The Organic Voice

Organic Farmers Association – No 14 • September 2024

Experiences in Organic Transition: Organic Curious to Almost Certified

Lessons from transitioning farmers Page 12

How Kansas Black Farmers Association is Helping Debunk the Organic Bogeyman

How education is helping Plains farmers transition Page 22

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COMMENTS AND QUESTIONS

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Organic Farmers Association

From Our President

As I write this letter it's nearing the end of summer here in western Oregon. My harvest of fall-planted grain is nearly done, and I'm finalizing our winter plans for the farm—what cover and cash crops to plant, where livestock might graze, and what conservation projects to tackle. The change of seasons is fast approaching, with all its beauty (harvest and foliage!) and challenge (time pressures and weather!) as we transition from summer to fall.

Merriam-Webster defines transition as "to cause something or someone to change or shift from one state, subject, place, etc. to another." It's about change.

Transition has a very specific definition in organic certification, but it has a rich depth of meaning when considering organic practice more generally. To transition to organic is to profoundly change one's agricultural system of production. There are as many reasons to make that change as there are people doing so, and every one of those reasons is important and valid. Here are some of them, and why they matter to me.

- Less dependence on external inputs ("independence") - The supply chains that deliver fertilizers, pesticides, GMO seeds, and other inputs for conventional agriculture are long and fragile, as we discovered during the disruptions of the COVID-19 pandemic shutdowns.
- More resilient and adaptable soils ("resilience")

 Soils on certified organic operations are much more capable of tolerating weather extremes like drought, flooding and heat.
- Happier animals ("animal welfare") Animals cared for under real organic conditions enjoy healthier feed and greater access to pastures and the outdoors, and are less dependent on highly refined feedstuffs and industrially controlled, enclosed environments.
- Less impact on the environment & wildlife ("ecology") - Certified organic operations must maintain or improve the natural resources of the operation, i.e. "the physical, hydrological, and biological features ... including soil, water, wetlands, woodlands and wildlife." ¹

- 2 ScienceDaily, 25 July 2024.
- 3 Annals of Internal Medicine 2012;157:348-66

- More carbon sequestration & fewer greenhouse gas emissions ("climate") - The soils of certified organic operations store more carbon than conventional farms, according to recent research. And eliminating synthetic nitrogen fertilizers eliminates most or all of the soil's emission of nitrous oxide (N2O), which is almost 300 times as potent a greenhouse gas as carbon dioxide (CO2).²
- More healthful foods ("nourishment") Organic produce has 30% lower pesticide residues than conventional foods. There is a higher omega-3 fatty acid content in organic milk and chicken. And organic chicken and pork are about a third less likely to contain antibiotic-resistant bacteria.³
- Safer working conditions on the farm ("farmer health") - Organic growers don't have to handle toxic herbicides, insecticides and fungicides, and don't have to work in areas where they have been recently applied.
- Getting a higher price ("profit") Every farmer and rancher needs to get a good price for what they produce, and the premium price for certified organic is itself a powerful incentive to transition to organic.

Regardless of the reason, transitioning to organic practice and obtaining organic certification does good in the world. As does making the transition to eating more certified organic foods, and wearing and using more organic fibers. They're all changes for the better.

And with that, I'll sign off and leave you to enjoy the changing season.

Take care. Be well. Do good.

Sincerely,

PAY A Game

Pryor Garnett OFA Governing Council President Garnetts Red Prairie Farm Sheridan, Oregon



^{1 -} USDA National Organic Program, 7 C.F.R. 205.200 and 205.2.



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Second Farm Bill Extension Likely Plus Other Organic Policy News & Updates

By Lily Hawkins

In the autumn of 2023, the 2018 Farm Bill expired, and Congress passed a one-year extension that included continued 2022-level funding for programs that do not have baseline funding, ensuring that farmers could still rely on USDA programs during the extension year.

After months of delay, this spring we at last saw encouraging progress towards a new Farm Bill with detailed proposals from the Senate Agriculture Committee and full bill text from the House Agriculture committee. However, progress has again slowed.

The House Agriculture Farm Bill must still pass on the House Floor—this was always going to be difficult due to the inclusion of several policies Democrats view as red-lines. Recently, the Congressional Budget Office stated that the House Agriculture Committee's Farm Bill would raise the federal budget deficit by \$33 billion over the next decade, making a way forward even more challenging.

Meanwhile in the Senate, the Republican response to the Majority Senate Farm Bill Framework closely resembled the House bill, and the Senate Agriculture Committee will need to work to pass a bill that consolidates positions from both parties. When both chambers have passed their own version of the bill, leaders from the House and Senate will still need to work to combine the two bills into one, which will then need to be voted on by the full Congress, and signed into law by the President. This process will likely not be completed by the end of the current oneyear extension of the 2018 Farm Bill.With the September 30th deadline looming, the need to pass another Farm Bill extension is urgent. Some programs are already starting to expire, and those without baseline funding (like organic certification cost share) are at risk.

It is likely that lawmakers will pass another one year extension, with each party hoping to be in a better position to push for their priorities post election. However, changes in leadership and membership of the agriculture committees could further complicate progress as farm bill negotiations are picked up by the new Senate Agriculture Committee and House Agriculture Committee post-election.

Meanwhile, new marker bills continue to be introduced with the hope that the policies in them will be included in the final Farm Bill. You can read more about them in our <u>Farm Bill Marker Bill Tracker</u>.

Following the Appropriations Process

July – February Executive Branch Process

March – June Legislative Process

BUDGET FORMULATION

• OMB gives guidance to federal agencies on funding and priorities

• The agencies work to structure a budget proposal

• OMB makes final decisions about proposed budget

BUDGET SUBMISSION

• Generally, the President's Budget Request is submitted to Congress on or about the 1st Monday in February

HOUSE & SENATE BUDGETS

• The House and Senate develop their budget resolutions to set spending levels (These often differ from each other and from the President's These aren't signed into law.)

APPROPRIATIONS

• House & Senate Appropriations Committees' 12 subcommittees hold budget hearings to review requests and needs of federal spending programs

APPROPRIATIONS CONTINUE

• The House & Senate then produce appropriations bills to fund the federal government

• These bills are "marked-up," amended as needed, and approved by the Appropriations Committees July – October Congress Finalizes Spending Levels

FLOOR CONSIDERATION

• After approval by the Appropriations Committees, the bills head to the House and Senate floors where they may be further amended or passed

• Often the passed bills differ in some significant ways & must be reconciled

FINAL PASSAGE

• Once a final bill has been negotiated between the two chambers, it must then pass the House & Senate and be signed by the President

• If Congress cannot agree on new funding levels before Oct. 1, a continuing resolution is required

APPROPRIATIONS PROGRESS AT A STAND-STILL

OFA has been tracking work on annual government spending bills in Washington. In June, the House Appropriations Agriculture-FDA Subcommittee approved a draft version of its fiscal 2025 Agriculture-FDA spending bill on a party-line vote. The bill would provide <u>\$25.9 billion in funding across USDA and FDA</u>, with approximately \$22 billion going to USDA, representing a more than 1 percent cut from current funding levels.

