ORGANIC FARMERS ASSOCIATION

Organic Farmers Association
Written Comments to the
National Organic Standards Board
Submitted April 30, 2026

PO BOX 709 • Spirit Lake, IA 51360
202-643-5363 • info@OrganicFarmersAssociation.org • www.OrganicFarmersAssociation.org

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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-25-0914-0001

Dear National Organic Standards Board Members,

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. 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 2026 meeting. These comments were developed based on group discussions in OFA workgroups, email comments from OFA members, and feedback from our annual policy survey.

BIG PICTURE
Thank you for your commitment to organic integrity and building a strong organic community. The additional workload on the current NOSB members due to the delayed appointment of new NOSB members has not gone unnoticed or unappreciated.

In addition to the comments on the agenda items in the meeting materials, OFA members urge the board to consider the issues below, which concern organic farmers.

Further Examination of Animal Welfare: Organic Swine
OFA strongly supports the implementation of the Organic Livestock and Poultry Standards (OLPS). We agree with the desire expressed in the OLPS preamble to reduce the number of labels and certifications that producers deem necessary to access their markets. Both producers and consumers want to see animal welfare standards embodied in organic standards. Clear production standards build market access through trust and transparency.

Jude Becker, a long-time organic swine producer in Iowa, has recently given OFA this feedback: *"My customers do not trust the organic label when it comes to swine animal welfare, since the standards do not cover many important areas. I currently need to have 4 different humane, regenerative, and organic certifications to deliver the marketing message my domestic and foreign customers want. The documentation, cost, and on-site audits are a significant burden, and I believe that the organic label should cover all of these requirements."* In addition, we are aware that another longtime organic swine producer recently dropped his organic certification and is now selling his pigs only under a humane-treatment label. Without strong swine animal welfare standards, this loss of domestic organic swine producers will continue; this is going in the wrong direction.

While OLPS addressed many areas of animal welfare for poultry and ruminants, significant areas of animal welfare for organic swine were not included. Consumers are well aware of the negative animal-welfare and environmental issues associated with non-organic confinement swine operations and seek out pork products that are clearly humanely raised. While total confinement of organic hogs is not allowed under our current regulations, the NOP rule is weak on swine animal welfare regulations and lags behind leading add-on certifications.

Issues we would like the Board to address for swine, as it has for poultry, include lighting and indoor ammonia monitoring. In addition, physical alterations (such as teeth trimming, ear notching, castration, and tail docking), as well as indoor and outdoor stocking densities, and management of outdoor access areas, are not part of our current rule for swine. All of the animal welfare oversight organizations active in the United States have specific rules addressing these management areas; therefore, hog farmers often add a label in addition to "organic" to convey their commitment to animal welfare to consumers.

In the past, the NOSB has responded to this request for stronger humane standards for swine by stating that there is no significant market for organic pork in the United States. When speaking with organic swine producers, the lack of strong and clear humane standards under the organic label is a significant reason for the weak market for organic pork. This lack of standards, as well as the difficulty of finding regional organic slaughterhouses, has contributed to the low volume of domestic organic meat products. Organic beef is currently the largest-volume organic commodity imported into the U.S. We do not want to see pork follow that trend.

We need to address the gaps in the existing standards to develop a stronger organic pork market. For many farmers, producing pork is an entry-level livestock enterprise compared to beef or even poultry, due to the need for minimal facilities and a short gestation period. The lack of swine standards is impeding the growth of the organic pork market. **We request that the Livestock Subcommittee add the topic of animal welfare standards for swine to its work agenda** to address these gaps. Scheduling a NOSB producer panel featuring organic hog producers and organic consumer advocates or retailers to explore the necessary standards would be a good start. More attention also needs to be paid to improving access to organic slaughter facilities around the country.

Building a Resilient Organic Community

The International Federation of Organic Agricultural Movements (IFOAM)'s four principles of organic - Health, Ecology, Fairness, and Care - provide a vision for how organic agriculture can improve the world we all share. These principles serve as a roadmap for developing national and international standards that bring the benefits of organic farming to all ecosystems and the humans who inhabit them. Through health, organic agriculture sustains and enhances the soil, plants, animals, and humans by recognizing that the well-being of one affects the fitness of all.

