



**ORGANIC FARMERS
ASSOCIATION**

**Organic Farmers Association
Written Comments to the
National Organic Standards Board
Submitted October 1, 2026**

TABLE OF CONTENTS

BIG PICTURE..... 3

 Building a Resilient Organic Community.....3

 Challenges and Solutions to Increasing Domestic Organic Swine Production.....4

 Consistency with the Global Organic Movement.....6

 Investment in NOSB Meetings and Supporting Farmer Participation.....7

 Cost Of Organic Certification And Regulatory Burden Of SOE.....7

 NOSB Work Agenda Item To Review And Update 205.290 Temporary Variances..... 8

LIVESTOCK.....9

 Agroforestry and the 90/120 Day Manure Application Rule.....9

 The Benefits Of Grazing Livestock In Fruit And Nut Orchards..... 9

 The Difference Between “Application Of Manure” And “Deposit Of Manure” 11

 Food and Drug Administration (FDA) and the Food Safety Modernization Act (FSMA).....11

 New Research On Grazing Livestock In Orchards..... 12

 Response To The Fall 2026 Discussion Document On Integrating Livestock In Organic Orchards.. 12

 Types of Livestock Present When Integrating into Orchards..... 12

 Steps Taken to Prevent Contamination of Crops by Manure.....13

 Meeting FDA Produce Safety Rule Requirements..... 14

 Proposal: Ivermectin and New World screwworm..... 15

 2028 Livestock Sunset Reviews..... 16

CROPS.....17

 Proposal: Chitosan- Petitioned.....17

 2028 Crop Sunsets..... 17

COMPLIANCE, ACCREDITATION, AND CERTIFICATION..... 18

 Proposal: UREC.....18

 Discussion Document: Consistency in Organic Seed Use.....18

MATERIALS.....21

 Discussion Document: Research Priorities.....21

 Crops: Regional Seed Variety Trials.....21

 Crops: Seed Breeding Specifically For Use As Cover Crops.....21

 Crops: Systems Or Plastic Use..... 21

 Crops: Paper.....22

October 1, 2026

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-26-0892
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 agenda items for your fall 2026 meeting. These comments were developed based on group discussions in OFA workgroups, comments and discussions with OFA certified organic farmer members, and feedback from our annual policy survey, which surveys certified organic farmers nationwide.

BIG PICTURE

Thank you for your commitment to organic integrity and building a strong organic community. We are pleased to welcome the five new members to the National Organic Standards Board. We look forward to working with you in a spirit of collaboration as we protect organic integrity through meaningful and practical organic regulations. OFA seeks to support organic farmer success through improved regulatory language that expands domestic organic production to meet U.S. consumer demand.

Many thanks to the NOSB members who took on an additional workload due to the delayed appointment of new NOSB members. To the outgoing members whose terms end in January of 2027, Allison Johnson, Dr. Dilip Nandwani, and Javier Zamora, thank you for your thoughtful deliberations and the long hours dedicated to the NOSB. We greatly appreciate all you have contributed to the progress we have experienced in organic over the past five years and look forward to continuing to work with you in advancing U.S. organic.

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.

Building a Resilient Organic Community

OFA's founding farmers endorsed the IFOAM (International Federation of Organic Agricultural Movements) four principles of organic - **health, ecology, fairness, and care** - as core values for a national organic farmer movement. 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 natural ecological systems and their cycles should be sustained and emulated. To center 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 we depend on, and the animals under our care. **We encourage the National Organic Standards Board and the National Organic Program to prioritize the four principles of organic in your work as a board.**

Challenges and Solutions to Increasing Domestic Organic Swine Production

Organic Farmers Association supports an NOSB work agenda item to identify challenges in producing domestic organic pork and pork products and develop regulatory solutions.

A search of the Organic Integrity Database shows only 50 certified organic farms in the U.S. produce organic swine; yet, in 2021, the organic hog market was almost double that, with 20,356 certified organic swine on 103 farms, indicating that further delays would harm domestic production. Swine production could be a profitable add-on to existing organic farms or a new enterprise to expand the number of domestic organic farmers. Pigs are highly productive in a short time, providing two litters per year with 8-13 young per litter, and reaching market weight within 6 months. Swine also provide complementary services to vegetable farms such as eating discarded produce and rooting/tilling ground to prepare it for the following season.

New information is needed on a variety of issues, including materials that may need modified annotations as well as new materials added to the National List. Examples of material review for swine include phytase (a synthetic amino acid) and a specific parasiticide for gestating swine.

In discussions with entities along the organic pork supply chain, OFA has identified key challenges in the organic pork sector. Each of these challenges can be met with regulation or guidance implemented within a reasonable timeframe. A panel of farmers, processors, and marketers would help educate the NOSB and the public on these barriers and identify other challenges before the NOSB begins developing solutions to support domestic organic pork production. OFA would be happy to assist the NOSB in identifying possible panelists. Identified challenges include:

Lack of Certified Organic Processing Facilities: Organic livestock producers struggle to find small- and mid-scale certified organic slaughter and processing facilities within a reasonable drive from their farms. Because many regions lack a concentration of organic livestock farmers, few processing plants justify the extra paperwork and certification costs to certify their facility for one or two organic producers. The organic program can find creative ways to facilitate local small-scale processors serving local certified organic producers so these farmers can sell certified organic meat.

