

**Yes on a technical regulatory fix that allows all certified organic operations to withdraw their check-off dollars from supporting conventional agriculture check-off programs**

And

**NO on regulation to support the path to establish a mandatory Organic Federal Research and Promotion Program (ORPP) by making organic one commodity**

And

**Yes to a more inclusive and transparent process of discussion within the full organic community**

We<sup>1</sup> support a technical correction of the law that will allow all operations that produce any agricultural commodity that is certified as “organic” or “100% organic” to be able to exempt their organically certified product from paying into any existing check-off programs.

**A regulatory change in language is all that is needed to stop organic farmers from being unfairly taxed by conventional check-off programs.**

The whole organic community agrees that we need to promote organic agriculture and fund research into organic production practices that will improve the efficiency and sustainability of farmers and ranchers that make the positive choice to become organically certified.

There is also complete agreement within the organic community that we need to promote and support legislative language (technical fix) that will broaden the exemption to allow all organic producers and handlers to opt out of the National Research and Promotion Programs (NRPP). This technical fix will return check-off dollars to organic producers and processors to use as they wish.

If the technical fix is supported by all the organic community, sustainable agricultural organizations and leading retailers it will find the necessary support in Congress to become law either by being an amendment in the 2013 Farm Bill or in an appropriations bill or attached to an omnibus bill. **All groups should work together to promote only the technical fix to Congress while following an inclusive and transparent process, similar to that used with the Organic Action Plan, of discussion within the whole organic community.**

To establish a federally mandated ORPP under USDA jurisdiction one of the first steps that must occur is to have Organic classified as a ‘commodity’. To refer to organic as just another classification as a commodity would be a huge step to the ‘conventionalization’ or ‘mainstreaming’ of our uniquely different certified organic food products. Organic producers believe that the unique and environmentally friendly system of growing Certified Organic food products in a health conscious fashion deserves much better.

We need to continue to distinguish our organically certified products as specialty grains, specialty produce, specialty milk, specialty meats, and specialty kinds of all the other food products we provide for health conscious consumers. Organic producers unanimously agree that we would do well to firmly entrench the idea that we, as Organic producers indeed provide ‘specialty’ products to an alternative food system. Any ORPP we might impose upon ourselves needs to present Organic as a ‘specialty’ as a primary focus of its mission.

**Legislation that would define organic as a commodity is premature and not based on consensus within the organic community.**

**The reality of what an ORPP can do, the chance of success in establishing an ORPP and who governs the disbursement of funds**

- The Secretary of Agriculture has to approve all research and promotion program activities and actions. USDA will not allow organic to promote anything but its production process – organic cannot be shown as being more healthy, better for the environment or any other value judgments that consumers hear about natural products.
- The Supreme Court ruling on what constitutes “government speech” will prevent an ORPP from funding programs which correct disparaging comments about organics.

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<sup>1</sup> Organic Farmers’ Agency for Relationship Marketing (OFARM Inc.), Federation Of Organic Dairy Farmers (FOOD Farmers) umbrella organization for Western Organic Dairy Producers Alliance (WODPA), Midwest Organic Dairy Producers Alliance (MODPA) and Northeast Organic Dairy Producers Alliance (NODPA) for Organic Dairy; Beyond Pesticides (DC); Buckwheat Growers Association of Minnesota (MN); Cornucopia Institute (WI); Food and Water Watch (DC); Hoosier Organic Marketing Education (IN); Kansas Organic Producers Association (KS); Midwest Organic Farmers Cooperative (IL); Montana Organic Producers Cooperative (MT); National Farmers Organization (NFOrganics); Northeast Organic Farming Association of New York, Inc. (NOFA-NY); Northeast Organic Farming Associations Interstate Council (NOFA-IC); Organic Consumers Association (DC and MN); Weston A. Price Foundation; Wisconsin Organic Marketing Alliance (WOMA).