The Senate Appropriations Committee has also passed a bill; however, House lawmakers left early for their August Recess without bringing the bill to the floor for a vote as originally planned.

There are only a few weeks in September for legislators to push through final spending bills before the start of the 2025 fiscal year on October 1, making it very likely that 2024 spending levels will have to be extended until after the election and dealt with by the next Congress. The continued attention on passing a federal budget will further delay progress on the Farm Bill.



Lillian Hawkins is the Policy Director of Organic Farmers Association. She ensures the policy priorities of certified organic farmers are represented in Washington, D.C.

NOMINATIONS OPEN

OFA LEADERSHIP POSITIONS

OFA is looking for organic farmers to run for OFA leadership positions this year! While there is always an open election and nomination for an organic farmer seat on both committees every year, we have some regions this year where our current representative is terming out and we need new recruits!



Time Commitment: The leadership term is two years and starts in March 2025. Both committees meet in D.C. once a year in early March for full-day meetings and an advocacy day (we cover all farmer expenses). We also meet once a month via Zoom or conference call for 60-90 minutes for a policy update and discussion.

Submit your name to run for either committee by <u>filling out the nomination form</u> <u>online</u>. Nominations must be submitted by September 20, 2024.

OPEN POSITIONS:

- Western Region: Farmer for Governing Council
- North Central Region: Farmer for Governing Council
- Midwest Region: Farmer for Governing Council
- Southern Region: Farmer for Policy Committee

Learn more about OFA leadership on our website







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Remember to Apply for Organic Certification Cost Share Program

WHY YOU SHOULD APPLY FOR A REBATE ON YOUR ORGANIC CERTIFICATION FEES

The Organic Certification Cost Share Program (OCCSP) has been around since the 2002 Farm Bill. Modeled on a program started in Minnesota to help pay for the ever-rising organic certification costs to organic operations, Congress included the program without mandatory funding, requiring advocates to fight for refunding in each Farm Bill cycle.

Getting funding for new Farm Bill programs is not easy, and one of the main reasons Congress agreed OCCSP was necessary was due to the doubling or tripling of producer certification costs during the implementation of the National Organic Program final regulation in 2002. If we want to keep funding for this important program, we need to show that farmers, ranchers and processors use it and still find it financially necessary!

WHY ORGANIC CERTIFICATION COSTS KEEP RISING

Part of that new 2002 regulation included NOP oversight of organic certification agencies through an accreditation system. Each organic certifier has to pay for the cost of USDA organic auditors to travel from their government offices for on-site audits at the certifier's office wherever in the US or the world that may be. Many times, there are two, three or more auditors whose time and all expenses are charged to the certification agency.

Depending on the size of the agency, it can require many days on-site looking at files, as well as the auditors following along on numerous inspections to make sure the certification agency is implementing the organic regulation diligently and correctly. It is imperative that this USDA accreditation occurs, to have consistent integrity of the organic label among all certified operations.

The cost per hour for each of the auditors is currently \$165 and the fees paid by the certification agencies to the USDA can be \$30,000 or more, and rise every year. All of these costs are passed on to the farmers and processors who hire the certification agency to provide them with the service of organic certification. Congress saw this as a double burden on the producers since the USDA is already funded by taxpayer dollars, and many other services provided by the USDA are free. There are other countries that provide either free or highly subsidized organic certification to their citizens.

"All of these costs are passed on to the farmers and processors who hire the certification agency to provide them with the service of organic certification. Congress saw this as a <u>double burden</u> on the producers since the USDA is already funded by taxpayer dollars, and many other services provided by the USDA are free."

THE BENEFITS OF OCCSP

While larger operations may feel that \$750 is not that much of a boost to their bottom line, small and midsized operations find this reimbursement to be very helpful. Depending on the size of the operation, this can be 50-75% of an operation's annual organic certification costs. New organic producers, especially those who may be in transition and only have a small amount of organic production for the first few years, find this program very useful. The opportunity for fee reimbursement allows them to start being certified with less of a financial burden and enables them to learn the documentation and production methods they need to have in place before the majority of their production is certified.

For many producers using organic practices, the cost of organic certification is a barrier to certifying their operations. However, once they are aware of organic certification cost share dollars, they are more convinced that they can afford the benefit of using the organic label in the marketplace. With the recent trademarking of the USDA organic seal and the new Strengthening Organic Enforcement improvements to the USDA organic regulation, farmers or processors wishing to use the organic word to label their production, have no other option than to be certified organic.

For smaller scale handlers who may serve only a few organic producers, such as meat slaughtering facilities, fruit washing and sorting, or short-term bulk storage, OCCSP offers an incentive to go through the certification process and provides those producers with local value-added processing they need to run their organic businesses.

Since this program is a rebate on fees already spent and not seen as a government payment, many farmers in the Plain Community such as Amish and Mennonite, have applied for and received funds under OCCSP.

HOW TO OBTAIN FUNDS

Organic operators can apply for OCCSP through their local Farm Service Agency (FSA) office, typically found in the county seat of every state in the U.S. In addition, many State Departments of Agriculture staff a program to take applications and distribute OCCSP funds. An organic operator can contact each of these entities and ask for the person who is knowledgeable of the Organic Certification Cost Share Program, or look it up on their website. Within an FSA office or the State Dept of Ag, there may only be one person who knows how to help you apply for these funds.

If you have applied and received certification cost share funds in the past, you will need to provide the application, proof of your organic certification and your paid invoices for your certification and inspection fees given to the certification agency between October 1 of the previous year and September 30 of the current year (this is the fiscal year for the USDA). Your certifier should be able to provide these receipts upon request and should be familiar with what you need for OCCSP documentation. If you are new to applying to your state, they may want you to also complete a W9 IRS form, which they will provide. If you are applying through the FSA, you will need to have already worked with them and have a farm number, and will then provide the proof of organic certification and your fees. You can apply for a farm number through FSA at any time if you are new to that agency.

WHAT COSTS CAN BE REIMBURSED?

All organic certification application fees, inspection costs, travel costs for inspectors to visit your farm, user fees or sales assessments from the certification agency and postage related to your organic certification can be reimbursed. Late fees, costs associated with addressing National Organic Program violations, transition to organic certification fees, supplies, equipment and other materials are NOT covered under OCCSP.

There are various scopes that can be certified organic: crops, livestock, wild harvest, handling and State Organic Program fees. You can apply to be reimbursed up to \$750 per scope or 75% of your cost per scope, whichever is less. For example, if you certify organic livestock and grow organic crops, you can receive up to \$1,500 of your certification costs. Your organic certification agency can clarify for you under how many scopes you are certified under. The OCCSP application is available through your State Department of Ag, FSA office, and some certifiers. You can <u>download the form here</u>.

For more information visit the <u>OCCSP website</u>, or contact <u>OFA's Farmer Services team for support</u>: 833-724-3834 <u>helpline@organicfarmersassociation.org</u>.

For Organic Farmers, By Organic Farmers



Members Impact Policy

Since 2024 is unexpectedly another Farm Bill year, it's even more important we keep our organic farmer community powerful and focused. We have big plans underway, and we need your help!

We've set a goal to bring more organic farmers' and supporters' voices to the table in 2024 because we know there's power in numbers. If you're not a member, join us this year and help us grow the organic movement.

