



Northeast Organic Farming Association of Vermont

An organization of farmers, gardeners, and consumers working to promote an economically viable and ecologically sound Vermont food system

Vermont Organic Farmers Comments on NOSB Recommendations

The Organic Foods Production Act of 1990 authorized the Secretary of Agriculture to appoint a 15-member National Organic Standards Board (NOSB). The board's main mission is to assist the Secretary in developing standards for substances to be used in organic production. The NOSB also advises the Secretary on other aspects of implementing the National Organic Program. The NOSB convenes at least two meetings on an annual basis. Vermont Organic Farmers and NOFA-VT work to evaluate the board's recommendations on substances and policy and provide comments that represent our farmer's needs and opinions.

The NOSB's next meeting convenes November 17th-19th. NOFA-VT and VOF send representatives to each meeting to ensure that the voices of Vermont growers are heard. The link below identifies the issues up for discussion at this next meeting. Of significant interest are guidelines for organic seed usage, recommendations for enhancing and verifying biodiversity on organic farms, as well as procedures for adding materials to the National List. VOF's comments to the Board regarding these issues and others are attached below.

[Link to the Meeting Information.](#)

National Organic Standards Board

USDA-AMS—TMP-NOP

Public Comment

NOSB Meeting-November 2008

AMS-AMS-08-0083

Nicole Dehne-**Vermont Organic Farmers LLC**

Vermont Organic Farmers LLC (VOF) is a USDA accredited certifier representing over 500 certified organic farmers and processors. The organization has been certifying producers since 1985 and has been accredited by the USDA since 2002. We appreciate the opportunity to comment on the NOSB's agenda items for the upcoming November meeting.



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Policy Development Committee

Clarification on Sunset Materials

In general, VOF supports this document as it attempts to clarify both for new and old NOSB members the procedural process involving the sunset review process. Included in this document is the specific language from OFPA that creates the requirement for materials to be reviewed every 5 years.

“No exemptions or prohibition in the National list shall be valid unless the National Organic Standards Board has reviewed such exemption or prohibition as provided in this section within 5 years of such exemption or prohibition being adopted and the Secretary has reviewed such exemption or prohibition”.

Essentially this language requires that anything added or prohibited from the list must be reviewed every five years. In no way does this language exclude annotations from being reviewed or amended during the sunset process. Substances added to or prohibited from the National List should be reviewed during the sunset process exactly as they have been included in the NOP Rule.

Why limit the authority of the NOSB board to do a detailed review of materials that are sunseting? If a material was added to the list with an annotation, it is logical and efficient to review this material while also reviewing the context in which it was allowed. There is no reason to ask for the public to separately petition the allowance or removal of an annotation. It creates more work both for the board and for the public. In addition, there are instances in the rule where annotations desperately need revisions. Take chlorine for example. The original NOSB recommended annotation for chlorine was written incorrectly in the final rule. Critical words were left out that now make the annotation confusing. Why shouldn't the NOSB correct this mistake during the sunset process of this particular material? VOF strongly recommends that the NOSB reconsider the interpretation that annotations cannot be voted on during the sunset process. This interpretation complicates how the board reviews sunseting materials and ultimately encumbers the board's ability to do a thorough review.

Procedures to Handle Technical Reviews

We have several concerns about recommendations of the Joint Materials and Policy Development Committees related to “Procedures for Handling Technical Reviews”. The Committees recommend that Technical Advisory Panels convened to conduct Technical Reviews of petitioned materials may, in some cases, and at the discretion of the Materials Committee, be comprised of a subcommittee of the NOSB instead of a third party of outside recognized experts, as is the established practice.

We believe this change would be contrary to the intent of the OFPA, which states that: “The Board shall convene technical advisory panels to provide scientific evaluation of the materials considered for inclusion in the National List. Such panels may include experts in agronomy, entomology, health sciences and other relevant disciplines.”

A common-sense interpretation of this language is that TAPs are intended to provide the Board with independent and expert information about all petitioned materials under consideration. Indeed, the Committees’ proposed definition of a TAP affirms that it is “a group of third party experts”, but then concludes that “[a] subcommittee of the NOSB may comprise a TAP”. In our view, there is a significant risk that such subcommittees would be viewed by many, with some justification, as perhaps other than independent, third parties. As a result the objectivity of their work would be questioned.

Second, we think there is a risk that members of the Materials Committee, now or in future years, may not have the expertise to fully comprehend the nature and range of possible human, environmental and industrial impacts for every petitioned material subject to technical review. Without this expertise judgments by the Committee as to whether the Board can “reasonably research any pending technical information” may be in error and decisions to conduct Technical Reviews “in house “ or to convene an outside panel of recognized experts may be flawed. The quality and completeness of some Technical Reviews could be affected. And this risk would be compounded by creating new and time-consuming technical review duties for already overworked Board members.