Living, diverse ecosystems and their cycles should be sustained and emulated. In centering fairness, organic builds upon relationships that honor the right to a healthy environment and equal life opportunities for all. Care requires us to act responsibly to protect the well-being of current and future generations, the environment upon which we depend, and the animals under our husbandry. The Organic

Farmers Association aims to support all farmers interested in organic farming in their success and strives to incorporate their unique interests, diverse viewpoints, and producer needs to build a healthy and vibrant community. **We encourage the National Organic Standards Board and the National Organic Program to make time and space to honor the four principles of organic in your work as a board.**

Global Organic Movement Consistency

OFA supports efforts to align U.S. organic standards with international organic regulations, ensuring a consistent and equitable global marketplace while maintaining high organic integrity.

U.S. organic standards must be consistent with those of our trade partners and international bodies, such as IFOAM and CODEX. Exploring areas of alignment would benefit organic farmers by creating a level playing field and enhancing market access. **We request a new NOSB work agenda item to compare the NOP standards with those of our major trading partners, including the EU, Canada, China, and Japan, as well as CODEX and IFOAM**. This work supports the NOSB's recommendations and assists the NOP in updating equivalency agreements with established U.S. organic community priorities. In addition, a closer working relationship with our global trading partners, including efforts to address organic fraud, would benefit all involved.

In-Person NOSB Meetings

The twice-a-year National Organic Standards Board meetings are an important opportunity for all stakeholders in organic agriculture to meet in person and discuss issues important to our community. It benefits both the Board members and the organic community to interact in the same room rather than on computer screens, resulting in a more dynamic and effective meeting. Because part of the benefit of in-person meetings is the opportunity to hear from farmers in the region hosting the meeting, we also recommend reserving a third of the in-person comment slots for farmers and releasing them to other stakeholders if they go unfilled by the registration deadline. The registration window for both NOSB meetings coincides with hectic times for farmers, who are **not** regularly checking the USDA NOSB website for registration to open. **Reserving one-third of the slots for farmers ensures they can register while they are busy farming, thereby maintaining equity and increasing stakeholder participation.** Releasing unfilled farmer slots to the general waitlist after the farmer registration window closes would not alter the current registration process.

Strengthening Organic Enforcement (SOE) Implementation

With the delay in organic certification cost-share payments for the 2025 crop year, and the continued burden of extra documentation and tracking systems on small- and mid-sized farmers tied to the SOE rule, we are seeing a loss of certified organic operations in the United States in 2026. We encourage both the NOP and certification agencies to continue on the path toward reducing these burdens and to truly advance a “sound and sensible” organic certification system.

OFA has been involved in reviewing the proposed “Common Organic Systems Plan (OSP)” by identifying farmers to review the draft OSP and provide feedback to the NOP and contracted author. While farmers have indicated interest in a simpler, unified OSP, there is concern about the process for

maintaining it as “Common” across certifiers and for updating it as the rules evolve. OFA strongly recommends that the NOP establish a regular process for editing and updating the “Common OSP” that involves multi-stakeholder engagement. A universal OSP must reduce the burden on farmers and remain accessible to the Plain Community and low-tech operators.

We are ***not*** seeing a decrease in consumer demand for organic food and fiber; we are seeing a continued increase in market demand that is being met by imported organic products. Imported organic beef and organic livestock feedstocks can be sourced domestically; these commodities are not difficult to produce on American soil, and we have the necessary knowledge. OFA continues to work with sister organizations to identify methods to increase organic domestic production, thereby improving our local environments and agricultural infrastructure and enriching our communities.

Temporary Variance Allowing Forced Molting In Poultry

At the end of March, the NOP approved a one-year variance allowing the prohibited method of forced molting in poultry. It is our understanding that this was given to organic poultry producers who might be facing a shortage of baby chicks to replace their flocks in a timely manner due to hatchery issues related to avian flu. While we heard from producers about the difficulty in sourcing chicks in Winter/Spring 2025, we have not received reports of reduced stock in 2026, so the recent variance seems unnecessary. Furthermore, no data explaining the rationale and need for the variance were provided to the organic community to clarify how this NOP decision was determined.

OFA is concerned about the animal-welfare implications of this variance and, without a clear rationale, finds the decision at odds with organic principles. Forced molting is a controversial industrial practice in which egg-laying hens are denied light and given a nutrient-deficient diet to “rejuvenate” them for a second egg-laying cycle. The birds experience severe stress, losing up to 30% of their body weight, which can lead to feather pecking and even death in the flock. The starvation diet between 7-20 days stops egg production, which the hens then regain after the forced molt, but never at the same production level they had before. Forced molting is not allowed by any other animal welfare standard and is banned in the EU as well as other countries. The American Veterinary Medical Association also opposes this practice.