Inadequate Organic Swine Animal Welfare Standards: Currently, the few large-scale domestic organic pork producers participate in markets that demand additional animal welfare certifications for organic pork. Improving the swine animal welfare provisions of the organic certification program will lessen

this burden for organic swine producers. Furthermore, consumers expect organic meat to be raised outside, under high animal welfare standards. The lack of swine animal welfare provisions reduces consumer trust in organic pork and requires farmers to adopt multiple labels. If farmers are already meeting higher animal welfare standards to meet consumer expectations, including these provisions in the NOP regulations would be an easy lift for producer compliance.

Unequal Playing Field: Currently, domestic organic swine production is shrinking because domestic and foreign production do not compete on a level playing field. Under current equivalency agreements, organic pork from foreign sources (primarily Canada and Denmark) is raised under different standards that lower production costs, creating an unequal market that undercuts domestic production. Because Canada has an equivalency agreement with the USDA, Canadian pork can be sold as USDA organic, further undermining domestic producers' ability to fairly compete. Relying on foreign production puts the domestic supply chain at risk, limits opportunities for domestic growth, and weakens the consistent availability of certified organic pork for consumers.

For your reference, we have included excerpts from the 2026 Canadian Permitted Materials List and the 2026 Canadian Organic Standards that illustrate differences between Canadian and U.S. organic swine regulations.

Canadian Permitted Materials:

https://publications.gc.ca/collections/collection_2026/ongc-cgsb/P29-32-311-2026-eng.pdf

1. **Amino Acids:** As an exception to subclause 5.1.2 (CAN/CGSB-32.311) and Clause 1.4 a) of CAN/CGSB-32.310, isolated amino acids may be used when organic protein feeds and non-organic feed additives that are listed in Table 5.2 cannot meet amino acid requirements to produce a balanced feed as per subclauses 6.4.1 and 6.4.2 of CAN/CGSB-32.310.
2. **Phytase:** Permitted when feed supplementation with phytase is recommended to reduce phosphorus levels in manure and thereby reduce potential environmental consequences. As an exception, GE-derived sources of phytase are allowed even though they are not compliant with subclause 5.1.2 of CAN/CGSB-32.311 or Clause 1.4 a) of CAN/CGSB-32.310. This substance and annotation will be reviewed at the next revision of the Canadian standard.

Canadian Organic Standards 2026

https://publications.gc.ca/collections/collection_2026/ongc-cgsb/P29-32-310-2026-eng.pdf

6.4.1 The operator shall provide an organic feed ration that is balanced to meet the nutritional requirements of the livestock.

6.4.2 Livestock feed shall consist of substances that are necessary and essential for animal health, well-being and vitality, and that meet the physiological and behavioral needs of the species in question.

6.6.11 Organic livestock operations shall have a comprehensive plan to minimize parasite problems. The plan shall include preventative measures, such as genetic selection, pasture management, fecal

monitoring and assessments of tissue at slaughter, and emergency measures in the event of a parasite outbreak. Hygienic cleaning and disinfection methods for barns, such as power washing, steam washing, floor burning and lime washing, shall be included in the plan as well as downtime (i.e., when the barn is vacant). By way of an exception, if preventative measures fail due to, for example, climatic conditions or other uncontrollable factors, the operator may use parasiticides that are not listed in Table 5.3 of CAN/CGSB-32.311, provided that:

- a) observation of the animal, fecal test results, or assessment of tissue, as appropriate for the species, indicates that livestock is infected with parasites;
- b) the operator provides a written action plan, with a timeline, describing how they will amend their parasite control plan to avoid similar emergencies;
- c) the operator has written instructions from a veterinarian indicating the product and method to be used, including provisions to avoid developing parasite resistance, such as rotation of parasiticides;
- d) withdrawal times are twice the label requirement or 14 days, whichever is longer;

If these conditions are met, the following restrictions apply:

- e) the exception cannot be granted for a group of animals or an entire production unit for more than two years in a row for the same problem;
- f) a dam from any species may receive only one treatment of parasiticides during gestation;
- g) meat animals from any species less than 12 months old shall receive, at most, one parasiticide treatment. Meat animals 12 months of age or older that receive more than two parasiticide treatments in their lifespan shall lose their organic status;
- h) dairy animals that receive more than two treatments in a 12-month period, whether of parasiticides, antibiotics or one of each, shall lose their organic status and go through a 12-month transition period;
- i) dairy cull animals that receive more than two treatments with parasiticides over their lifespan shall never be considered organic for meat;
- j) dairy cull animals that receive antibiotics shall never be considered organic for meat;
- k) swine breeding stock animals that present with a high parasite load may receive up to three parasiticide treatments in a year as part of a parasite reduction plan. This exception cannot be applied systematically [refer to subclause 6.6.11 b) and e)];
- l) laying hens that receive more than two parasiticide treatments in a 12-month period shall lose their organic status. Treatment of the flock, rather than individual hens, is permitted.