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FEATURED STORY

Experiences in Organic Transition: Organic Curious to Almost Certified

By Julia Barton

Transitioning to organic farming is more than just a shift in practices; it's a profound commitment that demands a significant investment of time, energy, and resources. Organic-minded farmers—whether they're just exploring the idea of transitioning, in the midst of converting their land, or already certified and looking to expand—face a complex web of decisions. They must weigh options regarding crop rotations, market opportunities, health impacts, inputs, and labor variables, all while crafting a sustainable path forward. The transition process can be daunting, but by drawing on the experiences of those who have already navigated this journey, such as the farmers we'll meet here, farmers can find valuable insights and reassurance. The organic community is unique in how it shares experiences, and through these shared stories the intimidating leap toward and through organic transition can become an informed step toward a thriving future.

Let's hear the experiences of farmers whose transition journeys offer valuable lessons.

MOORE FAMILY FARMS

Since the 1830s, the sons and grandsons of Aaron Moore made a living farming vegetables and produce on 15 acres in North Carolina. That heritage was halted in the 1990s due to attrition of farm labor, many baby boomers leaving the farm for careers in the military, children of farmers seeking higher education and becoming professionals, and the well documented discriminatory practices that were incurred by socially disadvantaged and underserved Black farmers, especially in the South. For the past three decades, the Moore family leased their land to conventional farmers —but not anymore.

Robert and Dakota Moore of Moore Family Farms in Duplin County, North Carolina now care for that land. The farmers, a father and son team, are focused, goaldriven, strategic, and persistent as they work toward organic certification and GAP certification. They are growing mixed vegetables and fruits on 5 acres currently, with plans to expand mixed vegetable production to the full 15 acres, over time. In the meantime, Dakota and Robert are experimenting with cover crops on the acres they intend to expand on in the future. They have also built relationships with a wholesale market in their area, and regional organizations such as Rural Foundation Advancement International (RAFI-USA) and Carolina Farm Stewardship Association (CFSA), and currently are developing a crop rotation and food safety practices to suit market and production needs.



Dakota and Robert Moore, Moore Family Farms - Duplin County, NC

Robert notes, "This journey has been a bumpy road. Like starting any business, running a farm is complicated. Things have changed immensely since my father was farming. Now you have to set up preexisting contracts with vendors to avoid the scramble of trying to sell your products locally at a farmers' market or roadside sales. Additionally, you can't just grow things randomly, but have to align your products to what buyers want to buy. That also calls for getting GAP and organic certification."

Most of Moore Family Farms' labor is hand labor at this point, which has also served as an opportunity to create a youth job training program for four young apprentices this summer. Additionally, Robert has focused significant energy on seeking grant funding to help fund needed equipment for the farm.

Moore Family Farms cont.

Beyond their ultimate goal of revitalizing the family farm, the Moore Family Farms team engages in important outreach to community members. In addition to the summer internship program, the Moores welcome school groups and host community members for lunch-and-learn programming to connect the community to the food they produce and to agriculture in the region. They are committed to producing high-quality produce with attention to ecological systems, land stewardship, and food safety.

Robert thinks the bumpy road is still a path worth taking. "The end goal makes it all worthwhile," he shares. "I'm really excited about the possibilities for the future."

FLYING S FARMS

Corey Struck, along with his wife Laura and son, Henry (9), run Flying S Farms in Broadlands, Illinois, a 400 acre row crop operation producing its first organic crop this fall. Corey grew up on the farm, but then entered college and the military, serving in the United States Air Force as a flight engineer, and continuing his service as a Reservist. Corey's first year back farming his family land was also his first year of transition, which everybody told him was a bad idea.



When he talks about his transition, Corey notes the "gaps" in farming knowledge he experienced while he was away from the farm pursuing his education and military career. "I wasn't at home helping for 20 years," Corey explained. "I had to fill in all of those gaps of what dad did that I didn't see. There were a lot of those gaps." Still, motivated by better health outcomes for future generations, and reaching toward a goal of having to work fewer jobs, a better work/life balance, and profitable farming at a smaller row crop scale, Corey and his family forged ahead.

Corey's transition strategy was to allow for lower yields, keep fertility costs and liabilities low, and learn how to grow the crops he hoped to grow when coming out of organic transition during the transition period. During the three-year transition period, he grew corn, soybeans, and rye-based cover crop mixes. Corey added, "Which people tell you not to do, but the elevator here locally takes them. I knew how to sell them."

Coming into his first year with a certified organic crop Corey forward contracted everything he insured, locking in a price and delivery plan. He shared that he wishes he would have transitioned a year earlier to have been able to take advantage of better contract prices on the front end, but that wasn't an option as he was away on military orders. "It's hard to cultivate land in Illinois from California," he joked. He advises other transitioning producers to begin their transition when commodity prices are higher because the lower yields don't hurt as much then if you're not investing in a lot of fertility applications. "Fertility is a huge expense," he notes.

With fertility in mind, Corey plans to diversify his rotation to focus on building soil biology and soil health. He is looking forward to incorporating wheat and longer-season cover crops in his rotation to grow both carbon and nitrogen, noting that building soil organic matter is correlated to farm profit, in addition to providing environmental benefits. He's also looking forward to "planting some fence posts," with eyes on incorporating cattle as part of the rotation and plenty of other animal and food production ideas for the farm and the family. Ultimately, despite the low prices on commodity crops heading into this fall, Corey remains hopeful, yet realistic. "We did it," he says about the transition, "and we'll see how this fall goes."

CONNECTION TO THE MOVEMENT

These farmers are not just interested in growing the food and feed, they are working to change the food system for the better. Dakota Moore, a recent graduate of North Carolina Agricultural and Technical State University is currently serving as the Research and Education Intern with the Organic Farming Research Foundation. He has also lent a beginning farmer perspective to the OFA Crop Insurance Workgroup. His father, Robert Moore, has been using his organizational management background to build relationships with markets, organizations, and allies in the movement, prioritizing education to connect the people in his community to food, agriculture, and health resources. Robert is also following the Farm Bill process, urging attention to policies that will serve historically underserved and beginning farmers. Dakota and Robert make a powerful team for change.

Corey Struck dives into topics that impact his farm and family, and learns everything he can. He entered the organic transition process well informed, and shared his experience with both the Ohio Ecological Food and Farm Association (OEFFA) and the OFA Crop Insurance Workgroup over the last several years. He used his experience as a transitional farmer managing risk and markets to help inform OFA's ideas on crop insurance for producers in organic transition, and has advocated with the NOSB and the Risk Management Agency regarding what is needed to make crop insurance work better for transitional and organic producers. Corey is well informed on matters of organic policy related to Strengthening Organic Enforcement implementation and import testing, and shares his time and creativity in developing viable solutions that serve organic farmers and their communities through better health outcomes for future generations.

In the end, transitioning to organic farming is as much about perseverance and adaptability as it is about knowledge and planning. The stories shared here illustrate that while the path may be challenging, it is also deeply rewarding.



Julia Barton serves as the Farmer Services Director of the Organic Farmers Association. She loves working with farmers to identify challenges and find solutions.

