed to sustain and increase the organic certification cost share program so that farmers can afford organic certification once they complete the 3-year transition. Furthermore, OFA agrees with the board's attention to growing the organic market. Denmark presents a useful example of a nation that made a large investment in organic transition, while at the same time making organic certification free and investing in growing their national organic market by encouraging consumer consumption of organic, prioritizing organic purchasing by public institutions, and incentivizing private institutional buying with the Organic Cuisine Labels, a free state-controlled labeling scheme for cafes, restaurants, and cafeterias. ([Read OFA article on this subject for more information.](#)) Over 80% of U.S. consumers purchase organic food<sup>1</sup>, and there is a potential to increase their consumption of domestic production. We support efforts to both increase organic transition and widen the diversity of organic farmers and mirroring strategic efforts to build a stronger domestic organic market. We support the work the NOSB has done regarding transition and look forward to the next steps.

### ***Big Picture Comments***

In addition to the above comments on the meeting materials provided for the Spring meeting, OFA members urge the board to consider the below issues, which are of pressing concern to organic farmers.

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<sup>1</sup> Organic Trade Association, "Organic Purchasing: State-by-state data shows increase in organic purchasing throughout U.S." <https://ota.com/market-analysis/organic-purchasing>; accessed on 4/2/2024.

## Field and Greenhouse Container Production

OFA is part of a working group of certification, education, and policy organizations who agree that soil is the foundation of organic agriculture, and who strive to achieve consistency in our organizational policies and certification decisions.

Specifically, we agree upon the following ideas:

- Soil is the foundation of organic agriculture.
- A full reading of the Organic Foods Production Act (OFPA 6513) and the Regulations requires that organic plants be grown in soil. Aeroponic, hydroponic, and crops grown to maturity in containers do not comply with [OFPA 6513(b)(1)].
- Certifiers cannot achieve consistency in their policies and decisions until the NOP goes through the formal rulemaking process for Greenhouse Production Standards which were recommended by NOSB nearly 20 years ago.
- Certifiers cannot achieve consistency in their policies and decisions until containers go through the process of NOSB discussion, recommendation, and NOP rulemaking.

The members of this group agree that the following crops grown in containers have historically been certified organic by the great majority of NOP accredited certification agencies, and ought to be allowed to be certified organic moving forward. NOP accredited certifiers have adopted them into certification policies in the absence of clear and applicable standards.

- **Sprouts** (which are mentioned in the rule as requiring organic seed, and which take their nutrition entirely from the seed)
- **Microgreens** (which are not mature at the time of harvest, but are sold as an immature plant, and which also derives much of its nutrition from the seed)
- **Fodder** (sprouts for livestock)
- **Transplants** (annual seedlings, and perennial planting stock (which are sold in containers then subsequently transplanted and grow to maturity in soil))
- **Mushrooms** (fungi, not plants, but widely certified with somewhat consistent ad hoc policies developed by certifiers over time, based on the NOSB Final Recommendation on the Mushroom Practice Standard, or using livestock standards, as fungi are other, non-plant life. There are, however, significant differences in terms of what certifiers allow as substrate. Development of mushroom standards is a high priority for us, and we appreciate the NOP moving forward final mushroom standards.)

Based on our interpretation, farmer input, and full reading of OFPA and the NOP regulations, our current consensus is that the above is a complete list of crops that should be allowed to be certified when grown in containers. These items still require NOSB discussion, recommendation, and rulemaking to improve the consistency of existing extrapolation, interpretation, and certification. The 2010 NOSB recommendation on Terrestrial Plants in Containers and Enclosures should be used as a starting point. Admittedly, this “cart before the horse” approach to rulemaking, in which production types are certified before clear standards exist, is backwards and ought to be avoided moving forward. This practice undercuts farmers' ability to compete in an equitable marketplace when certifiers are not administering the same standards to production systems. It is the responsibility of the NOP to limit organic certification to the specification of the regulations and to engage in rulemaking following NOSB recommendations to better support an evolving organic market.

To address these inconsistencies, we urge the NOSB to activate the latent agenda item “Field and Greenhouse Container Production.” We would welcome the opportunity to provide detailed input on this agenda item. Working on Field and Greenhouse Container Production is consistently a top priority of organic farmers in the OFA annual policy survey. The community asks that the NOP and NOSB prioritize this agenda item with the shared goal of improved transparency and consistency that will bring us into greater alignment with the global organic movement, including the IFOAM position on Hydroponics. Please work to add “Field and Greenhouse Container Production” back to the NOSB work agenda and lead our community in a discussion of this essential topic. The future of organic integrity depends upon it.