Transparency has always been a stalwart of organic agriculture. The USDA NOP requires complete transparency of its certified producers, and in response, we expect the same from the NOP. The decision to administer this variance was not publicized in the Organic Insider, contrary to the common practice of notifying the entire community of NOP decisions and policy changes. The lack of rationale is most concerning. What stock shortages led to this decision? Why was this variance given for forced molting, while a request for feed variance in the Northeast was denied to aid an organic dairy region facing severe feed shortages as a result of prolonged drought? The analysis of animal welfare seems upside down when comparing these two NOP decisions. Care is an organic principle, and the broad community support for the Organic Livestock Poultry Standards (OLPS) rule demonstrates organic farmers' interest in animal welfare, embedded in the organic standards. This variance for forced molting is a significant reversal of the animal welfare standards we fought so hard and long to get into our

regulations. We are opposed to the practice of forced molting and are concerned about this temporary variance, especially without a clear rationale and seeming misalignment with the supply of the 2026 chick market. We ask the NOP to provide a full rationale for its variance decision, we then ask the NOP to revoke the temporary variance, and ensure it does not remain in effect for a full year.

LIVESTOCK

Agroforestry and the 90/120 Day Manure Application Rule

Organic farmers, in response to our annual organic policy survey of all domestic certified organic producers, identified a need to review the 90/120-day manure application rule as it applies to agroforestry systems where livestock graze under fruit and nut trees and shrubs. This rule, which dictates the period between the application of raw manure and the harvest of crops intended for human consumption, does not take into account the distinct differences between livestock naturally depositing small amounts of manure while grazing on vegetated ground and the application of a sheet of manure covering all of the ground when applied by farm equipment. At the end of our discussion, we will propose draft regulatory language for 205.203, as well as two new definitions describing the application of manure and the deposit of manure.

The Benefits Of Grazing Livestock In Fruit And Nut Orchards

Increasing biodiversity within a production system is a foundational organic principle, and the current raw manure restrictions could benefit from an update that reflects both traditional and new agroforestry methods. There is a wide range of operations that would be affected by this change. While many smaller producers will benefit from this, larger-scale operations could also incorporate livestock. From large acreages of nut trees that could range from 30 feet tall for almonds to 100 feet tall for mature walnuts and chestnuts. Fruits grown on woody shrubs such as aronia or elderberry can be interspersed with traditional apple, pear, plum, etc., providing a wide range of products for consumers while disrupting pest and disease cycles through diversity. The use of rotated poultry and mammals through orchards can provide multiple benefits, detailed below.

- Improved pest and disease management: Grazing livestock disrupts reproductive cycles of pests and diseases, and poultry will eat plum curculio and other insects. Less reliance on inputs and more reliance on a management system that lowers the presence of problematic insects and diseases.
- Less need for mowing- less compaction from tractor passes, less labor and fuel
- Improved fertility- the livestock deposit small amounts of manure
- Rotational grazing would need to be used to keep the orchard floor vegetated, which benefits both the producer and the livestock and is integral to this type of system. Without adequate vegetation, the animals will not be able to graze. This system does not function on bare ground, such as a feedlot-type system.
- Swine, sheep, and poultry are the preferred species- mostly sheep, poultry, and smaller-sized swine, although in tall nut trees, cattle can be used as well.
- Can provide a secondary pasture for young stock or male animals, away from the main flock, a benefit for the producer and the livestock.

- Keeping the grass and brush short in and around the orchard lessens wildfire risk (important in California, but also in other areas)
- Minimal food safety risk: if ladders are used to harvest fruit, pickers can be trained to pull themselves up the ladder by the rails rather than the rungs where their feet have been. Other systems use high-density plantings with some trellising, pickers ride on wagons with their harvest bins, and neither the harvester nor the bins touch the orchard floor.
- Not all orchards use ladders, so the risk of manure on shoes would not be a concern; obviously, fruit on the ground would not be harvested unless it was going to be cooked before sale.
- Some growers graze only in the alleys, not directly under the trees, but this is not currently allowed by some certifiers under current regulations.
- FSMA followed organic standards for manure application, so if organic standards change, this may also prompt a modification in FSMA for this type of operation.
- Some private food safety certification companies have stricter standards than FSMA, but if livestock grazing becomes more common without negative consequences, these could be changed to allow it in orchards. At the very least, those who sell directly to consumers without additional food safety certification beyond FSMA would be able to practice livestock grazing in orchards.
- In discussions with the FDA (more details provided later), they stated that having livestock grazing in orchards is not an issue, as long as systems are in place to prevent contamination.
- Very little research has been conducted on this type of system and its effects on food safety. There is one study at UC Davis that will be published in the summer of 2026 and shows minimal differences in pathogen presence between orchards with and without domestic livestock grazing. More information on this study will be provided later on in our discussion.
- A producer can have two or three money-making enterprises in the same area- fruit, wool, meat, eggs- depending on the species, attractive to small and mid-sized growers.

