



National Organic Coalition

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November 3, 2008

Ms. Valerie Frances, Executive Director
National Organic Standards Board
USDA-AMS—TMP-NOP
1400 Independence Avenue, SW
Room 4008-So. Ag Stop 0268
Washington, DC 20250-0268

**RE: Comments to NOSB
AMS-08-0083**

The National Organic Coalition, (NOC) is a national alliance of organizations representing farmers, environmentalists, other organic industry members, and consumers concerned about the integrity of national organic standards. The goal of the coalition is to assure that organic integrity is maintained, that consumers' confidence is preserved and that policies are fair, equitable and encourage diversity of participation and access
NOC thanks the Board for their hard work, and consideration of these and other issues.

I. Certifying Operations with Multiple Production Units, Sites and Facilities

The National Organic Coalition thanks the Certification Accreditation and Compliance Committee (CACC) of the NOSB for its work on revising the proposal from May 2008 to take into account the many comments received. Overall, we believe this is a better proposal than presented last May, especially the sections dealing with organization of producer grower groups.

However, we are troubled by the general language in a number of places that imply that this policy could apply to handlers, retailers or any certified entity. We suggest a number of specific wording changes to make it absolutely clear that this guidance and proposed definitional change only applies to farmer–producer operations. This was a major theme of the great majority of comments previously provided, and it should be made clear at this point in order to limit the application of this policy to farmer-producers. We also support the recent comment from IFOAM, and remind you that the IFOAM General Assembly voted strongly to reject the possibility of the grower group model being applied to handlers at their triennial meeting this past July:

Motion 29.7: "IFOAM, and the World Board, will support, educate and advocate regarding Grower Group Certification in order to obtain recognized and legal status worldwide for small holders, family scale farmers and other small scale process/handlers. If, or when other groups are considered for an ICS system, additional criteria will have to be proposed, discussed and agreed upon by the membership."

The NOSB should strive to present a position in harmony with the international bodies that are also involved in grower group model of certification, such as both IFOAM and the EU. As we have mentioned in previous comments, the existing system of certification works well for oversight of handlers, and the use of Internal Control Systems is not prevented by current application of the regulations. A reduction in inspection protocol for large companies is not warranted or desirable.

We propose the following changes in your text, indicated in strikeout and underline format.

Page 1: Title (and all references to the title within the document)

~~Certifying Operations with Multiple Production Units, Sites and Facilities~~ Producer Groups under the National Organic Program

Page 4: III. Recommendations

The committee recommends that the NOP accept the following **suggested definitions changes** and **prepare guidance materials for ACAs** that describes the implementation of these changes regarding certification of farm or livestock producer operations with multiple production units, sites or facilities. This may require a rule change to Section 205.403 and 205.2 that specifically allow multi-site certification based on a single OSP and functioning ICS.

Page 4: Definitions

Add a definition of "Postharvest Handling" to create a clear distinction between this term and the term "Processing"

"Postharvest handling" means:

Actions taken to preserve quality, reduce damage, and decrease waste of fresh agricultural products in their movement from the grower to a handler or directly to a consumer, including such activities as: field packing, cleaning, grading (for size and quality), trimming, weighing, packing, cooling, transporting, and treating with materials listed for post harvest handling on the National List.

"Production Unit" means:

The portion of an organic operation where agricultural products are produced ~~and/or handled~~, including any sub-units located within geographic proximity. A production unit, including any sub-units located within geographic proximity, operates under the operation's organic system plan, and is managed through an internal control system to ensure compliance with all applicable provisions of the regulations. Each production unit

within a producer group ~~production or handling~~ operation has defined location, practices, management and/or products.

