



2525 SE 3rd Street | Corvallis, OR 97333 | www.tilth.org | PH 503.378.0690 | FX 541.753.4924 | organic@tilth.org

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

RE: Docket: AMS-NOP-17-0057

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

Dear Ms. Arsenault,

Oregon Tilth thanks and supports the Certification, Accreditation, and Compliance Subcommittee (CACS) for its continued work on natural resource, biodiversity, and native ecosystem conservation. We appreciate the efforts made to incorporate feedback received at the previous meeting and are pleased to comment on this proposal.

The proposal incorporates many suggestions made by numerous certified operations and accredited certification agencies (ACAs), including Oregon Tilth, on the version presented in Fall 2017. In particular, we support the revised definition of “Native Ecosystem,” and the edits made to the proposed language for §205.200(a). These changes provide much-needed clarity to facilitate appropriate assessment of land requested for certification.

Previous recommendations not addressed

The proposal does not include our recommendations to shorten the waiting period to five years and waive the requirement for land acquired before the implementation of this rule. We maintain that a five year waiting period would be sufficient to meet the objectives of this proposal, and we are concerned that operators will be unable to collect sufficient land history records for 10 years. We encourage the subcommittee to consider incorporating the waiver for land acquired prior to implementation of the rule as an amendment to the proposal. It would avoid placing an undue burden on operations that have already purchased land in good faith and are in the process of transitioning it to organic production.

Additional guidance requested

We also anticipate that additional guidance from the NOP will be critical to ensure consistent implementation of the new regulation by ACAs, and to ensure that operators have a clear understanding of the requirements.

Guidance should include:

1. what information ACAs should request in Organic System Plans (OSPs) to assess this new requirement;
 2. what types of verification are acceptable; and
 3. how to accurately review verification information to determine whether a native ecosystem is/has been present in the last 10 years on land requested for certification.
- ❖ *Gathering information in the OSP:* The discussion section of this proposal included many suggested OSP questions that ACAs could use to gather information from operators on whether their land contains or has contained a native ecosystem within the last 10 years. Oregon Tilth agrees that having guidance on what information to gather in the OSP will be helpful in aligning ACAs' assessment of new land against this requirement. While we recognize that the examples given in this proposal are just a starting point, there are some points within the questions presented which conflict with the current rule and could lead to confusion. For example, the question that asks about "intentional burning" doesn't take into account the allowance at §205.203(e)(2) for burning as a means of disease suppression or for stimulating seed germination. Oregon Tilth encourages the NOSB to make it clear during their discussion of this proposal that these questions are just a starting point for developing guidance on this topic, and that additional work will be needed to provide harmonized and comprehensive guidance.
- ❖ *Allowable verification methods:* Oregon Tilth previously expressed concern about some of the logistics of verifying the presence of native ecosystems over a 10 year period. This proposal reinforces that ecosystem surveys and aerial photographs are available for the vast majority of the United States (and internationally) through various agencies and online databases. For operations without access to computers or the Internet, the burden of collecting verification information on native ecosystems will most likely fall on the certifier unless there are sufficient non-digital resources available for the operation's geographic location. Therefore it will be critical for the NOP to provide a comprehensive list of resources where operations and ACAs can access verification information. Oregon Tilth specifically requests guidance on ecosystem verification resources for areas outside the US, such as Mexico and Latin America, where we certify a significant number of operations to the NOP standards; it appears that verification resources for these regions are not as straightforward as what is available for the US and specific guidance will be necessary for operators and certifiers to effectively access and use what tools do exist. Oregon Tilth encourages the NOP to include an allowance for affidavits from disinterested parties as a form of more accessible verification for operators who do not have online access for obtaining other methods of verification.
- ❖ *Review of verification information:* Over the course of the discussion of this topic, and the conversation around the Natural Resources and Biodiversity Conservation Guidance released in 2016, we have repeatedly noted that ACAs are not well-versed in the assessment of natural resources or native ecosystems. Any NOP guidance on this topic will need to include direction for certifiers in reviewing verification information. Some methods of verification may make it readily apparent whether or not native ecosystems are or have been established in the last 10 years, while others may require additional review against a set of criteria to make a determination. We support the comments presented by Wild Farm Alliance on utilizing the four categories of vegetation to assist in reviewing aerial photographs for types of ecosystems present on the land, and encourage NOP to incorporate such criteria, along with examples of how they can be effectively utilized, into guidance.

Oregon Tilth thanks the National Organic Standards Board for the opportunity to provide feedback, and we look forward to working alongside others in the organic community in developing robust guidance on this topic for ACAs and certified operations.

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.