Manure Use In Organic Production And Regulatory Oversight

In the late 1990s and early 2000s, the market for organic food was growing rapidly. A few vocal critics, including Dennis and Alex Avery of the Heritage Foundation, disparaged organic production, claiming that because organic producers do not use synthetic fertilizers, their reliance on manure made organic food unsafe to eat. In response to this and the desire for food safety, both the Organic Food Production Act and the National Organic Program final rule set a withdrawal period between manure “application” and the harvest of the crop for human consumption.

The risk of pathogens affecting perennial crops grown in orchards is quite low compared to production grown in, on, or near the ground where manure has been applied. The vast majority of research detailing manure, pathogens, and produce safety is on annual leafy greens, melons, and other produce typically eaten raw. This research does not accurately reflect the minimal food safety risks associated with grazing animals in perennial orchards.

The Difference Between “Application Of Manure” And “Deposit Of Manure”

There is a significant difference between the volume and type of manure that is naturally excreted and deposited by grazing livestock moving through a vegetated area, and the intentional application of manure that has been stored in a pile or lagoon and is mechanically spread as a sheet of manure on the land. Both the Organic Food Production Act and the NOP Final Rule refer to the "application of manure". The differences between application and deposit have been recognized by various regulatory agencies.

The USDA Natural Resources Conservation Service Practice Standard 590 on Nutrient Management provides guidance for a definition of manure application as **the planned placement of livestock waste (solid or liquid) onto land to supply crop nutrients (nitrogen, phosphorus, potash) while maintaining or improving soil quality.** NRCS refers to manure as organic waste from livestock—including feces, urine, and associated materials like bedding, litter, or feed waste.[1]

In European Union law, specifically under the Nitrates Directive (Council Directive 91/676/EEC), the deposit of manure by grazing livestock is generally considered the **direct excretion of waste products (feces and urine) by animals while on pasture**. This is distinguished from "application to land," which typically refers to spreading stored manure (slurry or farmyard manure).

- **EU Definition of Manure:** "Waste products excreted by livestock or a mixture of litter and waste products excreted by livestock, even in processed form."[2]
- **Application Scope:** Refers to the spreading of this organic material onto soil as a fertilizer or soil amendment.
- **Types of Application:**
    - **Surface spreading:** Traditional broadcasting of solid or liquid manure.
    - **Injection:** Placement of liquid manure below the soil surface to minimize ammonia volatilization and odor, often done via shallow or deep injection methods.

OFA proposes specifically defining and differentiating between manure application and manure deposit in our regulation to recognize the important difference between the two and to facilitate a change in our regulation to allow for manure deposits by grazing livestock in orchards. OFA suggests a much shorter interval than the 90/120-day withdrawal time currently in the organic regulation between manure application and crop harvest. The current manure application interval time before crop harvest will remain the same. The proposed wording is at the end of our discussion.

Food and Drug Administration (FDA) and the Food Safety Modernization Act (FSMA)
Numerous organic fruit and nut growers have expressed to OFA that food safety issues are covered under the FSMA. They noted that some of their crops undergo a "kill" step, such as fermentation or cooking, that would kill pathogens. This kill step is recognized under FSMA as a way to mitigate the

[1] Natural Resources Conservation Service, "Conservation Practice Standard: Nutrient Management Code 590 (ac)," 590-CPS-1, May 2019, https://www.nrcs.usda.gov/sites/default/files/2022-09/Nutrient_Management_590_NHCP_CPS_2017.pdf
[2] Council of the European Union, "Council Directive of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources," 91/676/EEC, Updated 3/2/2026, https://eur-lex.europa.eu/eli/dir/1991/676.

possible transfer of pathogens to their crop when eaten by humans or by domestic or wild animals in their orchards. There was also discussion about possibly conducting testing to demonstrate the absence of pathogenic bacteria in a specific harvest. The main point here is that food safety is covered quite well by other regulations, especially the issue of pathogen introduction into crops through the use of manure in the production system. This was not the case when the OFPA or the NOP final rule was implemented, and it is time for an upgrade.

Organic regulations are process- or systems-based, not reliant on testing to prove that every crop meets a certain standard. Writing a regulation that incorporates the system of production, rather than a standard operating procedure supported by testing, is a better fit for the current standard and better represents the typical systems- and management-based approaches found on organic farms.