"Sub-unit" means:

A smaller discrete portion of a production unit, such as a field, plot, wild-crop harvest area, ~~or distinct processing area.~~

~~"Site" means:~~

~~The location of management activities for a given production unit. (also delete other instances of the term "site" throughout the document)~~

Page 5, Section A

"Introduction"

For the past 30 years, the organic industry has embraced the concept of people working together to convert more acreage to organic agriculture and create more organic food and products for consumers. One method of people working together has traditionally been called "group certification" or "organic smallholder certification," and is here referred to as "producer group certification." When an operation's activities are carried out in a similar manner at different ~~sites~~, production units, and facilities and when the activities of these component parts are under the control of the operation through a well-executed, single Organic System Plan (OSP), it is possible that ~~proper multi-site~~ inspection may be achievable through risk assessment and sampling rather than through direct observation of every member of the producer group every year.

Page 5, Section B

"Prerequisites for a Producer Group Operation to seek USDA Organic Certification"

The producer group operation composed of production units, sites, or facilities, must be a farm or livestock production operation that is organized as a "person" according to 7 CFR 205.2. The Final Rule defines "person" as "an individual, partnership, corporation, association, cooperative, or other entity."

Page 6 Section C.

Criteria for the clustering of "members" of or "subunits" into a Production Unit

- Use a single ~~post-harvest~~ processing system. On-farm post-harvest procedures may be performed within subunits, this includes the stage of crop production immediately following harvest, including cooling, cleaning, trimming, sorting and packing.

Page 7 Section C.

Criteria for the clustering of 'members' or 'sub-units' into a Production Unit

Likewise, if any member within a production unit processes or consolidates product from more than one member, ~~it~~ this member must be considered a single production unit and must be inspected annually. An upper limit on the number of members or subunits included in a given Production Unit should be based on the feasibility of effective oversight by management personnel and factors such as size and accessibility of the subunits.

Page 8 Section D.1. [17th bullet point in this section]:

Inspection: Sampling and Risk Analysis

- Whether a postharvest handling, handling, or livestock facility of any kind is included

Further NOC comments on Producer Groups:

When the NOSB recommends a change of definitions, and the regulations are changed to reflect NOSB language, they become binding in the regulation. Additional guidance may or may not be issued, and will not have the legal weight that the regulation does. Thus it is important that any change in the definitions stand alone to convey the meaning that NOSB intends. The proposed definitions, especially that of "site", clearly leave a large loophole that could require only the headquarters of a multi-site company to be inspected, when combined with inspection requirements a 205.403.

205.403 says "A certifying agent must conduct an initial on-site inspection of each production unit, facility, and site that produces or handles organic products and that is included in an operation for which certification is requested. .."

II. Implementing and Enforcing Natural Resources and Biodiversity Standard

We encourage the National Organic Standards Board (NOSB) to once again recommend that the USDA's National Organic Program fully address the natural resource and biodiversity standard-§205.200). It was surprising to learn that this is the only standard left out of the USDA checklist that is used to accredit organic certification agencies.

The organic community has had three years since the NOSB unanimously approved the addition of natural resource and biodiversity questions to its guidance on the "Organic Farm Plan" form. The same amount of time has passed since the Wild Farm Alliance distributed handbooks addressing practical implementation of the biodiversity standard in organic production systems and providing information on a myriad of specific conservation practices to all organic certifiers and farmers in the U.S. Since that time, many certifiers have implemented systems for inspecting farmers' practices for natural resource conservation. It's time for the NOP to do its part to ensure that its standards for biodiversity are fully implemented through its accreditation system.

In order for the 205.200 standard to be adopted equitably, the NOP should make a concerted effort toward educating farmers, inspectors, certifiers, and the NOP staff on their roles in

implementing this standard. In addition, NOP must revise its accreditation checklist so that NOP auditors are verifying that certifiers and farmers are actually using the biodiversity standard.

The NOSB's strong past support for biodiversity conservation reflects the long-held understanding of the organic community that the protection of natural resources and biodiversity is a central tenet of organic production practices. Please continue in this spirit by advocating that the National Organic Program implement and enforce the biodiversity and natural resources conservation standard.