- The Governing Board of an ORPP is appointed by the Secretary of Agriculture, a political appointee and, like appointments to the NOSB, open to political lobbying and manipulation by corporations.
- USDA has veto power over virtually every move, expenditure or decision the Board makes. A USDA representative with veto power sits in on every Board meeting.
- Another group tried to “commoditize” 90 commodities to fit the laws. They failed. It hasn’t been shown what would make organic certified products different and or how an ORPP will succeed when the other group failed.
- The Department of Commerce must assign specific codes to track imports for assessment. There are over 200 codes for conventional dairy alone. The process of assigning codes can take 3-4 years or longer.
- An organic check-off may cause existing organic producers that aren’t currently assessed decide to ditch organic on those crops and go conventional because there is no assessment? (Buckwheat, oats, barley, for example. )

### **Some unanswered basic questions on establishing an ORPP**

- Who is going to write the order and what will the bill be from USDA for doing so? A conservative estimate is \$90-\$150,000 to pay for USDA services in the start-up phase.
- How much will be paid for staffing the order? The National Dairy Board CEO receives a salary of more than.
- What percentage of funds will be used to administrate the program? 4%? 10%, 20%?
- The International Trade Commission gets involved on whether imports can be assessed and how that assessment impacts or possibly restricts free trade. What is their position on an ORPP?
- Who is going to fight the elephants in the room, namely NCBA, National Dairy Board and Pork Producers who will oppose an ORPP as they will lose checkoff dollars?
- Who is going to develop a system whereby large corporations that package and market organic products (like Pepsi), marketers and retailers pay into a program developed for agricultural producers and handlers.

## **Yes to a more inclusive and transparent process of discussion within the full organic community, similar to the model used for the National Organic Action Plan (NOAP)**

When the NOAP project embarked on a five year dialogue process it was designed to ensure that the grassroots must regain and redirect the vision of organic or risk it being compromised by those without the vision or commitment to organic. It was planned to facilitate conversations and debate about people’s visions and ideas for the future of organic with 11 dialogue sessions across the country attended by over 300 people and countless others sending comments via e-mail. Participants were free to raise issues or concerns and heated discussions often ensued as participants envisioned how they would like to see organic food and agriculture grow during the next decade and beyond.

In contrast to the Organic Trade Association approach, we propose that any proposals for funding research and promotion of organic comes from the grassroots so that we all share in its development and take responsibility for facilitating the implementation of any programs. Questions around the goals of promotion and research should not be divorced from the structure of the organizations governing the use of resources. Do we want to fund the promotion of the organic Twinkie or increased land in the US under organic certification? Is there a need to pool resources? Is there benefit in promoting Organic as a generic commodity? Who pays and who controls disbursements? These questions need to be asked in an inclusive and accessible format, with a clear definition of how consensus will be developed.

### **Proposed alternative models for pooling resources that have been suggested by farmers**

**The SARE model** – the Sustainable Agriculture Research and Education (SARE) program is a decentralized competitive grants and education program run by four regions (North Central, Northeast, South and West) each governed by a volunteer Administrative Council that makes grants and sets regional priorities. The councils include farmers and ranchers along with representatives from universities, government, agribusiness and nonprofit organizations.

**Wisconsin Milk Marketing Board** – is a nonprofit organization funded by dairy farmers that promotes the more than 600 varieties, types and styles of Wisconsin cheeses. Representatives are elected by producers by district not appointed.

**Farmers Advocating for Organics (FAFO)** – which uses check-off dollars from CROPP/Organic Valley farmer member-owners to protect and promote the organic marketplace by investing in organic research, education and advocacy. A committee of farmers gives one year grants and demand accountability before more funding is given.

**Individual choices** - individual producers and processors could direct their check-off monies directly to the educational and organic promotion programs initiated by producer and consumer controlled organizations like OFARM, NODPA, WODPA, MODPA, CCOF, NOFA, OFRF and MOSES.

**For more information please go to:** [http://nodpa.com/checkoff\\_opposition.shtml](http://nodpa.com/checkoff_opposition.shtml)