In reaching out to the greater organic community on this topic, OFA received almost universal comment that the FDA would not approve of running domestic livestock in organic orchards. OFA then reached out to numerous people within the Produce Safety Alliance, the organization that trains growers on the FSMA rules. We were referred to David Ingram, Ph.D., a consumer safety officer within the FDA Office of Food Safety. Biological Soil Amendments of Animal Origin (BSAAO) is the term FSMA uses for manure and other potential sources of pathogens from animals in the production of fruits and vegetables. In OFA's conversation with Dr. Ingram, he made it clear that the FDA would NOT have a problem with having animals in orchards, as long as the producers follow the FSMA regulation below.

§ 112.112 What measures must I take immediately prior to and during harvest activities?
You must take all measures reasonably necessary to identify, and not harvest, covered produce that is reasonably likely to be contaminated with a known or reasonably foreseeable hazard, including steps to identify and not harvest covered produce that is visibly contaminated with animal excreta. At a minimum, identifying and not harvesting covered produce that is reasonably likely to be contaminated with animal excreta or that is visibly contaminated with animal excreta requires a visual assessment of the growing area and all covered produce to be harvested, regardless of the harvest method used.

OFA's suggested wording to improve the regulation makes it clear that no fruit from the ground should be harvested, and that nuts have a method to clean outer shells when harvested from the ground. Dr. Ingram stated that he would be willing to discuss this issue with anyone interested and allowed me to share his email address with the Board: david.ingram@fda.hhs.gov.

New Research On Grazing Livestock In Orchards
Alda Pires, DVM, MPVM, PhD, DACVPM, is currently an Associate Professor of Cooperative Extension for Urban Agriculture and Food Safety in the Department of Population Health and Reproduction at the UC Davis School of Veterinary Medicine, California. She serves as Vice Chair of the Department of Population Health and Reproduction at UC Davis, co-chair of the Diversified Farming and Food Systems Program Team at UC Agriculture and Natural Resources, and Scientific Counselor at The Organic Center. Her current research on this topic, *Integrating livestock and agroforestry crops,* will be published in late summer 2026. Until the publication date, Dr. Pires cannot

release their findings, but in a verbal discussion, she was optimistic that, in a true grazing situation, the risk to food safety would be minimal, and that wild and domestic animals had similar risks regarding pathogen presence in orchards. Her contact information is apires@ucdavis.edu. She and her team will be presenting a webinar, hosted by the Organic Center, titled "Sheep in the Orchard: Grazing, Soil Health, and Food Safety in Organic Tree Nut Systems," on May 27, 2026.

Organic Food Production Act (OFPA) Distinction

The OFPA does refer to a minimum 60-day interval between the harvest of food for human consumption and manure application. OFA suggests that if the NOSB defines "Application of Manure" and "Deposit of Manure" in the regulation, this would maintain consistency with the current OFPA regulations for Application of Manure, and create an opening to more precisely regulate Deposit of Manure consistent with current food safety research for agroforestry and other types of integrative farming.

Here is the section of the OFPA that relates to the application of manure, see section (b)) (2) (B) (iv).

SEC. 2114. [7 U.S.C. 6513] ORGANIC PLAN.

(a) IN GENERAL.—A producer or handler seeking certification under this title shall submit an organic plan to the certifying agent and the State organic certification program (if applicable), and such plan shall be reviewed by the certifying agent who shall determine if such plan meets the requirements of the programs.

(b) CROP PRODUCTION FARM PLAN.—

(1) SOIL FERTILITY.—An organic plan shall contain provisions designed to foster soil fertility, primarily through the management of the organic content of the soil through proper tillage, crop rotation, and manuring.

(2) MANURING.—

(A) INCLUSION IN ORGANIC PLAN.—An organic plan shall contain terms and conditions that regulate the application of manure to crops.

(B) APPLICATION OF MANURE.—Such organic plan may provide for the application of raw manure only to—

(i) any green manure crop;

(ii) any perennial crop;

(iii) any crop not for human consumption; and

(iv) any crop for human consumption, if such crop is harvested after a reasonable period of time determined by the certifying agent to ensure the safety of such crop, after the most recent application of raw manure, but in no event shall such period be less than 60 days after such application.

Suggested Language To Allow For Livestock Grazing In Orchards

Based on the information above, OFA has provided the NOSB with draft language to provide context on how the regulation could be improved. The proposal was generated from producer feedback and focus groups on this topic. The words "graze", "pasture" and "vegetation" are already defined in the regulation.

Graze is defined as:

(1) The consumption of standing or residual forage by livestock.

(2) To put livestock to feed on standing or residual forage.

Pasture is defined as:
Land used for livestock grazing that is managed to provide feed value and maintain or improve soil, water, and vegetative resources.