We support the more detailed comments and references in the comments of the Wild Farm Alliance.

III. Aquaculture Standards

The National Organic Coalition supports the detailed comments of both the Center for Food Safety and Food and Water Watch regarding the Proposed Aquaculture Standards.

In general, we do not support the recommendations of the Livestock Committee on either recommendation for Net Pens or Fish Feed. The use of up to 25 percent wild fish as feed and open net pens violate the basic principles of organic production, as well as my expectation of what the USDA Organic seal is meant to represent.

Net pens:

The proposed "organic" fish farming of large carnivorous and migratory fish such as salmon in open-water net pens runs contrary to the letter and spirit of organic food production, which is to produce safe, high-quality foods in an environmentally sustainable fashion.

Fish farming in open water net pens cause a number of environmental harms. Containing escapes is known to be impossible and the large numbers of farmed fish already invading our oceans is having a significant and profound impact on the biodiversity among wild fish species.

There are also significant negative health impacts from pollutants and toxins in open water net pen raised fish. Organic foods, whether from plants or animals, are produced under conditions that can be controlled. This cannot be said for fish grown in the open ocean, where they are exposed to and ingest or absorb many types of industrial and agricultural toxins. Producing fish this way may be a driving force in the fish farming market, but that is not enough reason to mislead consumers by applying to it an organic label.

Fish feed:

Wild caught fish should not be certified as organic and should not be used as food for organic fish. Wild fish are not and cannot be certified "organic," nor can they be certified as "organic" feed.

Using forage fish to grow larger fish is not an environmentally friendly farming method and should not be mislabeled or endorsed as "organic." The practice increases pressure on our

ocean's already depleted fisheries. Scientists estimate that producing one pound of farmed fish like salmon requires harvesting more than twice that amount of wild-caught forage fish!

In addition, farmed fish contain much higher levels of environmental contaminants than do wild fish because they are fed a diet that is high in fish oils and fish meal which is primarily obtained from small pelagic fish. There are significant human health risks in consuming toxic environmental contaminants such as these.

If there is to be a meaningful organic standard for aquaculture, NOSB needs to face the reality that some types of fish farming are simply not possible to be made organic because they necessarily require environmentally damaging activities.

IV. Removal of Soy Lecithin

NOC supports the petition of Clarkson Soy Products to remove bleached and fluid lecithin from the National List. This is an excellent example of industry making inroads in developing the organic availability of materials, which then necessitates the removal of a conventional product from use in organic production.

V. Technical Advisory Panels

The National Organic Coalition agrees with specific comments of OMRI and Pennsylvania Certified Organic (PCO) regarding the independent review of petitions by experts on Technical Advisory Panels. We consider outside review by a Technical Advisory Panel to be an essential part of the petition process. In order for NOSB to make an accurate and unbiased assessment of petitioned substances, they must get independent technical information prior to making decisions about materials to go on the National List. In addition, the petitions and the TAP reviews should be posted for the public to reference. "The TAP process is not a substitute for the NOSB's judgment on behalf of the stakeholders that it represents, but helps to make sure that the NOSB makes more informed recommendations." [OMRI]

We also agree with the comments of PCO regarding two proposed materials: ethylene for pears and seaweed derived calcium. The significant issues outlined in these comments underscore the importance of current TAP reviews before these materials are approved for placement on the National List.

Thank you for the opportunity to comment.

Sincerely,

Liana Hoodes (Policy Organizer), on behalf of the
National Organic Coalition:

Beyond Pesticides
Center for Food Safety
Equal Exchange
Food & Water Watch

Maine Organic Farmers and Gardeners Association
Midwest Organic and Sustainable Education Services
National Cooperative Grocers Association
Northeast Organic Dairy Producers Alliance
Northeast Organic Farming Association, Interstate Council
Rural Advancement Foundation International USA
Union of Concerned Scientists