OFA requests that the NOP add domestic organic swine production as an NOSB work agenda item, and requests that the NOSB host a panel of farmers, processors, and marketers to speak to this issue at the Spring meeting. OFA encourages public comment on this issue to learn about other challenges and solutions, so the NOSB's final recommendation reflects the needs of the entire domestic organic pork supply chain, from the farm to finished product.

Consistency with the Global Organic Movement

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.

Investment in NOSB Meetings and Supporting Farmer Participation

The twice-a-year NOSB meetings are an important opportunity for organic stakeholders to discuss issues important to our community. In-person meetings allow Board members and the organic community to interact in the same room, resulting in a more dynamic and effective meeting. Weekly, Board members spend hours volunteering to advance U.S. organic agriculture. In-person meetings allow board members to build the in-person relationships needed to sustain online collaboration throughout the year. If the USDA continues to support only one in-person meeting in the Spring, we believe it is important to bring the Board together for the fall meeting, even if stakeholders attend virtually, to facilitate productive board relationships. Board meetings fall at difficult times for farmers to attend because farmers are busy in the field in the lead-up to meetings. We recognize the board has reviewed this issue and is unwilling to adjust the meeting schedule. **As a compromise, we encourage the NOP to reserve one-third of the oral comment slots for certified organic farmers. Hence, they have sufficient time to register to testify during busy production seasons. After registration closes, the NOP could fill any empty farmer slots from the stakeholder waitlist.**

Cost Of Organic Certification And Regulatory Burden Of SOE

The delay in 2025 organic certification cost-share payments, and the continued burden of extra documentation and tracking systems on small- and mid-sized farmers tied to the SOE rule, caused a loss of U.S. certified organic operations in 2026. We encourage both the NOP and certification agencies to continue on the path toward reducing the regulatory burdens and to truly advance a “sound and sensible” organic certification system that supports affordable certification pathways for low-risk operations.

Organic certification must be accessible to operations following organic practices. Organic certification supports organic integrity for all organic producers, and keeping organic certification affordable must be a priority. We encourage the NOP to explore options to keep organic affordable, especially to small operations. Could the NOP reduce accreditation costs so certifiers can pass those savings to small-scale producers?

While OFA facilitated farmer reviewers of the new Common Organic Systems Plan, farmers were integrated into the process at the end and only through advocacy by OFA and other producer groups. Since organic farmers are the largest clientele for organic certification in the United States, **OFA encourages the NOP to engage farmer feedback and participation at the beginning of certification**

streamlining efforts.

NOSB Work Agenda Item To Review And Update 205.290 Temporary Variances

The temporary variance regulation and implementation process have been in place since 2002 and should be updated to reflect the growth of the organic sector and the need for a better response to extreme weather and increased disease and pest impacts. The [NOP 2606: Processing Requests for Temporary Variances](#) should be reviewed and updated to clarify how to access this process.

Immediately, OFA would like to see improved transparency. **We ask that the NOP publish the rationale for granting a temporary variance, the operation name and NOP number, and the certifier that requested the temporary variance on the “Current Temporary Variances” publication. We also request that NOP alert the organic community to new temporary variances in the Organic Insider.**

In conversations with the NOP this summer, we learned that few certifiers have experience with or are knowledgeable in the temporary variance request process. Furthermore, few organic farmers are even aware of this option within the regulations. This creates inequity among U.S. producers: a few certifiers and large operations with staff to navigate the temporary variance process can access requests to reduce organic regulatory requirements, while others without easy access to this process cannot. This inequity creates inconsistency in organic production activities when some entities know and use the temporary variance, and others don't know about it and continue to follow the current regulation while facing extenuating circumstances. To immediately address this issue, OFA in partnership with NODPA (Northeast Organic Dairy Producers Alliance) and WODPA (Western Organic Dairy Producers Alliance) created a [Producer Guidance to Temporary Variances](#) and a [Producer Worksheet](#) to aid farmers in navigating this process while faced with difficult circumstances needing a variance request. While we are confident these technical assistance documents will help farmers and certifiers navigate the variance process, the process overall needs an overhaul.

The CAC subcommittee would be the relevant subcommittee to review this issue. We ask that the CAC subcommittee review:

- Patterns in the current and historical temporary variances, assessing whether recurring variances were granted to the same operation or for a consistent issue like ruminant pasture rule compliance in times of drought. Temporary variances should be used in emergencies only, not to fill in when the farm's system does not reflect the resiliency necessary to comply with the standards year after year. **OFA requests the NOP improve the regulation to codify that continued use of the temporary variance year after year is not allowed and that the certifier must require changes to the operations' Organic System Plan to prevent reliance upon temporary variances.**
- Definition of “temporary.” Is “temporary” one-year, like in the current variance allowing induced molting for all U.S. organic laying operations? Or is it intended to be a hold-over for a shorter term variance from the organic standards? Is the intent of “temporary” violated if similar variances are issued year after year?
- Definition of “other business interruption.” This phrase should be better defined to narrow its use

when requesting a temporary variance. A business disruption is typically mitigated through an insurance policy, and not through an allowance to avoid following a regulation. The committee should determine whether they should delete the catch-all phrase; replace the wording with more defined language; expand the wording to give some more explanation as in the reasons at 205.90(a) (2); establish guardrails around the provision and specify what it may NOT include; and any other suggestions that bring consistency and clarity to the provision.