TOP TRANSITION QUESTIONS FROM RODALE CONSULTANT SAM HILBORN-NALUAI



Sam Hilborn-Naluai has been serving New Mexico and the surrounding region by supporting transitional producers on behalf of the Rodale Institute for the last 2.5 years. Sam also helps guide the Organic Farmers Association as a member of the Governing Council. She brings with her a background and skill set in animal science from New Mexico State University, and Horticulture from UC Davis.

Sam notes that transitioning to organic, even deciding whether or not to transition, is a process. "We talk about it. We talk about it some more. [The farmers] talk to their friends. They talk to other farmers. It just takes time." The investment of time is worth it, she notes as "You're building up the capacity of farmers, of the NRCS, of other technical assistance providers." The team of support and the social network that underpins collaboration among farmers, buyers, and service providers is a priority for Sam in supporting organic farmers through a successful organic transition.

Sam shared some of the most common questions she receives when working with producers transitioning to organic, and maybe you're thinking about how to answer them as well.

- 1. How do I transition to organic? What do I do?
- 2. What is the market for [X] commodity?
- 3.1s there a price premium for my product?
- 4. Which certifier do I choose? How do I go about choosing a certifier?
- 5. How much recordkeeping do I need to do?
- 6. What's the difference between regenerative and organic?

These questions are real, the answers are nuanced, and they are posed again and again by transitioning producers. If you or a friend are interested in pursuing organic transition, the <u>Rodale Consultant team</u> and the <u>OFA Farmer Services team</u> are here to help! We are working to coordinate with one another to help connect even more farmers to the expertise they need to make the transition as smooth as possible.

CALL OFA'S FARMER HELPLINE



ORGANIC FARMERS

OFA's Farmer HelpLine is here to help farmers curious about organic, farmers transitioning to organic production, and certified organic farmers. We can talk through your options, connect you with other farmers, and guide you through the organic certification process.

> HELPLINE: (833) 724-3834

Farm Bill Marker Bill Tracker Watch OFA's Farm Bill Marker Bill Tracker to

Watch OFA's Farm Bill Marker Bill Tracker to keep track of marker bills that may impact organic farming in the next Farm Bill. Check the OFA website regularly for updates as Farm Bill conversations continue in D.C.



NRCS Organic Practice 823 Resources for Farmers

823 Farmer Factsheet

823 Producer Pre-Office Visit Checklist

Watch a webinar led by farmers on 823

NRCS New Practice for Transitioning Land (pg. 10)

Unlocking Funding for Organic Practices (pg. 34

Do you have more to say on this topic? Join OFA's monthly Farmer Workgroup. The National Resources Conservation Service (NRCS) has many programs to help farmers convert to organic farming operations, including the Environmental Quality Incentives Program (EQIP) conservation program.

Under EQIP, Organic Transition Initiative 823 (OTI) is specifically meant to help those transitioning to organic operations through cost-sharing and providing technical support on such practices.

This program is relatively new and can be used by man farmers. Use OFA's resources to learn more, and reach out with your questions.

CONTACT OFA

Call for Support Email the Team (833) 724-3834 helpline@organicfarmersassociation.org

Farmer Voices Make an Impact on National Policy



SAVE THE DATE Oct. 22-24, 2024 Portland, OR

Get Meeting Details

National Organic Standards Fall Board Meeting

NOSB's fall meeting agenda will be released soon, along with deadlines for written comments and information on how to share virtual comments on topics that matter to you!

The meeting is free, open to the public, and no registration is required.

The meeting will also be broadcast live via Zoom.

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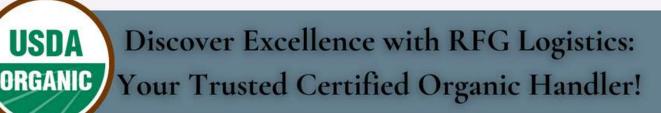


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Debunking the Organic Bogeyman: Kansas Black Farmers Association is Helping BIPOC Farmers Transition to Organic Farming

By Dr. Tammy Counts, KBFA Liaison/Organic Grant Director

The Kansas Black Farmers Association (KBFA) was founded in 1998 by eight Black farmers and one Grain Commodities Broker from Omaha, Nebraska. They convened at the farm of Gil Alexander, Kansas' largest row crop farmer, who owned about 100 of the original 160-acre homestead established by his greatgrandfather, Henry Alexander.

Despite owning thousands of acres, Gil faced gradual land loss over time, a challenge that inspired the formation of KBFA to create a collective Kansas voice in the national dialogue around racial discrimination in farm loans and assistance allocations. This effort culminated in the landmark <u>Pigford vs. Glickman case</u>, a federal class action lawsuit against the U.S. Department of Agriculture, which highlighted the systemic inequities faced by Black farmers. Although the settlement was unsatisfactory for many, it marked a significant milestone in the fight for agricultural justice. The KBFA is headquartered in historic Nicodemus, the oldest African American town west of the Mississippi River and the longest-lasting Black homesteader colony in America. Nicodemus, founded in 1877 during the Reconstruction period, was designated a National Historic Site in 1996. After the Pigford case was settled, the remaining 20+ KBFA member farmers shifted their focus towards research, grant writing, collaboration with USDA offices, and implementing farming best practices such as no-till, crop rotation, and summer fallow, particularly in the drought-prone region of northwestern Kansas.

Organic farming emerged as a significant topic for KBFA in the mid-2010s because of Ed Reznicek, organic farmer and former General Manager of Central Plains Organic Farmers (formerly Kansas Organic Producers Association). Ed has been a key collaborator and member of KBFA since 2012. He kept KBFA members informed about organic farming practices and small grain row crop production. Ed introduced the KBFA administration to Kate Mendenhall of the Organic Farmers Association, who played a pivotal role in keeping organic farming at the forefront of KBFA's agenda. In 2023, OFA informed KBFA leadership about a funding opportunity through the USDA-TOPP program. OFA encouraged KBFA to apply for the USDA-TOPP cooperative agreement, emphasizing the educational opportunities it would provide in the Plains region.

Under the leadership of Dr. JohnElla Holmes, PhD., CEO/President of KBFA since 2012, the organization has transitioned from predominantly row crop farmers to a membership with 63% engaged in urban agriculture. Dr. Holmes, Justin Howard, the 2501 Grant Director for KBFA, and Dr. Tammy Counts, who led the Farmer Health Initiative and COVID-19 Pandemic Awareness and Vaccination grants, spearheaded the grant application process. Tammy has directed grants from HRSA, KHDE, and Alianza Campesina/Rural Coalition.

GRANT SUCCESS

Following the successful grant award in February 2024, Dr. Counts was appointed the grant director. Dr. Counts organized an Organic Farming Listening Session to gauge farmer interest and understanding of organic certification. The event was successful, but attendees expressed concerns about the certification process and its financial viability.

The feedback collected during this session was used to develop an assessment tool for future use. KBFA invited Ed Reznicek to speak, and he invited Leon Atwood, organic farmer from Norton, KS.

Both Ed and Leon are long time members of OFARM, the Organic Farmers Agency for Relationship Marketing, and are experienced with cooperative principles and cooperative marketing models. They convinced at least one farmer to look into organic certification.

> Want to find out more about KBFA's work?

