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Chief Standards Development and Review Branch  
National Organic Program  
Transportation and Marketing Programs  
USDA-AMS-TMP-NOP  
1400 Independence Avenue, SW  
Room 4008 South, Ag Stop 0268  
Washington, DC 20250

Re: Docket Number AMS-TM-09-0014

Oregon Tilth Certified Organic (OTCO) is a nonprofit research and education membership organization dedicated to biologically sound and socially equitable agriculture. Oregon Tilth offers educational events throughout the state of Oregon and provides organic certification services to organic growers, processors, and handlers internationally. An NOP accredited certifier since 2002, OTCO currently certifies 660 farms and ranches in over 35 states, affording us a broad perspective of current practices and challenges faced by organic producers, as well as the effect that the anticipated successes and challenges of this recommendation will have upon them.

OTCO has reviewed the recommendation for increased biodiversity requirements within the organic regulation. Oregon Tilth is supportive of natural conservation and biodiversity on farms and ranches. Oregon Tilth works to encourage increased conservation methods through requesting information in Organic System Plans, reporting on the status and progress at inspection, and offering resources and other programs that encourage conservation practices. We feel that biodiversity is currently being addressed and monitored through the tools listed above.

Biodiversity and conservation practices are beneficial to all environments, however the way that they are implemented or appropriate are as unique and diverse as the lands and habitats themselves. Therefore, it is difficult to put regulations in place to judge, quantify, or force implementation of. If changes are to be made to the regulation, it is recommended that they be as clear and concise as possible, thereby hopefully providing more guidance and easier enforcement instead of providing vague requirements that are subject to interpretations and do not recognize situational and regional uniqueness. If regulation language is set in general terms but demands specific results or methods, the results often get lost in misinterpretations, harsh enforcements, economic burdens, and unnecessary restrictions.

Oregon Tilth encourages each organic production system to continue to improve biodiversity, natural conservation, and natural habitats by including this information as part of their Organic System Plan. However,

we feel that those requirements are already a part of the regulation and being acted upon, as referenced in the very definition of organic production. The foundation has been laid, and it will be up to accredited certifiers working with their certified organic producers and collaborating with other agencies to continue to build upon that. For instance, we reference the following sections of CFR 7 205-National Organic Program:

§205.2 Terms Defined: “Organic production. A production system that is managed in accordance with the Act and regulations in this part to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.”

§205.200: “Production practices implemented in accordance with this subpart must maintain or improve the natural resources of the operation, including soil and water quality.”

§205.203: “The producer must select and implement tillage and cultivation practices that maintain or improve the physical, chemical, and biological condition of soil and minimize soil erosion.”

§205.205: “The producer must implement a crop rotation including but not limited to sod, cover crops, green manure crops, and catch crops that provide the following functions that are applicable to the operation: (a) Maintain or improve soil organic matter content; (b) Provide for pest management in annual and perennial crops; (c) Manage deficient or excess plant nutrients; and (d) Provide erosion control.”

§205.206: “The producer must use management practices to prevent crop pests, weeds, and diseases including but not limited to: (2) Development of habitat for natural enemies of pests;”

These sections are supported in the preamble by the following:

#### Production & Handling:

(4) Conservation of Biodiversity. Many commenters recommended amending the definition of organic production to include the requirement that an organic production system must promote or enhance biological diversity (biodiversity). Commenters stated that the definitions for organic production developed by the NOSB and the Codex Commission include this requirement. We agree with these commenters and have amended the definition of organic production to require that a producer must conserve biodiversity on his or her operation. The use of "conserve" establishes that the producer must initiate practices to support biodiversity and avoid, to the extent practicable, any activities that would diminish it. Compliance with the requirement to conserve biodiversity requires that a producer incorporate practices in his or her organic system plan that are beneficial to biodiversity on his or her operation.

The accomplishments and progress should also be recognized of the many federal and local agencies that already work with agriculturists daily to improve environments and habitats and to guide conservation practices. It is recommended that producers continue to work with those agencies, trained in conservation practices, and utilize funding and programs already established for conservation purposes. The cooperation of all parties is leading to improvements across our country in many types of environments.