- Improving transparency and reporting requirements of the guidance document. Specifically, we would like the reporting to require:
 - the operation name and certifier name that requested the variance;
 - rationale for granting the variance, and reason for a repeat variance for any operation granted a variance for the same reason in the past five years;
 - for pasture rule variances, specifying the length of the regional grazing season for each operation or named location (state, county) along with the variance to provide transparency in the granted pasture rule variance;
 - for ‘other business interruption’ variances, a rationale for the variance;
 - for animal welfare variances, a rationale for exposing organic livestock to increased pain, stress and suffering and specified mitigating action.
- OSP updates to lessen or eliminate the need for a repeat variance, as is required for documenting commercial availability for seed and ingredients and the hierarchy for use of pest control inputs.

LIVESTOCK

Agroforestry and the 90/120 Day Manure Application Rule

OFA is grateful to the Board for their creative solutions to this issue. In order to bring the new NOSB members up to speed, we are including some of our previous comments as well as a response to this meeting’s discussion document questions.

Background

In our annual organic policy survey of all domestic certified organic producers, organic farmers 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.

The Benefits Of Grazing Livestock In Fruit And Nut Orchards

Increasing biodiversity within a production system is a foundational organic principle, and current raw manure restrictions need updating to reflect both traditional and new agroforestry methods. This change would affect a wide range of operations, including both small- and large-scale operations.

Large-acreage nut trees can 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. Rotating poultry and mammals through orchards can provide multiple benefits, detailed below.

- Improved pest and disease management: Grazing livestock disrupts pest and disease reproductive cycles, and poultry will eat plum curculio and other insects. Less reliance on inputs and more reliance on a management system that reduces problematic insects and diseases.
- Reduced need for mowing- less compaction from tractor passes, less labor and fuel
- Improved fertility- the livestock deposit small amounts of manure
- Increases the implementation of rotational grazing 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 cannot 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.
- Reduces wildfire risk by keeping the grass and brush short in and around the orchard (important in California, but also in other areas)
- Food safety risks can be managed: Ladders can increase food safety risk in an agroforestry system with livestock as pickers could touch the rungs where their feet have touched. However, pickers can be trained to pull themselves up the ladder by the rails rather than the rungs to avoid touching where their feet have been.
- Low food safety risk in systems that use high-density plantings with some trellising where pickers often ride on wagons with their harvest bins, and neither the harvester nor the bins touch the orchard floor.
- Consistency: some growers graze only in the alleys, not directly under the trees, but this is not currently allowed by some certifiers under current regulations.
- Food Safety: 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.
- Food Safety: 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 grazing 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.
- Low FDA Concern: 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.
- More research is needed: 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.

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. When referring to grazing livestock in orchards, the guidance will need to differentiate between manure application and manure deposit to meet the current regulatory language.

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.

Food and Drug Administration (FDA) and the Food Safety Modernization Act (FSMA)

Numerous organic fruit and nut growers have told OFA that food safety issues are covered under FSMA. They noted that some of their crops undergo a “kill” step, such as fermentation or cooking, that kills

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>.

pathogens. FSMA recognizes this kill step as a way to mitigate the possible transfer of pathogens to their crop when eaten by humans or by domestic or wild animals in their orchards. Growers also discussed possible testing to demonstrate the absence of pathogenic bacteria in a specific harvest. The main point is that other regulations already cover food safety well, especially the risk of introducing pathogens 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 that allows for agroforestry.

New Research On Grazing Livestock In Orchards

Alda Pires, DVM, MPVM, PhD, DACVPM, is 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 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, and OFA would be happy to share this research with the Board when it is published later this year.

Response To The Fall 2026 Discussion Document On Integrating Livestock In Organic Orchards

OFA agrees that NOP Guidance 5025, which addresses the potential for crop contamination and prevention strategies, is an acceptable document to provide certifiers and operators with options for their Organic System Plans when livestock graze in orchards.

A variety of livestock are used in perennial crops. Cattle can be used when trees are large, but they can be problematic in young or smaller fruit or nut trees. Pigs and sheep are used quite regularly as are chickens, ducks, and geese. **Management strategies vary with the type of crop, type of livestock, soil types and climatic conditions. With this diversity of approaches, OFA requests that the organic control points spelled out in the guidance be a menu of options, and not every option be required for every farm.** Some options would not be practical in some situations, others would duplicate the benefits of others, some options may interfere with the livestock benefits, and some activities may be used periodically depending on the time of year. An example would be grazing the livestock only in the alleys between the rows of trees or shrubs when the fruit is ripening, but allowing the livestock to graze throughout the orchard when the trees are young, in the early part of the season or after harvest. Grazing under the trees aids in breaking insect and disease cycles and may need to be used for some crops when the crop is ripening to perform this function.

In response to the subcommittee questions:

Types of Livestock Present When Integrating into Orchards

While sheep, pigs, chickens, ducks and geese are used regularly, cattle can also be used to graze

orchards.

