

**Please sign below if your organization wants to be listed in the following letter to Congress regarding supporting legislation reducing organic import fraud.**

**DEADLINE: Midnight Wednesday, December 18, 2024.**

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DATE

ADDRESS

**RE: Support for legislation to reduce organic import fraud and create a fair domestic marketplace.**

Dear Member of Congress,

Preventing organic fraud is consistently a top priority for organic farmers.

Organic standards rely on verification at every step of the on-farm production and manufacturing processes to ensure compliance. Recently increased enforcement measures implemented by the Strengthening Organic Enforcement Rule (SOE) have extended oversight to additional points of the supply chain, such as exporters, importers, and brokers. While organic is a process-based standard, the standards also require certifiers to administer periodic residue testing as a secondary confirmation of organic integrity.

U.S. producers have invested time and money into organic transition and production and deserve to operate in a stable and equitable marketplace. Domestically, most U.S. grain buyers require residue testing of domestic grain upon delivery, yet this same residue testing needs to be consistently done on imported organic grain. Imported organic feedstuff commodities (i.e., corn, soybeans, barley, soybean meal, etc.) create a greater risk for fraud because they enter the U.S. market through complex supply chains in large bulk quantities and are in high demand domestically. Residue testing of high-risk imported organic commodities is needed to protect organic integrity for both a fair marketplace and consumers' trust in the organic label. Policy that builds off the Strengthening Organic Enforcement rule is needed to provide USDA with additional tools to crack down on fraud.

Organic farmers, Amy Bruch and Nate Powell-Palm in cooperation and collaboration with the Organic Farmers Association, National Organic Coalition, and the Organic

Trade Association, have been working together since January 2024 to establish draft legislation that would:

- 1. ESTABLISH RISK-BASED PROTOCOL:** The USDA Secretary, in consultation with the Secretary of Homeland Security and the “organic agricultural product imports interagency working group,” shall develop and regularly update risk-based protocols for determining high-risk status of organic feedstuffs.
- 2. ESTABLISH AN ANNUAL LIST OF HIGH-RISK ORGANIC FEEDSTUFFS.** Each year, the USDA Secretary, using the established risk-based protocol, shall create a confidential list of high-risk imported organic feedstuffs that will require additional residue testing that year.
- 3. ESTABLISH PARAMETERS FOR RESIDUE TESTING.** The USDA Secretary will create residue testing parameters for the established list of high-risk imported organic feedstuffs. Parameters would outline necessary testing frequency, quantity to be tested, the type of testing, who is responsible for the testing, and other necessary parameters.
- 4. REQUIRE ANNUAL TESTING.** Annually, the USDA Secretary will be required to conduct residue testing for each covered organic feedstuff.
- 5. ESTABLISH CORRECTIVE ACTION.** If required residue testing indicates a prohibited substance over the permitted level for organic, the shipment of that organic feedstuff will be excluded from organic sale.
- 6. REQUIRE AN ANNUAL REPORT TO CONGRESS.** The NOP would be required to present an annual report to Congress on the residue testing carried out during the year prior for each high-risk organic feedstuff and imported organic feedstuff shipped in bulk. The report would include information on the frequency of the applicable residue testing, residue testing methods used, testing results, standards used to analyze the test results, and any actions taken due to the residue testing.

In the past ten years, the U.S. demand for organic products has consistently grown, and U.S. farmers have invested in organic transition to meet this demand with domestic production. Likewise, we have seen a large increase in imported organic products from importers eager to meet this growing premium market in the U.S. Unfortunately, the higher organic price and consistent market demand growth have lured fraudulent players into the marketplace. Fraud has caused significant price fluctuations in recent years, destabilized the organic grain market for U.S. producers, and reduced consumers' faith in the organic label. Preventing fraud is essential to a fair and trustworthy marketplace.

For more information, please visit the Organic Farmers Association's resource page: <https://organicfarmersassociation.org/import-fraud>.

**We, the undersigned, represent diverse organic stakeholders and support legislation promoting organic integrity and a level playing field for domestic organic farmers by requiring USDA to test high-risk bulk imports of organic feedstuffs for residues of substances prohibited in organic production. In addition to supporting adequate funding for core organic programs necessary to meet the needs of the rapidly growing organic sector, we ask that you include language in the upcoming Farm Bill to apply risk-based residue testing to organic feedstuff imports.**

Sincerely,