> > Learn More

KBFA has accomplished other significant milestones with the funding, including implementing a membership survey to gather valuable feedback, hosting a townhall meeting that facilitated meaningful discussions and engagement among our members, and hosting small group meetings and learning sessions to provide an intimate setting for indepth learning and collaboration.

KBFA Farmer Field Days, photo credit Dr. Tammy SuElla Counts



Milestones Cont.

In partnership with member-farmers, KBFA hosted Farm Field Days:

- Bar H Fresh Farm, Oakley: A successful event that fostered community and knowledge-sharing.
- Righteous Roots Farm: We assisted in completing phase one of the high tunnel, enhancing the farm's infrastructure.
- Horne Urban Agricultural Farm: Conducted a comprehensive tour and focus group discussion to gather insights and feedback.
- Willow Farms, Manhattan, KS: Our campers actively participated by planting 200 sweet potatoes on their organic farm, gaining hands-on experience in organic farming practices.

KBFA also established a partnership with Be Able Community Farm, Manhattan, KS to focus on veteran urban gardening and housing initiatives, expanding their impact and outreach. And KBFA engaged with The Buffalo Seed Company, which provided valuable insights into historical seeds, organic seed cultivation, and produce management. Through these activities, KBFA continues to advance their organic mission, foster community engagement, and promote organic certification.

WHAT'S NEXT

As KBFA members conclude the wheat harvest in Kansas, they are developing the next steps. We intend to continue our member survey, and are also recruiting a cohort of 10 producers for the KBFA Organic Beginning Farmers Course, a six-week program from September 12 – October 24, 2024, covering topics such as:

- Organic certification basics
- Benefits of organic certification
- Determining the need for certification
- Becoming a certified organic operation
- Organic enforcement activities

KBFA remains committed to advancing the interests of Black farmers in Kansas through education, advocacy, and innovative farming practices, ensuring a sustainable and equitable future for all its members.



Dr. Tammy SuElla Counts serves as the Director of Organic Grants at KBFA and is the founder of the Veryl Switzer/KSU MANRRS Agriculture Camp for Youth under the Kansas Black Farmers Association, located in historic Nicodemus, the only all-Black town still in existence west of the Mississippi River



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New Opportunities for Funding Organic Practices: The USDA's \$3.1 Billion Commitment to Climate-Smart Agriculture

In 2022, the USDA committed more than \$3.1 billion to support a diverse range of farmers, ranchers, and private landowners to adopt climate-smart agriculture practices through the <u>Partnerships for Climate-Smart</u> <u>Commodities</u>.

With this funding, the USDA has supported over 140 projects that provide technical and financial assistance to producers who voluntarily implement climatesmart practices, monitor and report greenhouse gas benefits, and promote climate-smart commodities. While "climate-smart" agriculture is defined as practices that reduce greenhouse gas emissions and enhance resilience to environmental changes, many of these methods are also regularly used in organic farming.

Because organic farming is based on improving soil resources and increasing organic matter without synthetic inputs, organic systems not only improve the health and quality of soil over time but also are found to use <u>45% less energy and release 40% fewer carbon</u> <u>emissions</u>. With this in mind, the Partnerships for Climate-Smart Commodities provides a unique opportunity for organic farmers to incorporate practices you may already be interested in with financial and technical support. By getting involved in these projects, you will be able to learn more about premiums and additional incentives to implement climate-smart organic practices.

The projects listed are funded by the USDA and focus on providing financial and technical support to organic practices that lessen CO_2 entering the atmosphere and increase carbon sequestration in the soil. Acres already enrolled in USDA conservation programs are not eligible to apply for funding for the same funded practice under the Climate-Smart Commodities program. To learn more about each project and the opportunities available to farmers, click the title name or email us with your questions – helpline@organicfarmersassociation.org.

SOUTHERN PIEDMONT CLIMATE-SMART PROJECT (AL, GA, NC, SC, VA)

Focused on the Southern Piedmont region (Georgia, North Carolina, South Carolina, Virginia, & Alabama), this project aims to help small-scale vegetable farms adopt farming methods that support the local ecosystem. Through educating farmers and developing recommendations, the Rodale Institute hopes to better quantify the benefits of climate-smart methods (primarily the use of cover crops) and their effect on soil health, greenhouse gas emissions, and other environmental factors. Farmer participants receive <u>cash incentives</u> and non-cash incentives such as equipment, technical support, and seed. **Applications are open.**

Applications are open.

RICE STEWARDSHIP PARTNERSHIP FOR CLIMATE SMART COMMODITIES (AR, CA, LA, MO, MS, TX)

Along with Ducks Unlimited, USA Rice provides financial assistance to U.S. rice producers in specific regions in California, Mississippi, Missouri, Arkansas, Texas, and Louisiana. Each state has different opportunities to receive varying payments based on the specific practice you sign up for. **Applications for each specific state and more details on the specific practices included can be found <u>here</u>.**

ARIZONA ALLIANCE FOR CLIMATE-SMART CROPS (AZ)

Good Food Finder will work with Arizona farmers to trial climate-smart practices such as alley cropping, using conservation cover, multi-story cropping, agrivoltaics, and reduced/no-till. This project will provide cash incentives directed at reducing farmers' input costs, and increase farmers' income while reducing the risk of trying these climate-smart practices and foods. Good Food Finder will also provide new markets and revenue streams that help farms cover the costs and gain economic benefits from using these farming practices that lower greenhouse gas emission. **Applications are open.**

NORTH VALLEY FOOD HUB FOR CLIMATE-SMART AGRICULTURE (CA)

The North Valley Food Hub is providing marketing and sales support for growers who implement practices such as cover crops, no-till/reduced till, crop rotation, soil amendments, prescribed grazing, hedgerows, and nutrient management. Prioritizing farmers in the greater Sacramento Valley, the Hub is looking for **farmers to apply for funding and technical support** to implement these climate-smart agricultural practices. Farmers will receive direct payments for every year of participation, access to equipment, and one-on-one technical service assistance to plan, implement, monitor, and evaluate these practices. Farmers will also have access to the Hub's integrated sales and marketing food hub platform where they can sell directly to buyers.

A VIBRANT FUTURE: USDA CLIMATE-SMART PILOT PROJECT (CA, FL, MS)

This project aims to encourage the use of climatesmart production practices among specialty crop growers in California, Florida, and Mississippi. Examples of eligible speciality crops include annuals (strawberries, tomatoes, carrots, onions, broccoli, kale, speciality greens, and sweet potatoes),short-lived perennials (blueberries and cane berries), and longlived perennials (vineyards and orchards). Growers can receive up to \$10,000 to offset approximately 80% of direct cost of materials, soil testing, equipment, labor and technical support as well as cash incentives that will be determined based on acreage committed, practice selected, and percentage of total acreage committed to a practice. These practices include short-season cover crops, nutrient management, residue/tillage management, alley cropping, water management, and soil amendments/mulches. **This program is <u>accepting</u>** <u>applications</u>.