Vegetation is defined as:
Living plant matter that is anchored in the soil by roots and provides ground cover.

There are some areas that may require further discussion. The fruit and nut producers OFA worked with were not fully in agreement with the 21-day withdrawal period; some wanted 14 days. Yet they are willing to continue the discussion on the withdrawal period and are interested in following the NOSB discussion and forthcoming research on this topic. There are numerous methods for cleaning nuts: floating in water and then spraying clean, pasteurizing, and mechanical separation. All do an acceptable job of cleaning ground-harvested nut crops, and the group felt that the current wording covered all of these activities.

OFA Proposed Definitions for NOSB Consideration:

Manure application: The planned placement of livestock waste (solid, slurry, or liquid) by broadcasting, injecting, or surface applying to land in order to supply crop nutrients.

Manure deposit: The direct excretion of waste products (feces and urine) by animals while on pasture.

Proposed addition to existing NOP regulation is indicated in bold italic (iv):
§ 205.203 Soil fertility and crop nutrient management practice standard.
(a) The producer must select and implement tillage and cultivation practices that maintain or improve the physical, chemical, and biological condition of soil and minimize soil erosion.
(b) The producer must manage crop nutrients and soil fertility through rotations, cover crops, and the application of plant and animal materials.
(c) The producer must manage plant and animal materials to maintain or improve soil organic matter content in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, pathogenic organisms, heavy metals, or residues of prohibited substances. Animal and plant materials include:
(1) Raw animal manure, which must be composted unless it is:
(i) Applied to land used for a crop not intended for human consumption;
(ii) Incorporated into the soil not less than 120 days prior to the harvest of a product whose edible portion has direct contact with the soil surface or soil particles; or
(iii) Incorporated into the soil not less than 90 days prior to the harvest of a product whose edible portion does not have direct contact with the soil surface or soil particles;
(iv) Deposited by grazing animals in vegetated grape vineyards, nut tree orchards, and fruit tree or shrub orchards, not less than 21 days before harvest of the crop. Harvested fruit must be hanging

from the vines, trees, or shrubs, and nuts harvested from the ground must have a post-harvest method to clean the outer shells.

Chlorine Materials Proposal

Motion to amend chlorine at 7 CFR 205.603(a)(10) as follows:
(10) Chlorine materials—disinfecting and sanitizing facilities, equipment, and livestock drinking water. Residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act.

OFA suggests sending this back to the subcommittee for further clarity. OFA appreciates the proposal to clarify the use and levels of chlorine in drinking water for organic livestock, and to ensure consistency among certifiers when chlorine is added to livestock drinking water. However, the current proposal may cause more confusion than clarity, and it needs to be sent back to the subcommittee for further work. Please see our reasoning and recommendations below.

Each livestock species has different tolerances to both bacteria and chlorine in its drinking water. There are numerous ways chlorine may be present in livestock drinking water, including municipal water additions of chlorine or on-farm wells that may be routinely treated with chlorine or "shocked" every 6 to 12 months to address high bacterial counts. Wells are not the only source of drinking water for livestock; springs, streams, and ponds are also used by a variety of livestock species on farms. The simple addition of "livestock drinking water" to the chlorine listing does not account for the complexity and diversity of the issue.

The change to the regulation, as presented here, needs to be absolutely clear that not all livestock drinking water needs to meet the chlorine levels required in the Safe Drinking Water Act, only water sources that have had the addition of chlorine. Streams, ponds, and springs would not meet the Safe Drinking Water Act, and neither would they have had chlorine added to them. The change should also be based on information clarifying which animal species are most sensitive, and if there are any cases where higher amounts of chlorine might be acceptable, and what those amounts might be. A systems-based approach should be required if the on-farm well needs routine chlorination or annual shocking. The approach should address why the bacterial levels are high and how the farmer plans to mitigate this through preventive measures.

Without more guidance, OFA is concerned that certifiers might require testing and documentation, increasing the burden on farmers with questionable benefit to the livestock. Some farms may have numerous wells, drinking troughs, and ponds available to their livestock. Where and how often will these tests be required?

OFA proposes that this issue would be better addressed through an instruction to certifiers or a guidance document that takes into account species diversity and the issues involved in adding chlorine to livestock drinking water, as well as when, where, and how often testing may be needed. This guidance can also provide producers with helpful information on how to reduce the need for added chlorine,

requiring a systems-based approach to improving livestock drinking water.

