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October 11, 2017

Ms. Michelle Arsenault, Advisory Committee Specialist  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Ave. SW.  
Room 2642-S, Mail Stop 0268  
Washington, DC 20250-0268

RE: Docket: AMS-NOP-17-0024

**Certification, Accreditation, and Compliance Subcommittee – Eliminating the Incentive to Convert Native Ecosystems to Organic Production (Proposal)**

Dear Ms. Arsenault:

Oregon Tilth thanks the Certification, Accreditation, and Compliance Subcommittee's (CACS) for their extensive work on natural resource conservation. We appreciate the opportunity to provide comment on this proposal.

This proposal is a good step forward in eliminating the incentive to convert native ecosystems to organic production. Oregon Tilth supports the intent to promote the transition of conventional acreage over that of native ecosystems. We support the goal of establishing new language to ensure that native ecosystems are not favored for new organic acreage. We recommend considering a shorter "wait-period," establishing further guidance to clarify verification requirements and definitions, and waiving the requirement for previously acquired land. We are also offering additional considerations related to the Conservation Reserve Program (CRP) and respond to the question posed in the proposal.

*Consider the "wait period" length*

Oregon Tilth appreciates the Subcommittee's consideration of the wait period and recognizes the importance of instituting a sufficient barrier to converting native ecosystems to ensure the incentive is significantly reduced. We believe that a five-year "wait-period" serves as sufficient disincentive for the large majority of crops. The 10-year wait period is based on a handful of perennial systems that take that a long time to mature. In most cases, there is likely little incentive for converting native ecosystems over conventional agricultural land, since most perennials would not bear a saleable crop until after the three year transition period from conventional to organic. In regions where native ecosystems are being converted for perennial production, this is likely occurring due to lack of arable land, not just land that is immediately eligible for organic production. We ask the Subcommittee to consider a five-year "wait period" that would serve the same purpose and be sufficient for annual crops.

*Verification concerns*

As highlighted by the Subcommittee in its discussion, a number of methods are potentially available for verifying compliance. Oregon Tilth's initial assessment of these tools shows that they may prove useful for most growers. The NOP must clarify what satisfies verification in order for an operation to be in compliance. Clarification on what constitutes a disinterested party will also be required.

It is important to note that accessibility of aerial images will rely on access to and cultural adoption of internet and computers, and for operators that do not have easy access to online information, this burden may fall to the certifier to collect and verify this information. In addition, availability of aerial imagery varies significantly around the globe. While it appears Google Earth catalogues images across the US—going back at least 10 years—image quality is progressively poorer and inconsistent for older recorded images. This also supports a five-year “wait period” to more universally ensure quality aerial photos are available for assessing compliance.

Oregon Tilth supports the submission of affidavits from disinterested parties as an alternative form of verification. It is critical that producers who do not utilize computers or have access to USDA imagery have an alternative verification method available to them. We have found that getting verification of management practices from land managers for even a three-year period can be incredibly difficult for some land parcels, let alone for 10 years. Expanding the acceptance of affidavits beyond those in custody of the land to include disinterested parties is a critical alternative.

#### *Develop clear guidance and definitions*

The suggested language in this proposal would require certified operators to verify that land has been converted from a ‘native ecosystem’ at least ten years prior to organic certification. In order for ACAs to assess conversion from ‘native ecosystems,’ that term must be clearly defined. As stated above, further guidance will also be required for ACAs to clearly understand how to verify this “wait-period” has occurred.

Oregon Tilth would like to express our support and agreement with Wild Farm Alliance’s proposed changes #2, #3, and #4:

- **Grazed or cultivated.** Suggestion for §205.200: Delete “grazed or cultivated.” Prior land uses, some of which may have occurred over 100 years ago, can be difficult or impossible to detect. The inclusion of these words in the standard will therefore lead to confusion and disagreement.
- **Date of conversion to crop or livestock production.** Suggestion for §205.200: Date of conversion should not be tied to “crop or livestock production.” The issue is when the land was converted **from** a native ecosystem, not when it is converted **to** agricultural production.
- **Crop or livestock production.** Suggestion for §205.200: Delete “crop or livestock” and just say “organic production.” While conversion will predominately be to crops and livestock production, this rule should not omit other types of operations.

#### *Implementation Period*

In order to fairly implement this rule, Oregon Tilth suggests that any land **acquired** before the publication of this new regulatory language should not be required to meet the “wait-period.” Land previously acquired with the intention of organic production should not be subject to new eligibility requirements.

#### *Economic impact*

In response to the NOSB’s question Oregon Tilth is unable to offer any useful data. All newly certified parcels would have been required to provide additional verification. We do not have data to know how many farm operations have certified land that would have not met the proposed new language.

#### *Conservation Reserve Program (CRP) considerations*

Oregon Tilth believes it is important to note that this proposal in no way addresses organic certification eligibility for acreage coming out of CRP. Under existing land history requirements, CRP acreage is immediately eligible for organic status because no inputs have been applied for the duration of the CRP contract (typically 10-15 years). Thus, some people within the organic community have identified acreage coming out of CRP as a prime opportunity to increase domestic certified organic acreage without completing the three-year transition period. Based on Oregon Tilth’s ongoing national partnership with the USDA Natural Resources Conservation Service, we want to express reservations regarding this land being targeted for organic production. By the program’s design, a parcel’s enrollment in CRP recognizes its conservation value and ecosystem services, and possibly also recognizes that the acreage was never well-suited for commercial crop production in the first place. CRP lands are usually marginally productive and their recent

land history sets farmers up with additional challenges they might not otherwise face if transitioning conventionally managed productive land, such as significant accumulation of weed seeds in the soil. While we don't recommend any specific regulatory changes regarding this issue, Oregon Tilth urges the organic community to practice restraint and thoughtful, site-specific evaluation prior to encouraging the conversion of acreage coming out of CRP into commercial organic crop production.

Oregon Tilth thanks the National Organic Standards Board for the opportunity to comment, and for your commitment to furthering the growth and integrity of organic food and agriculture.

Respectfully submitted,  
Oregon Tilth

*Oregon Tilth is a leading certifier, educator and advocate for organic agriculture and products since 1974. Our mission to make our food system and agriculture biologically sound and socially equitable requires us to find practical ways to tackle big challenges. We advance this mission to balance the needs of people and planet through focus on core areas of certification, conservation, public health, policy and the marketplace.*