Steps Taken to Prevent Contamination of Crops by Manure

- Maintain vegetative cover to provide forage for the livestock with either a large enough area or intensive rotational grazing to prevent large areas of denuded and compacted ground. The stocking density, size of area and pasture rotation depends upon the species of animal and density of tree canopy present in order to maintain the required vegetation.
 - Managing geese is different from managing sheep, with less need for intensive rotations. There may be some areas, especially directly under trees where there may be patches of bare ground due to the leaf canopy, where bare ground would be allowed.
 - Maintaining soil cover to promote healthy biological activity in the soil that helps to break down pathogens and manure is the goal.
- Accommodate an alternative grazing plan outside of the fruit/nut producing areas in times of drought or heavy rain to protect the vegetation, soil, and water quality. Need for this separation would depend on the size of the operation and the stocking rates as larger operations with less animals may not need this “alternative or emergency” grazing area.
- Moveable livestock fencing to restrict grazing animals to the alleys between the trees and not directly under them when the crop is ripening. This fencing could be removed in early spring or after harvest to allow grazing under trees when food safety risk is lower. This may not be useful with geese or chickens or to control some insect pests.
- Implement a withdrawal time of 14-21 days between the presence of livestock and the harvest of the crop, depending on the crop and the livestock. For crops that would have a kill step of processing or fermentation, the withdrawal time could be in the lower range.
- Clarification by the certifier and operation if the livestock are managed by a separate entity working in partnership with the certified operation. These partnerships are fairly common practice and the certifier may want to have both operators present at the crop inspection, depending on the level of management done by each entity. The livestock may or may not be requested for organic certification by whomever is the owner, it should not be mandated that the livestock be certified. Any supplemental feeds that could be spread on the ground should be reviewed by the certifier for acceptability on organic land. No prohibited pest-management sprays can be used topically on livestock while they are in the organic orchard.
- Every farm that sells fresh produce covered under the Food Safety Modernization Act and the FDA’s Produce Safety Rule needs to meet these requirements.
 - Supporting email from David Ingram, Consumer Safety Officer, Office of Microbiological Food Safety in the Division of Fresh Produce Safety at FDA to Harriet Behar, Organic Farmers Association.

Hello Ms. Behar, good to hear from you, and I hope you are doing well. It's good to learn that the Organic Farmers Association is working with USDA to revisit some of the organic regulations, and thanks so much for keeping our office informed of these deliberations. Regarding your question about how FDA's Produce Safety Rule (PSR) regards the practice of livestock grazing in fruit tree orchards - the PSR addresses animals (including livestock) - primarily through Subpart I (Domesticated and Wild Animals), codified at 21 CFR §§ 112.81- 84, but there are several other provisions that also come into play when there is a potential for introducing hazards into the produce growing environment:

§ 112.83 – Grazing and Land Application of Biological Soil Amendments. The rule does not prohibit the grazing of animals on land used to grow covered produce. However, farms must take measures reasonably necessary to minimize the likelihood of contamination of covered produce, food contact surfaces, or areas used for a covered activity.

§ 112.112 – Harvesting Activities During harvest. You must not harvest covered produce that is reasonably likely to be contaminated, including produce visibly contaminated with animal excreta. At a minimum, this requires a visual assessment of the growing area and all covered produce prior to harvest.

§ 112.114 – Dropped Produce. Produce that drops to the ground before harvest is considered "dropped covered produce" and must not be distributed. However, produce that is intentionally dropped as part of harvesting (such as almonds) is excluded from this requirement.

We have to paint the broad strokes here, as it is difficult for us to elaborate on any particular provision and how they may apply to specific farming scenarios without hands-on knowledge of the farm, practices, and conditions in question. The bottom line is that there is flexibility to co-manage animals and produce safely within the structure of the Produce Safety Rule. This is where our Produce Safety Engagement branch (PSEB) is becoming a valuable companion to growers interested in understanding how their situational specific conditions may apply to compliance with the Produce Safety Rule. We have PSEB personnel scattered across the U.S. that are standing-by to assist.

In summary, grazing animals are not prohibited in fruit tree orchards under the PSR. However, farms must take reasonable measures to prevent contamination of covered produce and food contact surfaces — this includes, but not limited to, visual assessments prior to harvest, not distributing dropped produce contaminated with animal excreta, and managing animal access to minimize risk during harvest.

Sincerely,
David

David T. Ingram, Ph.D., M.S.
Consumer Safety Officer
Office of Microbiological Food Safety
Division of Fresh Produce Safety
U.S. Food and Drug Administration
U.S. Department of Health and Human Services
Tel: 240-402-0335 (o) 202-384-4972 (c)

Meeting FDA Produce Safety Rule Requirements

OFA offers these suggestions for agroforestry operations to meet FDA Produce Safety Rule requirements.