2028 Livestock Sunset Reviews
OFA supports relisting all materials based on the subcommittee's discussions.

- Activated charcoal
- Calcium borogluconate
- Calcium propionate
- Calcium hypochlorite
- Chlorine dioxide
- Hypochlorous acid - generated from electrolyzed water
- Sodium hypochlorite
- Kaolin pectin
- Mineral oil
- Nutritive supplements
- Propylene glycol
- Sodium chlorite, acidified
- Zinc sulfate

CROPS

Pear Ester- Petitioned
OFA supports the subcommittee proposal as written, prohibiting the microencapsulated formulations of pear esters. This material is available in forms that do not introduce microplastics into our environment. Thank you for listening and acting upon our concerns from the fall NOSB meeting.

2028 Crop Sunsets
OFA supports the relisting of the crop sunsets with no changes to both the approved synthetics and the prohibited nonsynthetics

- Calcium hypochlorite
- Chlorine dioxide
- Hypochlorous acid - generated from electrolyzed water
- Sodium hypochlorite
- Copper sulfate
- Ozone gas
- Peracetic acid
- Magnesium oxide
- EPA List 3 Inerts
- Calcium chloride
- Rotenone

HANDLING

Chitosan petition

OFA agrees with the handling subcommittee's vote not to add chitosan to the National List for the reasons cited in their proposal. OFA reached out to organic wine producers and was told that the best wine has the fewest ingredients and that they did not feel they needed this product.

COMPLIANCE, ACCREDITATION, AND CERTIFICATION

Proposal: Residue Testing for a Global Supply Chain-Regulation Review

OFA appreciates the work that went into this complex document and how the issues were resolved. OFA agrees with the various revisions to the regulations and guidance, as noted.

UREC

OFA regrets that we even need to discuss the pervasive presence of toxic materials in our environment and how many of them we may need to accept, despite the organic farmer or handler being at no fault. OFA continues to hear from organic farmers who lose organic certification and their market for their production due to low-level drift when no EPA tolerance level has been established for their crop; thus, the farmer must assume zero tolerance. This has resulted in significant economic hardship, especially since the residue was quite low. The farmer did all they could to prevent drift onto their crop and complied with all organic regulations, but the lack of an EPA tolerance imposes an unfair and out-of-date burden.

It is understood that there are substances with no specified EPA tolerances, posing a challenge for both farmers and certifiers. We support a better framework for certifiers to evaluate and respond to residues when there isn't an EPA tolerance for the crop. When contamination is found, OFA prefers investigative strategies that do not impose an economic burden or significantly interfere with the organic farmer's work.

Proposal: eCommerce Organic Labeling Requirements

OFA appreciates the CAC subcommittee's work on this topic, as e-commerce is a significant channel through which consumers purchase organic food. In addition, farmers may purchase seed, fertility, or pest management products online, and without clear labeling, they may assume that the product is certified organic or approved for organic production when, in fact, it is not. Seed, labeled as organic online, has been a problem. One farmer purchased organically labeled seed, only to find that when the packets arrived, no certifier was listed. After much searching, it was determined that the seller and packager of the seed was not certified to handle organic products. Although the seed was untreated and could be used in organic production, the farmer had ordered, paid for, and expected to receive organic seed. The seller of this seed had obviously benefited from using the organic label without going through the required process.

There is an expectation that when a product includes "organic" on the label or in online advertising, it would be subject to the same level of government oversight as organic products purchased in a

physical store. Strengthening Organic Enforcement requires that non-retail products remain traceable to the organic audit trail, leaving e-commerce a growing loophole in organic labeling that can undermine the overall integrity of the organic label. The organic community has worked diligently and continues to do so to promote and protect the organic label. Certified organic handlers should be required to display their certifier's name in their online advertising as a starting point. It is time to determine methods to protect the organic label in e-commerce.

OFA appreciates the complexity of this issue, and starting with guidance on how organic claims are presented online is a good place to begin. However, as e-commerce continues to grow, we believe the NOSB will revisit this issue. The organic sector has experienced the damage that fraudulent organic products can inflict upon the integrity of our label, and e-commerce is another area where the misuse of the organic label can become a significant issue. When the organic label is used without the required activities and documentation, it creates an inequitable market for those who follow the rules and diminishes consumer trust in organic.

MATERIALS

Research Priorities
OFA requests that the NOSB add the following to the Research Priorities at the next review:

Crops: Regional Seed Variety Trials
Land-grant universities, private companies, and regional groups should be supported with grants to encourage more trials of organic seed and planting stock. Home gardeners would also be interested in learning more about the beneficial characteristics of organic seeds and planting stock that are available and adapted to their specific regions. The Southeast region of the United States has a limited number of regionally adapted organic seeds and therefore tends to use non-organic seeds at a higher rate than other regions.