Last, we wonder why this recommendation is being made. If funds are inadequate to conduct third-party, expert reviews in a timely manner for all materials then it must be priority of the Program and everyone to insure that they are made available. The credibility and acceptance of USDA Certified Organic products in the marketplace requires that Technical Reviews be conducted in the most objective and complete manner possible. For this reason, we urge the Board to continue the current practice of convening outside, third party TAP's to conduct all technical reviews.

Compliance, Accreditation & Certification Committee

Certifying operations with Multiple Production Units, Sites & Facilities

We would like to thank the committee for revising this document to incorporate past public comments that supported the allowing the certification of cooperative grower groups as one operation. It is important to allow this exemption only for growers and not for retailers and processors. VOF would suggest some language changes in the document to prevent any confusion that suggests that retailers and handlers are included in this allowance. We would also suggest that the committee clarify that growers that do post harvest handling would not be defined as processors and therefore excluded from grower group eligibility. For example, in the case of a coffee farmer that uses a manual dehusker to separate the beans from their husk.

Joint Crops & Compliance, Accreditation & Certification Committee

Commercial Availability Guidance Regarding the Sourcing of Organic Seed

The crops committee has made some thoughtful revisions in response to past public comments drastically improving the guidance document on commercial availability of organic seed. VOF would like to reiterate our agreement with the committee in regards to the importance of requiring that farmers use organic seed and planting stock. However there were two things in the document that should be revised.

- 1) It is important to determine the percentage of organic seed and planting stock used by certified growers on an annual basis. However, it should be left up to the certifier in regards to how they decide to calculate percentage. In Vermont, many of our vegetable growers farm less than 5 acres and specialize in providing customers with a multitude of varieties of

produce. For example, a grower may plant two 100 ft rows of non-organic and organic carrot seed. Asking this producer to calculate the percentage of organic seed usage on an acreage basis is an unnecessary burden. Currently, VOF requires that growers provide us with a copy of their seed and planting stock lists which identify which varieties are organic. We then use this list to determine a percentage of organic seed usage. If producers use less than 25% organic seed and planting stock, our inspectors audit the farmer lists to see if some varieties could have been sourced organically. This system works well for us and our growers. VOF would strongly recommend that the committee revise their document to allow for different ways to determine organic seed usage. The success of the individual systems used by certifiers can be determined during the accreditation audits.

2) VOF also disagrees with the requirement that growers and certifiers must evaluate the justification for use of non-organic seed and planting stock for each individual variety. If this was not the intent of the committee, then it should be clarified in the document. It would be an unnecessary burden for our growers that plant upwards of 500 different varieties to document their justification for each non-organic variety of seed and planting stock. The overall objective can be assessed by discussing the grower's justifications for using non-organic seed and planting stock as a whole and is not more effective when evaluating each individual seed and planting stock purchase.

Biodiversity

The Board has received many comments pertaining to the long overdue development, implementation and enforcement of a comprehensive and credible biodiversity standard by the NOP. We agree with and strongly endorse the comments on this subject made by the National Organic Coalition, Wild Farm Alliance and many other groups and individuals. We urge the NOP to move forward promptly in developing specific and practical guidelines that are appropriate for varied scales of operation, regions and ecosystems.

Millions of consumers are knowledgeable about the ethical and environmental implications of their food choices and now seek out products that align with these values. This is something that organic farmers and advocates of responsible food production practices have worked hard to foster over many years. As a result, eco-labeling of food products in the

marketplace has grown significantly. This represents an important marketing opportunity for USDA Certified Organic products and the success of certified organic farmers and processors. But this opportunity will only be realized if the NOP moves forward promptly with the development and implementation a credible biodiversity standard.

Livestock Committee

Animal Husbandry

We appreciate the Board's ongoing consideration of the need for more comprehensive and specific animal welfare and animal husbandry standards. As we have stated in the past, and as we all know, millions of consumers are rightfully concerned about the treatment and welfare of livestock in modern agriculture and look for products bearing one of several "certified humane" labels now in the marketplace. Among other things, this very positive trend represents another important marketing opportunity for organic livestock producers. We believe that the USDA Certified Organic label should clearly and unambiguously represent the highest standard of humane animal care. For this reason, we once again strongly urge the Board to form an Animal Welfare Task Force to work with organic producers and others in developing recommendations for workable and credible animal welfare standards.

Origin of Livestock

With respect to Origin of Livestock, VOF would like to encourage the National Organic Program (NOP) to clarify the existing regulations so that they formally require that the transition of conventional animals is a one time per operation exemption and that once certified, operations must raise animals organic from the last third of gestation. However, we also ask the NOP to consider language that will not prohibit the sale of transitioned animals between certified dairy operations.