When comparing soil-based and hydroponic operations, the regulatory burden on farmers using soil-based systems is much higher than soil-less operations. Soil-based farmers must include biodiversity, natural resource enhancement, and more into their organic systems. On the contrary, hydroponic agriculture approaches the organic standards from a reductionist viewpoint, only addressing the inputs used, but none of the systems inherent in organic farming. Organic is a systems-based approach and consumers expect and assume the multiple benefits for themselves and our greater environment, when they purchase organic. Hydroponic crops labeled as organic do not meet the regulations nor the OFPA in many ways, and do not accurately fulfill consumers’ expectations of organic agricultural production.

Finally, because aeroponic, hydroponic, and crops grown to maturity in containers do not comply with OFPA 6513(b)(1), and because there is significant inconsistency in the way these forms of production are being handled by organic certifiers presently, we urge the board to call for a moratorium on the certification of new aeroponic operations, hydroponic operations, and

crops grown to maturity in containers until we can utilize our existing NOSB and rulemaking process to move forward with greater consistency.

### Racial Equity

OFA supports the board's efforts to address racial equity within organic. We appreciated the USDA Equity Commission's report and we encourage the board to keep thinking about how the Commission's findings can become part of the NOSB and NOP's typical processes. It seems to us that the best way to go about that would be to make this a work agenda item, and then the NOSB could use the work agenda item to gain feedback and insight regarding how best to institutionalize racial equity and make organic broadly accessible. Institutionalizing equity through strategic outreach, onboarding and ongoing board trainings, and a racial equity lens incorporated into all committee work is necessary for organic to move forward.

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.

While acknowledging that you are already shouldering an enormous workload, we 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.

#### Global Organic Movement Consistency

Just as the U.S. organic regulatory system benefits from consistency of interpretation and application, the international organic movement benefits from increased consistency across national organic programs. There are a few materials in which there is a lack of consistent practice in the U.S. system, which conflicts with our trade partners, organic neighbors, IFOAM interpretations, and CODEX regulations. We appreciate the Board's attention to this matter when reviewing each material, and we agree that we should bring our standards into greater concert with the global organic movement. The organic market is a global one, and organic farmers deserve to be operating in an equitable marketplace under the organic label.

#### Strengthening Organic Enforcement Implementation

OFA is grateful for the effort it took to engage in the public process, prepare for, and implement the rule. At the same time, we have concerns about low-risk organic operations being unduly burdened by the increased scrutiny and oversight, and certifiers implementing the rule inconsistently across the nation. Our NOSB workgroup noted that the paperwork for feedstock for livestock, and for mixed vegetables were noticeably burdensome this year, specifically. In some cases, we have heard of the OSP length doubling from 2023 to 2024. One farmer noted, "We are suffering from international organic fraud. We work to get the rule passed, then we get hammered with more paperwork."

We understand that the intention of the SOE was not to increase the paperwork burden for low-risk organic operations, and we request that the NOP, during their certifier accreditation audits, review the changes made to the OSP, with a critical eye to the enhanced paperwork and activities required of low-risk, small and mid-scale short supply chain operations. We want SOE to focus where it was intended.

We also encourage the NOP to support dialogue amongst certifiers to define low-risk and high-risk, and provide guidance so that certifiers can administer the standards with the security of NOP alignment on risk assessment. We deem this critical in putting the increased scrutiny where it is most needed and reducing burden on low-risk operations.

NOSB Agenda Item: Swine Management

OFA is eager for the full implementation of the Organic Livestock and Poultry Standards. We are supportive of OLPS and look forward to its consistent implementation. We do hope that certifiers encourage operations to adopt the new standards ahead of the full compliance deadlines. Progress on organic animal welfare should not end with OLPS; it is clear there is more work to do in the development of standards that relate to the production and processing of swine. We request the Livestock Subcommittee add the topic of swine management to its work agenda to begin addressing the gaps in the existing and proposed standards such as ammonia tolerances, physical alterations, stock density, and lighting in barns.

A large motivation for the OLPS was to reduce the duplicative paperwork farmers were undertaking to communicate animal welfare standards in their production systems. There are organic pork producers selling into the marketplace, but many more who are following organic production standards and have chosen to market under humane standards. Pork production is one area where consumers are aware of the industrial model of production that does not meet humane standards, and seek out pork produced under better conditions. The current organic regulation falls short of the humane standards for swine, which is stifling the growth of the organic pork market, since consumers want assurance that the swine are raised within humane standards.

NOSB Agenda Item: Agroforestry and 90/120 Day Rule

In OFA's annual policy survey, farmers noted the need for NOSB to review the 90/120 day rule as it applies to agroforestry production systems in which livestock graze under fruit and nut trees. Please consider creating an agenda item to address this request.

Thank you for your consideration of these comments.

Sincerely,



Kate Mendenhall  
Executive Director