



**ORGANIC FARMERS
ASSOCIATION**

Organic Farmers Association
PO Box 709
Spirit Lake, IA 51360

To: Erin Healy, Director, Standards Division
National Organic Program
USDA-AMS-NOP
1400 Independence Avenue SW
Room 2542-So., Ag Stop 0248
Washington, DC 20250-0268

Docket number: AMS-NOP-22-0063
Regulatory Information Number (RIN): RIN-0581-AE13

Submitted electronically on June 11, 2025

Dear Ms. Healy,

Thank you for the opportunity to provide public comment concerning the rescission notice in the Federal Register for the NOP regulation that addresses organic pet food and organic mushrooms. The Organic Farmers Association (OFA) is led and controlled by domestic certified organic farmers, and only certified organic farmers determine our policies using a grassroots process. We provide a strong, authentic voice for certified organic farmers.

We need clear regulations to prevent lower-quality imports from competing with our domestic producers. With the advent of internet sales, it is more complex and more challenging to monitor the various products available for purchase. Without clear regulations like the Mushroom and Pet Food Rule, there is more of a chance for fraud and a loss of consumer trust in the label overall. As the organic marketplace matures and grows (almost 70 billion dollars in 2024), organic farmers consistently advocate for clear and consistent standards for all types of production. These standards are the bedrock upon which this marketplace depends. This rule did not create a significant economic burden on organic producers; instead, it opened up new organic markets and was positively received by farmers. We cannot see a good reason why this beneficial regulation is being rescinded.

PO BOX 709 • Spirit Lake, IA 51360

202-643-5363 • info@OrganicFarmersAssociation.org • www.OrganicFarmersAssociation.org

The rescission of this rule is inefficient and wasteful of public resources. A robust public process was followed, with hundreds of public comments given to the National Organic Standards Board on both pet food and mushroom organic production. Rescinding the rule does not serve the individuals and organizations who thoughtfully submitted comments, nor does it honor the NOSB process, which is enshrined in the Organic Food Production Act. Organic standards have been successful for the past 25 years, due to the public/private partnership embodied by the NOSB. If the USDA wanted to change this rule, it should have returned to the NOSB for further discussion and public comment.

The rescission notice does not specifically list out which parts of this rule are problematic; this would have helped us in the writing of these comments and would have provided the transparency that we are accustomed to with the Federal Register public comment process.

The Federal Register preamble to this final rule cites the many benefits to the organic marketplace, with minimal burdens, that this final rule provides. The Organic Food Production Act of 1990 requires the USDA to provide consistent standards to aid producers in entering the organic market and for consumers to have confidence in the organic label. This rule resolves uncertainty and inconsistency in how the organic regulation applies to pet food and mushrooms. Both of these sectors can experience significant growth if allowed to become part of the organic regulation. If this rule is rescinded, a significant market opportunity will be lost for organic producers who want to sell ingredients, opportunities will be lost for waste streams to be turned into value-added products, impacting farm viability, and businesses that want to enter the marketplace or expand their organic offerings.

Pet Food

This rule provides a minimal amount of clarification that opens the organic pet food market with the approval of taurine and the labeling of organic pet food. Taurine is an essential amino acid for cats and is also used widely in dog foods. If taurine is not placed in the National List of approved synthetics, the market for selling organic ingredients into organic pet food will remain fairly small.

Pet food offers a secondary market for farmers, which expands market opportunities needed to support farm viability. All types of farmers are faced with challenges on their farms, as they seek to gain the most economic return on the crops or livestock products they produce. This rule provides an important market for seconds of organic vegetables and organic fruits, as well as cuts of organic meat not typically consumed by humans. By providing a place for organic farmers to sell these ingredients for pet food, this regulation aids U.S. domestic farmers in achieving more profitability on their operations. Farming is not an easy profession, and every place that an extra economic stream can be found contributes to the long-term success of the operation.

There are a few organic dog food manufacturers who currently purchase these types of organic ingredients for a limited line of organic dog food, but without the approval of the synthetic amino acid taurine, the full range of dog foods and all cat food are severely limited as a market

for organic farmers to sell their seconds of fruits, vegetables, and meats. For the farmers who have sold, or are currently selling, into the organic dog food market, this has been an important part of their business plan. The clarification that organic slaughter by-products can be allowed in pet food is essential, since these by-products are not allowed in feed fed to organic livestock.

Since these seconds do not receive the full organic price, this is an area where there is very little competition from imported seconds, and foreign operations do not see a benefit in trying to enter this market. However, with less regulatory clarity in the labeling of organic pet food, this could open the door to imported organically labeled pet foods that would not meet this standard.

Providing organic dog and cat food in the United States helps our domestic organic farmers and provides U.S. consumers with a local choice in the marketplace. Since there are at least 20 existing organic dog food brands, we know that there is a market, and the addition of taurine opens up the currently non-existent cat food market and increases the types of organic dog food. Typically, young and hard-working dogs need taurine in their diet, although it is useful for all types and ages.

Mushrooms

The organic mushroom marketplace lags behind the organic produce sold in the same section of retail stores. This regulation provides consistency, fair competition, clarity in requirements, and organic market growth for mushroom production. Organic farming has been shown to provide significant benefits to the farms producing organic products and to the businesses and rural communities that support them.

The mushroom standard clearly defines the different types of substrates used in mushroom production and what types of materials these substrates contain. Having the commercial availability clause for some of the substrate ingredients opens markets for producers who may have excess organic forages for use in composting to make this mushroom substrate. Again, this regulation opens markets for organic producers while protecting those buying the substrate ingredients, with the commercial availability clause. If a mushroom producer cannot find an organic substrate in the quantity, quality or function necessary, then they can continue to use nonorganic substrates. This commercial availability clause has been used successfully in other areas of the regulations, and has encouraged organic suppliers to fill gaps when they are found.

The public comments that asked for changes to the final proposed rule mostly asked for stricter standards, so rescinding the rule will return the organic mushroom industry to an ambiguous state, which neither serves the organic community nor supports business growth and farm viability in this sector.

Organic farmers need to know that the farmers down the road, in another state, or overseas are following the same organic standards they are required to follow. Grey areas in the regulation lead organic certification agencies to form different interpretations to approve an organic label

on a product. Without a clear production standard, the National Organic Program auditing division does not have the tools it needs to require consistency among certifiers.

The Organic Farmers Association supports the final rule as written, and respectfully requests that it not be rescinded in any part. Organic farmers, processors, retailers, and other businesses need the pet food and mushroom regulations to be implemented as soon as possible, to provide for market growth and consistency in oversight of the organic label.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Mendenhall", written in a cursive style.

Kate Mendenhall
Executive Director
Organic Farmers Association