PROXIMITY MALT: CLIMATE-SMART COMMODITY (DE, MD, NC, PA, VA, CO, KS, NE, NM, WY)

Proximity Malt and Sustainable Environmental Consultants will provide educational and financial opportunities for farms interested in growing regeneratively produced barley. This project will provide a payment premium for regeneratively grown barley, and provide access to educational field days. Proximity Malt (buyer) is looking for farms able and interested in growing regenerative barley in Delaware, Maryland, North Carolina, Pennsylvania, Virginia, Colorado, Kansas, Nebraska, New Mexico, and Wyoming to adopt or use practices like: conservation crop rotation, residue and tillage management (notill), cover crops, sprinkler systems, and irrigation water management.

ADVANCING U.S. PORK SUSTAINABILITY GRANT (IA, MN, MO)

Farmers in Iowa, Minnesota, and Missouri may receive financial and technical incentives for adopting practices: cover crops, livestock integration (in cover crops), conservation tillage (no till), manure management, edge-of-field and perennial grass buffers, and in-barn LED lighting. The application process starts after you sign up for a Pork Cares Farm Impact, which will be used to implement practices tailored to the grower's needs. Pork production is not required for this program.



INNOVATIVE AGRICULTURE AND MARKETING PARTNERSHIP (ID)

Aimed at Idaho farmers and ranchers growing barley, beef, chickpeas, hops, potatoes, sugar beets, and wheat, this project provides financial and technical assistance to increase the adoption of climate-smart practices. Average program payments are estimated at \$60/ acre. Covered practices include cover cropping, cover cropping with livestock grazing, reduced/no-till, interseeding, precision fertilizer application, partial nitrogen fertilizer replacement with biochar, and more. Technical expertise and site visits for participating producers are additional incentives. Farmers already using these practices can still enroll, but acres already enrolled in federal programs for the same practices may not enroll for the same practice. **This program is still accepting applicants.**

CLIMATE-SMART FARMING AND MARKETING PROJECT - ORGANIC ASSOCIATION OF KENTUCKY (KY)

The project will provide direct technical assistance, educational programming, financial incentives, and market development support for Kentucky farmers who implement climate-smart practices. <u>Practices</u> <u>eligible for incentives</u> could include: conservation cover, conservation crop rotation, cover crop, residue and tillage management, perennial crops, silvopasture, and more. Farmers will receive free soil sampling and surface water testing to collect data on the environmental impact of adopting such practices. Eligible farmers must have commercial operations and must be selling one of these commodities: lamb/sheep, beef, corn, soybeans/small grains, hemp, or agroforestry products. <u>Applications are accepted</u> <u>on a rolling basis and will close in early 2025</u>.

MICHIGAN CLIMATE-SMART FARM PROJECT (MI)

The goal of the Michigan Climate Smart Farm Project (MCSFP) is to assist small/diversified farms in Washtenaw, Monroe, Wayne, and Lenawee counties in Michigan implement climate smart practices. Farmers interested in participating in this project's pilot will be eligible for cost-share payments for practices including: alley cropping, conservation crop rotation, cover crop, residue and tillage management (no till), silvopasture, and more.



ACTIVATING FOOD HUB NETWORKS FOR CLIMATE-SMART AGRICULTURE AND RURAL REVITALIZATION GUIDE (NC)

This North Carolina project promotes climate-smart agriculture practices among small and underserved producers, including tribal producers, by providing financial and on-farm technical support to implement climate-smart practices. Participating farmers would implement practices such as intensive rotational grazing, multispecies cover crops, crop rotations, reduced tillage/no-till, compost and biochar. Acreage may not already be enrolled in other USDA-funded programs that fund the same practices. **Applications are open.**

CENTER FOR EXCELLENCE FOR REGENERATIVE NATIVE AGRICULTURE -IOWA TRIBE (NE, KS)

Implemented by the Iowa Tribe of Kansas and Nebraska, this project is designed to help Native American farmers and Tribally owned farming enterprises transition to regenerative agriculture practices. There will be two cohorts a year for Native and non-Native students, where they will participate in a two-week course on regenerative agriculture techniques. The program will also provide financial support (direct payments and market research) to farmers who adopt practices such as cover cropping, no-till farming, mulching and improved ground cover, water conservation, reduced tillage, livestock integration and rotational grazing, and the reduction of synthetic fertilizers.

EXPANDING MARKETS FOR PECANS AND LIVESTOCK IN OK, THE MUSCOGEE NATION, AND CHOCTAW (OK)

The Oklahoma Association of Conservation Districts (OACD) aims to support the production of climatesmart commodities by providing incentives to producers and landowners who implement climatesmart agricultural production practices on working lands. During this project, the Oklahoma Conservation Commission will use soil sampling to verify the carbon and greenhouse gas benefits of practices such as: cover cropping, no-till, buffers, grassland management, native grass plantings for high carbon sequestration, and agroforestry on working lands. However, if you are already receiving funding for certain practices from other government programs such as EQIP, OACD cannot provide further funding. Monetary incentives will depend on the practice adopted and the acreage used.

TEXAS CLIMATE-SMART INITATIVE (TX)

The Texas State Soil and Water Conservation Board (TSSWCB) and Texas A&M AgriLife are working directly with producers to implement new climate-smart practices. Farmers will receive financial incentives for successfully executing the practices on their land. Click here for the **list of approved <u>practices and the</u>** <u>funding received per acre</u> and the <u>application.</u>

GRAZING FOR APPALACHIAN SUSTAINABILITY - GRASS (VA, WV)

The West Virginia University Extension is looking for small and underserved farmers in Central Appalachia, including West Virginia, and western counties in Virginia to expand climate-smart cattle and beef. Farmers will receive financial and technical support for their participation as they transition from conventional management to sustainable, climate-smart conservation practices. Cash incentives will be awarded when farmers adopt climate-smart practices such as silvopasture, fencing, pasture and hay planting, prescribed grazing, nutrient management, and water facility on working land. The types of producer incentives available are listed in the link above and the **application form can be found here.**

ADDITIONAL OPPORTUNITIES

This list of available programs is just a brief introduction to all the funds made available by the USDA. In fact, even more opportunities can be found on the <u>Partnerships for Climate-Smart Commodities</u> <u>Dashboard.</u>

There you can organize the programs by state, type of practice, or commodities based on your preference to find one that fits your needs. However, some of these projects, like the ones listed below, are not accepting applications yet, or are reopening their application cycle later in 2024. If you're interested in any of these projects, be sure to visit the link and sign up for any updates on their website.

APPLICATIONS NOT AVAILABLE

- <u>Alliance to Advance Climate-Smart Agriculture</u>
- <u>Growing the Supply and Market for Climate-Smart</u> <u>Grass-Fed Organic Dairy - Maple Hill Creamery</u> <u>Guide</u>
- Horizon II Climate-Smart Commodities Grant
- <u>USDA Partnerships for Climate Smart</u>
 <u>Commodities Marbleseed</u>

APPLICATIONS WILL REOPEN

- <u>Climate-Smart Grown in SC</u>
- <u>Climate-Smart Wheat</u> Go Seed
- Farmers for Soil Health NFWF
- <u>The Future of America Depends on Building</u> <u>Resilient Farmlands Today</u> - Accelerating Appalachia

PROGRAM ONLY OFFERS TECHNICAL ASSISTANCE

- <u>MO BioChar</u> Missouri Organic Association (MOA)
- <u>Climate Smart Farm Project</u> College of Agriculture Food and Natural Resources

Sancha is a rising senior at Wellesley College pursuing a double major in American Politics and American Studies. She is passionate about fostering equitable and inclusive communities and is driven by the belief that effective policy and community engagement can inspire real political action.