- As with all farms, workers need to be trained to not harvest produce contaminated by manure, whether that manure is from domesticated livestock, wild birds or animals.
- When climbing ladders, workers should hold the side rails and not put their hands on the rungs where their feet have been.
- Care should be taken to manage harvest bins that might have been on the ground, especially when stacking them on top of each other when moving and when bringing them into the washing and processing area. Sheets of plastic or cardboard can be placed under harvest bins in the field

to keep the bottom of bins clean. Alternatively, sheets of plastic or cardboard may be used on the bin's feet when stacking and during transport, or bins can be placed on a secondary field harvesting pallet to keep the bins off the ground and prevent contamination of the packing shed floor, for instance.

- A clear description of pathogen elimination steps taken in post-harvest handling for operations employing agroforestry methods where food safety risks exist should be provided in the Organic System Plan. This could include washing, steam cleaning, and further processing such as cooking or fermentation.
- Organic System Plans (including the Common OSP) could include a checklist of pathogen elimination steps being implemented for these types of operations. The pathogen elimination steps would be easily verifiable at the on-site organic inspection.

Proposal: Ivermectin and New World screwworm

The organic community is grateful that the NOSB and NOP have recognized the importance of providing options for organic producers to deal with the emergency situation of New World screwworm (NWS) entering from the United States' southern border. While the USDA has put in place an action plan to re-introduce sterile flies to lessen the reproductive capacity of this flesh eating pest, there will be a lag time before this program is in place. Northern states may not have natural reproduction of this pest year round due to winter temperatures; however, mild winters may not provide the necessary life cycle kill and cattle and other livestock trucked around the country increase the risk for NWS to be transported within a live animal anytime of year. The seriousness of this pest cannot be overstated, it can kill an animal and youngstock are especially vulnerable.

OFA surveyed organic livestock producers nationwide and received responses that expressed support for allowing an effective parasiticide for NWS available to organic livestock producers as well as wanting the allowance to be narrow to protect against abuse of ivermectin. OFA appreciates the work of the livestock subcommittee on this proposal; however, we recommend improving the annotation wording at the fall meeting before a vote. We request the Board to add the sentence "To be administered under the care or lawful written order of a veterinarian." Injectable ivermectin is available over the counter at most farm stores. The allowance for ivermectin should be limited to the injectable or oral liquid form, since the topical form is ineffective in controlling NWS.

Ivermectin can significantly harm soil biology and dung beetles when it passes into manure deposited on organic pastures. OFA requests the Board to add the sentence "Animals must be withheld from pasture until 7 days after treatment."

OFA would like to see continued work on this issue. New World screwworm can harm all types of livestock when an open wound is present, creating an opportunity for flies to lay their eggs. Forty-one organic farmers from California, Georgia, Idaho, Iowa, Indiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, New York, Vermont, Virginia, Washington, West Virginia, and

Wisconsin responded to OFA's recent producer survey on NWS response. Most respondents raise bovine dairy, beef, and poultry, while some raise swine, sheep, and goat for meat. 89% of bovine dairy farmers, 76% of beef farmers, 75% of sheep and goat producers (meat), 44% of poultry producers, and 40% of swine producers expressed concern about NWS in their livestock. These 41 producers thought that ivermectin should be allowed to prevent NWS in bovine dairy (91%), beef (66%), sheep and goat dairy animals (34%), and each sheep, goat, swine, and poultry received 31% support for ivermectin to prevent NWS. Some farmer comments:

- "This could be one tool that needs to be considered for emergency use and could save several organic livestock if the NWS is a problem in an area of the U.S."
- "If it becomes a threat in a big way, we need to address it fast and hard!! We as farmers take the organic program seriously!! If our animals become infected, we must do everything in our power to save the animal ... right??"
- "I would support this use of ivermectin as I believe it would improve health outcomes, alleviate pain/discomfort, improve welfare, and prevent further spread of disease."

While we understand the prior listing of ivermectin for dairy and the increased financial impact on dairy farmers of removing a dairy animal from operation motivated the proposal to limit it to dairy animals, the Board should discuss extending ivermectin or another parasiticide to meat animals to prevent NWS. The USDA also recommends additional parasiticides for NWS control, such as doramectin (brand name Dectomax or Dectomax-CA1), authorized by the FDA for NWS prevention with a 20-day milk withdrawal and a 35-day slaughter withdrawal. If NOSB were to double the withdrawal time, this would be less time than the 90 days proposed for ivermectin.

If the NOSB passes this recommendation for ivermectin and the NOP moves swiftly in their regulatory work to place it on the National List, we strongly recommend the Board review other parasiticides for use and consider including meat animals. Both ivermectin and doramectin accumulate in animals' fat. This is one reason that organic slaughter stock was prohibited from ivermectin use in the past. Organic farmers would appreciate having access to an effective parasiticide that did not have this unwanted side effect, making it acceptable for slaughter stock. **The NOSB and NOP should promptly work with the FDA to identify a better parasiticide for dairy and meat animals and petition for a better NWS parasiticide on the work agenda.**

The USDA has predicted that by fall 2027, the number of sterile flies being released should cut short this current outbreak of NWS. This strategy has been proven in the past to be effective and we hope that the re-introduction of these sterile fly laboratories will remain fully funded into the future.