Crops: Seed Breeding Specifically For Use As Cover Crops
In organic no-till, rye is grown through the winter and terminated by rolling or mowing when it starts to shed pollen to create a deep mulch for planting the main crop. Having a high-biomass and early-maturing variety would aid this organic production system. This issue is addressed explicitly in the current research priority list. However, oats, soybeans, peas, fava beans, clovers, vetches, Japanese millet, sorghum sudan, and more are all grown specifically as cover crops, and seed characteristics for all of these crops could be improved to provide more benefits when used as a cover crop, to add to the seed we can now obtain to grow a cash crop.

Crops: Systems Or Plastic Use
Long-term use of landscape fabric under containers: Since container production relies on liquid fertility inputs and those containers remain on landscape cloth in the exact location for 10 years or more, what happens to the soil under that woven landscape cloth? Is there an imbalance of soil nutrients? Is the soil compacted or in good condition, considering there has been no tillage? Once the landscape cloth is removed, is any special soil remediation needed to support crop growth? How

does long-term use of landscape cloth affect biodiversity both above and below the soil?

Crops: Paper

The use of paper as a compost feedstock and as mulch, where it becomes part of the soil, is an area that needs further research. The composition of paper has undergone significant changes since it was first permitted on the National List decades ago. The presence of various polymers, colors, and other synthetics has increased, and tracking their incorporation into papers has become more difficult as the use of recycled papers of unknown origin is increasing in greater volumes. PFAS, micro- and nano-plastics, and other pollutants must be carefully monitored, and all necessary precautions taken to prevent their incorporation into organic land.

POLICY DEVELOPMENT

Policy and Procedure Manual Revisions

Thank you to the PDS subcommittee for their thoughtful consideration of these various issues. These changes will continue to enhance the NOSB process and will be appreciated by future NOSB members and the public for the improvements made to this Policy and Procedures Manual.

Required Board Attendance and Participation

For the past four years, an appointed NOSB member has missed multiple meetings, resulting in their stakeholder group being underrepresented on the Board. The absence led other Board members to assume the absent member's duties, presenting an unequal burden on members, especially the self-employed. Full board participation should be required, and a policy and process for addressing consecutive absences is needed. The wording could be strengthened by clarifying the number of meetings that cannot be missed before requesting that the Secretary of Agriculture fill the seat on the NOSB. While unexpected emergencies can affect an NOSB member or their family, if they are unable to participate in three consecutive bi-annual NOSB meetings or four consecutive scheduled subcommittee meetings, the NOSB board chair should discuss the member's voluntary resignation with that member. If the absences continue or the member refuses to resign, the Secretary should be requested to appoint a new member to replace that stakeholder seat. All members who join the NOSB should be aware of and agree to this participation requirement before joining the Board.

Third-party technical reviews

OFA agrees with the changes to the PPM that require Technical Reviews (TRs) for new and some sunset items. The petitions or public comments received regarding materials proposed or presented on the National List are insufficient because they may be biased. Objective, science-based, and comprehensive TRs are important for providing information and clarification on whether the material meets all the criteria required under the Organic Food Production Act. Periodically updated TRs describe the history of the material allowance and provide the NOSB and the public with current information. This updated TR is crucial in a world where new testing methods and emerging issues can present challenges that were not previously encountered. We appreciate the board formalizing this change. This should not cause any disruption to the Board's activities.

Process For Separate Annotation Changes

OFA supports the changes to the PPM because they address separate annotation changes during the Sunset Review. This is well thought out and will provide for more timely improvements. Every five years, the organic community applies targeted scrutiny to materials at sunset, when possible annotation changes might be proposed. Allowing for two meetings to review the annotation change is reasonable and provides for both historical reference and the time needed for thoughtful review.

Sunset Review Efficiency

OFA thanks the policy subcommittee for their vote **not** to change the current method of reviewing materials up for their sunset review by implementing a consent agenda, which would have approved numerous materials as a group. This change would cause confusion among Board members regarding the voting procedure and could reduce transparency for stakeholders. Board members have done a good job of presenting their materials efficiently during meetings. When seasoned Board members mentor new members, this efficient review is passed to subsequent boards. OFA encourages the board not to change the sunset review and voting process.

OFA expresses our gratitude to all NOSB members for their commitment to organic integrity, their attention to the diverse perspectives of the organic community, and their deliberations that result in high-quality documents. OFA appreciates your service to the growth of the organic movement rooted in the organic principles.

Sincerely,

Kate Mendenhall
Executive Director