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How a Farmer-Led Initiative is Building Opportunity for Non-Traditional Farmers

By Harriet Behar

FARMER ACCESS TO RESOURCES

Midwestern agriculture famously produces vast quantities of row crops, hogs, and poultry. In Minnesota, more than 18 of the 25 million acres in agriculture statewide are dedicated to corn, soybeans and a small handful of other grains, according to the 2022 Ag Census.¹ This is compared to less than 1% of that amount (174,341 acres) in vegetables and melons. Indeed, the U.S. Farm Bill has shaped this landscape over time by tailoring federal support in the Midwest to favor large-scale row crop farmers.

And yet smaller-scale, diversified farmers—often younger than average for a U.S. farmer, and often People of Color and New Americans who grew up in agricultural communities in Africa, Asia, and Latin America—are a growing force that is changing the face of agriculture across the U.S. As evidence of this shift, the annual Emerging Farmers Conference in Minnesota convenes over 200 Midwest farmers per year, who collectively speak over nine languages, to learn new production and marketing techniques.

These diverse farmers also want to know how to access the state, federal, extension, and NGO resources needed to build successful businesses and manage the multiple risks of farming. Go Farm Connect, a 2-year-old program run by Renewing the Countryside, which is a major sponsor of the Emerging Farmers Conference, is designed to help farmers do just that.

WHAT IS GO FARM CONNECT?

We reach out to Historically Underserved farmers (in particular, Black, Indigenous, and People of Color), take the time to get to know them, their farms, the obstacles they face, and their goals, and help them figure out how the USDA can support them—whether through an FSA loan, disaster assistance, or through NRCS technical assistance and conservation practice cost share.

Go Farm Connect is powered by 36 "Connectors," who are community leaders working throughout Minnesota and Wisconsin to reach farmers at events like the Emerging Farmers Conference, and also within their personal and local networks. As a group, the connectors speak multiple languages, including Swahili, Arabic, French, Spanish, and Hmong, allowing them to connect with farmers from these language backgrounds. The connectors, many of whom are themselves farmers, work 1-on-1 with their farmer clients to help them understand and access USDA programs and connect with local USDA staff.

Renewing the Countryside

is a non-profit organization whose mission is to provide inspiration, ideas and assistance to individuals and communities who are looking for sustainable ways to strengthen their rural communities and reduce poverty.



^{1.} www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/V olume_1,_Chapter_1_State_Level/Minnesota/st27_1_048_048.pdf

CONNECTORS SUPPORTING UNDERSERVED FARMERS

Connector Nura Ahmed farms at Frogtown Farm in St. Paul. As a child in her native Sudan, she loved helping her uncle, a vegetable farmer, at harvest time. When she moved to the U.S. many years ago, settling into a new country with different systems and customs was stressful. Eventually she discovered the urban farm and started spending time there because she found it healing. She sees fellow immigrants blossoming in the same way she did because they've reconnected with the land. "This year I have one farmer from Liberia and I can see she has the heart [to farm] – she wakes up early and works all day" at Frogtown Farm. Nura is coaching her on things like how and why to keep expense and harvest records - key information needed to access FSA loans and programs.

In addition to individualized work with farmers, the connectors also organize group events, including field days featuring USDA-funded projects, and introductory group visits to local USDA Service Centers. The latter have been particularly well received - by farmers and USDA staff alike. In January 2024, about 20 farmers, half of which were Hmong, attended an event at the Dunn County Service Center in Wisconsin. For many, it was the first time stepping inside a USDA office. When they arrived, they received a folder with their name on it and a map of their farm inside (name and address had been provided at registration), along with information about relevant USDA programs and services. After welcomes, introductions, and presentations by USDA staff, the farmers were invited to speak one-on-one with the staff present, and even to start filling out applications.

"This Go Farm Connect event helped me locate the local FSA/NRCS office and learn more about financial resources for farmland and equipment purchases, and cost-sharing for conservation projects on my farm. It was helpful to meet office staff in person, knowing that they are eager to help and willing to answer any questions I might have," said one participant. Other farmers commented that having personalized folders waiting for them made them feel "like royalty" or at least thoughtfully attended to by USDA staff, who were themselves appreciative of the opportunity to connect with farmers they may not otherwise have reached.



Getting to the point where any farmer feels welcome walking into a USDA Service Center is at the heart of Go Farm Connect. The large federal agriculture agency has a checkered history with regard to fair distribution of resources, as documented in class action lawsuits by Black farmers and other marginalized groups who experienced discrimination in their attempts to access USDA loans. Yet, while overt racial prejudice may be rarer today, other kinds of obstacles remain.

One is simply that FSA programs are largely geared toward large scale, conventional, commodity agriculture systems and farmers, and it can be challenging even for agency staff to know how to adapt them to small-scale, direct market farms. In this context, what counts for a less conventional farmer is finding a USDA agent who will take the time to get to know her and to help her identify the USDA resources that align well with her goals and capacity.

A smile and a willingness to help go a long way toward making farmers feel welcome and comfortable, as Project Manager Sara George discovered in 2021 when she began accompanying fellow farmers into their first meeting with USDA. "The most important thing in working with farmers new to FSA was body language. Farmers always appreciated that the USDA staff took notes, and were paying attention." By contrast, what drove farmers out the door, sometimes never to return, was a response like this: "Go to our website for the answer to your question."

Connectors Supporting Underserved Farmers, cont.

Sara asked these farmers to share what the experience of visiting a USDA Service Center was like for them - how did you feel walking into the office, how did it feel setting up an appointment? She captured this feedback (confidentially) and shared it back to FSA – the positive and the negative, which has helped build a sense of trust and collaboration between Go Farm Connect and USDA staff in Minnesota and Wisconsin. "I love this project," Sara said, who envisions a long-term partnership between Go Farm Connect and USDA, noting that USDA staff has started referring farmers to the Connectors. "They know we are going to help our farmers, no matter what it takes."

Since getting started in late 2022, the Go Farm Connect program has provided 1-on-1 technical assistance to about 360 farmers, the vast majority of whom are members of Socially Disadvantaged (SD) groups that have been subject to racial/ethnic prejudice. In addition, the connectors introduced well over 100 beginning and SD farmers to USDA programs and staff members through events such as field days and USDA office visits.



Harriet Behar is OFA's Farmer Services Consultant, and was one of OFA's founding members. She has been involved with federal, state, and local policy advocacy for over 30 years. She runs organic Sweet Springs Farm in Gays Mills, Wisconsin.

HOW DOES THE PROGRAM WORK?

Sara George, Kriss Marion, and Connectors, Kifah Abdi and Matt Hardy, presented an informative webinar on their Go Farm Connect program to more than 20 organizational participants recently. They shared slides chock full of images, demonstrating through pictures both the challenges faced by beginning farmers, and the opportunities connecting new and beginning farmers with USDA programs can provide.