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

Proposal: Chitosan- Petitioned

This material appears to be effective in lessening the use of copper for crop disease control, a benefit to organic producers; yet, the approval as a soil amendment does not have the same strong beneficial effect. The NOSB proposal states this material has no toxic effects and does not break down into toxic materials. However, in researching this material online, it does appear that some sources and processes to produce chitosan can create heavy metals such as iron, chromium, and nickel. These metals can originate from environmental contamination and/or can be introduced during the extraction process.

In a discussion with personnel from Tidal Vision, they stated that their unique process results in chitosan without heavy metals, but there could be heavy metals in chitosan from foreign sources. Since our regulation is followed by operations around the world, the NOSB may wish to ensure that by placing chitosan on the approved National List for synthetic substances in organic crop production, this would not result in the unintended consequences of introduction of unwanted heavy metals on certified organic soils. **If a representative of Tidal Vision gives oral comment, OFA encourages the board to ask about heavy metals and the possibility that foreign sources other than chitosan produced by Tidal Vision, might contain them and how this could be prevented.**

OFA would support the listing of this material once the issue above has been resolved satisfactorily to prevent heavy metal residues.

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- *the current annotation that allows for the specific use to help with calcium deficiency is needed by organic growers.*
- Rotenone

COMPLIANCE, ACCREDITATION, AND CERTIFICATION

Proposal: UREC

The U.S. needs stronger federal regulations and enforcement measures that prevent pesticide, PFAS, heavy metal, and other contamination on farmland. OFA regrets the need to discuss the pervasive presence of toxic materials in our environment and how many of them we may need to accept, even when the organic farmer or handler is not at fault. We frequently hear from organic farmers who lose organic certification and/or 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, meaning no amount of the pesticide chemical may remain on the raw agricultural commodity when it is offered for shipment. This has caused significant economic hardship, especially when residue levels are very low. When a farmer does everything they can to prevent drift onto their crop and complies with all organic regulations, but the lack of an EPA tolerance for their specific crop eliminates their ability to continue in the organic market, this imposes an unfair and out-of-date burden.

Substances with no specified EPA tolerances challenge both farmers and certifiers. OFA supports 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 that the NOP or state agencies conduct the investigations and not request farmers to conduct their own testing or provide weather data, etc. which may impose an economic burden or significantly interfere with the organic farmer's work.

OFA requests that the Board research the feasibility of using EPA tolerances for similar crops when there is no EPA tolerance for the unique organic crop being grown. For example, using the wheat tolerance when reviewing kernza®. Not having an EPA-established tolerance has been a significant economic hardship for growers and can stifle innovation and diversity of production. For some unique crops, there are no nonorganic markets; so it's a total loss. OFA requests the NOSB prioritize solutions to this significant issue affecting organic farmers.

Discussion Document: Consistency in Organic Seed Use

OFA is a participant in the OTA organic seed task force and agrees with the points made in their comments.

OFA policy positions on organic seed:

- OFA SUPPORTS dismantling the current concentration and consolidation in the breeding of seed and livestock genetics, to protect farmers' access to reliable crops and livestock adapted to their situations. (Adopted by the farmer membership 2020.)
- OFA SUPPORTS NOP adopting the National Organic Standards Board (NOSB) recommendations on organic seeds and developing a plan to eliminate the use of non-organic seeds in the production of organic crops by 2030. This will require uniform enforcement by Accredited Certifying Agencies (ACAs) of the requirement to use organic seed and adequate oversight of certifiers by USDA. (Adopted by the farmer membership 2020.)
- OFA SUPPORTS amending NOP Rule §205.204(a)(1) to add "and microgreens" after "edible sprouts." (Adopted by the farmer membership 2020.)
- OFA SUPPORTS increased and dedicated funding for organic public seeds and breeds research. (Adopted by the farmer membership 2019.)

Organic agriculture starts with organic seed

There are many reasons to promote organic seed use. Organic seed breeders incorporate characteristics which help the crop thrive when organic methods are used. Such characteristics include better growth response to the type of slow-release fertility inputs found in organic systems, quick emergence to lessen the need for fungicides in cold soil, and quick canopy to reduce weed competition. Organic consumers seek out crops with exceptional nutritional value, and organic seed breeders are well poised to meet this market. In addition, many organic seed sellers verify little to no presence of excluded methods such as GMOs in their seeds. This is not done by nonorganic seed sellers and there have been examples when an organic farmer's crop was rejected at sale and contaminated seed and not genetic drift was determined the culprit. The organic farmer invested time and money into that crop and did everything correctly, but still lost their organic market.

Organic seed farmers are organic farmers

Increasing domestic organic seed production will result in more acres of organic U.S. farmland. Raising and selling organic seed can be a lucrative business, both as a sideline and as the main enterprise. Small and large scale farmers, specialty crop growers, and grain producers can all grow organic seed. Perennial fruits and nuts can also be produced as a sideline or full-time business. While seed growing and breeding can be challenging, dedicated farmers can gain economic value from seed production, and use their expertise to be part of the continuous improvement of organic agriculture serving their regional markets. Trialing organic seed varieties on University experimental farms has led many of these University farms to certify some or all of their land as organic, which has furthered experimentation on organic fertility, crop rotation, weed, disease, and insect management trials, helping both organic and nonorganic growers with low- to no-input options.

Increasing organic seed usage is a sector-wide challenge requiring a system-wide solution

While OFA supports the improvements to the guidance in the NOSB discussion document, we want specific seed search requirements to be applied in a practical way. When a farmer purchases 4 or 5 different seed varieties each year, such as on a grain and forage farm, it is not difficult to show that no equivalent organic variety exists for what they wish to plant. However, some specialty crop growers and organic bedding plant operations may plant hundreds of seed varieties. Requiring a written description of each variety, its characteristics, and documentation that it was not available as organic seed is impractical and an unnecessary burden. The system for tracking equivalent varieties must account for these highly diversified specialty crop growers.

Handlers should support organic seed varieties when they require a certain seed to be planted in order to buy the crop. Many handlers work closely with their recommended seed suppliers, and the handler can request that seed suppliers offer organic seed by transitioning to organic, or use their pool of contracted certified organic growers to grow seed for the grower pool.

Data Collection and a Viable Organic Seed Database

The members of the OTA organic seed task force represent the entire supply chain, from seed breeders and marketers to organic farmers. Requiring more than three seed searches would not improve the situation and would require more data and communication on organic seed availability. The lack of current data on types of crops and varieties available from organic seed, as well as the actual use of organic seed, makes the goal of increasing organic seed use more difficult. Could certifiers share more information on this topic, and are they capturing this information in an easy-to-disseminate format? We do not want to add a significant burden to certifiers, but it would be helpful to know if they currently track information that would help inform the state of organic seed availability and use. The NOSB and the broader organic community need further discussion to address this lack of information on organic seed availability and annual usage.

Taskforce discussions identified the need for 1) a database that can both track availability and offer easy-to-access information for farmers to find acceptable organic seed, 2) certifiers to verify availability, and 3) seed breeders to meet the market need. This type of database has been tried before and did not accomplish these goals as funding, governmental support, and building a platform that works for all entities are all challenges. To quote the OTA's comment, these are the strategic objectives:

- Assessing the database's viability
- Defining governance, housing, and funding needs
- Delivering trusted and time-stamped seed availability data
- Simplifying organic seed sourcing and compliance documentation
- Generating reliable data to guide investment and policy decisions
- Increasing organic seed adoption and reducing unnecessary exemptions

The entire organic community must be engaged in this task. We ask the NOSB and NOP to be part of finding solutions to these challenges.

MATERIALS

Proposal: Induced Mutagenesis

OFA appreciates the difficult work of determining what processes should be considered excluded methods in organic. While it may not be the time to decide under what category induced mutagenesis should be placed when considering organic production, OFA strongly encourages the materials subcommittee to look at other “To Be Determined” processes on the NOSB working list of excluded methods. OFA supports the NOP formally accepting and implementing the National Organic Standards Board’s (NOSB) excluded methods determination and technology framework as well as the continuing work of the NOSB in these determinations. (Adopted by the farmer membership 2020.) Here is the link to the 2019 most current NOSB recommendation on excluded methods:

<https://www.ams.usda.gov/sites/default/files/media/MSExcludedMethodsProposaFall2019.pdf>

The methods used in biotechnology will continue to increase in number, and the NOSB will need to remain engaged in a significant way. The organic community must continue working on this difficult task to remain true to our foundational beliefs and safeguard that biotechnology has no place in organic agriculture.

Discussion Document: Research Priorities

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

Crops: Regional Seed Variety Trials

USDA should support land-grant universities, 1890 Institutions, Hispanic-Serving Institutions and Tribal Colleges, and organic farmer organizations with grants to conduct more trials of organic seed and planting stock. Both farmers and home gardeners would benefit from learning more about the characteristics of organic seeds and planting stock available and adapted to their specific regions. The Southeast U.S. has a limited number of regionally adapted organic seeds and therefore tends to use non-organic seeds at a higher rate than other regions. Prioritizing funding for organic seed research in this region is important.

Crops: Seed Breeding Specifically For Use As Cover Crops

In organic no-till production, 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. Development of an organic, high-biomass and early-maturing variety would aid this organic production system. This issue is addressed explicitly in the current research priority list. In addition, oats, soybeans, peas, fava beans, clovers, vetches, Japanese millet, sorghum sudan, and more are all grown specifically as cover crops, and seed characteristics of these crops could be improved to provide more benefits when used as a cover crop, to enhance the seed available for use as a cash crop.

Crops: Systems Or Plastic Use

OFA has a number of questions regarding the 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

Further research is needed on using paper as a compost feedstock and as mulch that becomes part of the soil. Paper composition has changed significantly since it was first permitted on the National List decades ago. Now, the presence of various polymers, colors, and other synthetics has increased, and tracking their incorporation into paper has become more difficult as the use of recycled paper of unknown origin has greatly increased. PFAS, micro- and nano-plastics, and other pollutants must be carefully monitored, and all necessary precautions taken to prevent their incorporation into organic land.

Thank you for the opportunity to submit comments for your review and consideration. We are always happy to answer any questions Board members may have.

Sincerely,

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

Kate Mendenhall
Executive Director