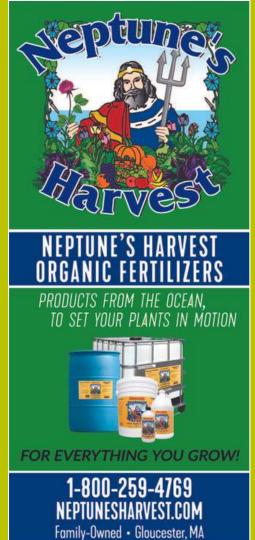
"We are documenting the struggles. Part of our mission is to "feed back" to USDA regarding what is not working for new farmers," Kriss Marion shared. The team did just that. Sharing examples such as language barriers, full-time work schedules in addition to farming, and learning to note and document farm costs, like labor, were challenges addressed by the program. "It takes a helluva lot of radishes to make a house payment," noted Sara George.

She also highlighted the approach of the team in working with new farmers who often speak multiple languages and come from various cultural backgrounds. "We are moving at the speed of trust."

Don't worry if you missed this impactful program. You can learn from Go Farm Connect's creative practices by <u>watching their video here</u>.









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GETTING STARTED



Fair Grain: Proactive Steps to Prevent Shipping Disputes

By Rachel Armstrong

Have you heard a story like this one? After negotiating with a buyer who wanted 1,000 tons of organic alfalfa and agreed to pay cross-country freight costs, Farmer Morris hasn't received any payment. He's getting worried. Morris grows even more alarmed when he hears that the buyer is considering bankruptcy. The next day, Morris walks to the mailbox and finds notice of a lawsuit. The freight broker that moved the alfalfa to the buyer is now suing Morris, demanding that he now pay the shipping costs!

We've changed the real farmer's name and key facts for confidentiality reasons, but this is a true story. It sounds outrageous, right? Farmer Morris hasn't been paid either. How could he possibly pay the shipping costs? What is a farmer to do in this situation? It's easy to shake our heads and hope it never happens to us. But looking a little closer, there are nuggets of wisdom for all farmers in a story like this.

How Did This Happen?

First, let's explore why Morris found such an unpleasant surprise in the mailbox. Folks generally assume that if they do something bad, they might get sued. But if you've done nothing wrong, can you still get sued? The answer is yes. Since the lawsuit itself is how we allocate responsibility, attorneys add anyone and everyone who might possibly be at fault to the suit. The company suing Morris had a long track record of being particularly aggressive with filing lawsuits, Morris later discovered. Their strategy seemed to include scaring other businesses into paying up. Not taking kindly to the aggression, Morris started shopping for an attorney.

To some folks, that might seem a little hasty. Shouldn't a farmer at least explore the legal grounds for this case, first? Morris felt confident he wasn't at fault—he had emails proving that the buyer agreed to cover the freight costs. But, did he unknowingly sign something saying he'd pay for shipping? Was there something in the Bill of Lading (BOL) he signed when the truck loaded his hay? Is there some sort of law that makes the seller responsible to the freight broker if the buyer doesn't pay as agreed upon?

All of these are excellent questions, and they all may play a role. Legally, the BOL serves as a receipt which proves that the trucker took possession of the goods from Morris. Farmers who ship certified organic commodities are used to seeing this piece of paper.

It is used by certifiers to establish a paper trail and to show that steps were taken to avoid contamination during shipping. It makes sense to connect the trucksweeping obligations with taking possession of the goods. But using the BOL in this way also reveals a potential problem. Morris' BOL also had a string of fine print that said things like, "every service to be performed hereunder shall be subject to all the bill of lading terms and conditions in the governing classification on the date of shipment." What does that mean? It sounds like if we sign the BOL, we're also agreeing to a bunch of other terms and conditions! Where are those terms and conditions, and who is obligated to follow them?

While the truck driver is standing there with engine idling, waiting for confirmation, it's hardly a convenient time for Morris to say, "Hey what does this fine print mean?" We know Morris was sued by the freight broker, not by the trucker himself. If the BOL is a receipt that is evidence of product moving between farmer Morris and the truck driver, the freight broker may not be a part of the BOL anyway.

Without being an attorney with experience reading case filings, Morris couldn't know why or how the freight broker was suing him. So, Morris asked around with friends and family, and found a referral to a Kansas-based lawyer where the freight broker was located. The attorneys there took over the case, filed responses, and got success for Morris. In the end, Morris did not pay the freight broker for the shipping costs.

Who exactly won in this situation? Morris had to pay \$10,000 to attorneys just to prove that he wasn't responsible for the shipping costs. But on the other hand, Morris overcame a bully company, and learned a few things to share with other farmers.

Going Forward

Morris has made a couple changes to his operations to guard against this in the future. Morris is considering writing onto the BOL that he is not responsible for shipping costs when he completes the form. This strategy has merit. Anyone is entitled to write additions or changes into a contract when they are asked to sign.

Depending on the trucker, Morris could make his own BOL that shows only the information he's prepared to commit to: details about the product being moved, date and time of transfer, and the statement about whether and how the truck was cleaned to prevent contamination. This could satisfy his organic certifier without additional risk.

He's also making sure the buyer's commitment to pay for shipping is in clear writing. Morris found a hay purchase agreement on the internet.

Strategies to Protect Yourself

- > Whenever possible, work with buyers you trust
- > With new buyer relationships, use:
 - Installments
 - Pre-payments to spot payment issues early
- Cultivate a diverse customer base
- Note on the Bill of Lading that you are not responsible for shipping costs
- Make sure the buyer's commitment to pay for shipping costs is in clear writing
- Draft your own Bill of Lading noting specifically what you are prepared to do:
 - Amount, quality, and product being moved
 - Date and time of transfer
 - Clean truck statement

After making some adaptations, it's been easy enough to implement with future buyers. Now, he has even stronger evidence that the buyer agrees to pay shipping costs.

Morris also recognizes the value of continuing to work with buyers whom he trusts. With newer relationships, he is using installments and pre-payments so he can spot any payment issues before a lot of money is at stake. He also sees a role for a diversified customer base that might include the big multi-national commodities buyers who offer low risk and on-time payments.

In the end, good relationships are carrying the day. The buyer hired a new manager, turned itself around, and is paying Morris for the alfalfa. They've worked out a deal and aside from the attorneys' fees, Morris is being made whole. The entire experience is made a little more worthwhile with this chance to share the story and a few lessons with fellow producers.

Rachel Armstrong is the Executive Director of Farm Commons, a nonprofit organization with a mission to empower agricultural communities to resolve their own legal vulnerabilities within an ecosystem of support. She lives in Northern Minnesota and is licensed to practice law in Minnesota and Wisconsin.



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PRIMARY CONTACT INFORMATION

Name (Primary Contact):

| Farm Name: | | Website: | |
|--|---|--|--------|
| Address: | | | |
| City: | | State: | ZIP: |
| Phone (Mobile): | | Phone (Other): | |
| Email (Primary): | | Email (Other): | |
| | | | |
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OFA Farmers Services Consultant, Harriet Behar represented OFA at the 2024 Women in Ag Conference on August 1, in Edmond, OK, and spoke to attendees on transitioning to organic and the planning and first steps to take when considering transitioning to organic.



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