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National Organic Standards Board
USDA-AMS-TMP-NOP
1400 Independence Ave., SW.,
Room 2646-So., Mail Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-11-0081; NOP-11-15

Re: Proposed Recommendation Evaluation of Materials Review Organizations

Oregon Tilth agrees that the consistency and integrity of material review decisions is of paramount importance and that there are very specific challenges regarding the approval of materials by third-party reviewers and ACAs. There were very specific statements that we as a certification agency agree with and some concerns that were identified as the document was reviewed.

- We agree that membership on a list should never be a requirement for use of an input on an organic operation.
- We agree that MRO's should have oversight by an agency and that additional accreditation by the NOP can serve this need well.
- We agree that there is confusion about post-harvest handling materials and when they should fall under the Crops or Handling section.

Discussion:

We agree that membership on a list should never be a requirement for use of an input on an organic operation. As stated in the Recommendation, Oregon Tilth sees many products that are regionally-based. We also regularly see products formulated for individual farms based on site-specific soil analysis and prescribed crop nutrient needs for that growing season. Due to the regional focus and/or producer-specificity of these customized products, it doesn't make sense for the manufacturers to submit them for review for inclusion on a published MRO list with a national and geographically diverse audience. As another example of various input materials we regularly review, Oregon Tilth sees some products that are not reviewed and listed by third parties, but are specifically identified as "Approved for use by organic operations."

We agree that there is confusion about post-harvest handling materials and when they should fall under the Crops or Handling section. Recent sunset material evaluations have brought this issue to the forefront and it would be beneficial to provide consistent guidance to certifiers.

Oregon Tilth has also identified some concerns with this Recommendation as listed below:

- Fee Requirements and Costs of Doing Business in the “Age of Enforcement”
- NOP Real Time Reporting and Organization of a National Materials List
- Generic List vs. Brand Name Materials list may be confusing to Producers.

Discussion:

Fee Requirements and Costs of Doing Business in the “Age of Enforcement”: At this time Oregon Tilth does not charge our clients for the review of input materials. The Recommendation states that Material Review programs should be financed in part by those input manufacturers seeking review. There is no practical way to charge input manufacturers for review services if they do not seek membership on an approved materials listing. In actuality, all input review services will ultimately be charged to the organic operations in some way due to the nature of the requests (i.e. the operations wanting to use the product). It will be unfair to charge one operation for the initial review of a material, and allow others to use the product after it has been approved without the cost. The cost to run such a program, both from an accreditation scope perspective and costs of managing the program i.e. public listing, data management etc would all be passed on to the organic operations in some way.

We would like the National Organic Program and the National Organic Standards Board to carefully consider the additional costs that have been and will be passed to clients. The recent pasture rule changes have required additional Inspection time, and the residue testing requirements costs will be reflected in increased certification costs to organic operations. We do not want to make Organic certification cost prohibitive, in particular for small- and mid-sized operations who have found the opportunity for economic viability in the organic sector.

NOP Real Time Reporting and Organization of a National Materials List. It goes without saying that real time reporting will be difficult and time consuming for the National Organic Program (NOP) and Material Review Organizations (MRO). Oregon Tilth reviews thousands of products each year, some of which are listed by well-established MROs like OMRI and WSDA, and others which our certification staff must independently review to evaluate compliance. Therefore, any process established for notifying the NOP of approved materials must be simple and efficient. Additionally any removals of products would need to be constantly managed and communicated throughout the supply chain.

Generic List vs. Brand Name Materials list may be confusing to Producers. Oregon Tilth has found that the generic material list, while very helpful, is sometimes confusing for organic operations. We have received correspondence that infers products are allowed because their active ingredients are allowed. For example, a client may think that copper is approved because it is on the generic materials list, while in actuality all of the inert materials must be reviewed for compliance prior to use.

A National Brand Name Materials List may also imply that clients do not need to notify their Certifier prior to the use of new materials. The tendency for operators to view a material's listing on a National List as sufficient compliance verification (thereby bypassing ACA notification) will be especially strong if there are costs associated with adding Products to the Organic System Plan.

Summary: We strongly support the majority of this recommendation and find that the oversight of MRO's and ACA's doing material reviews is of great importance to the organic industry. Consistency and transparency as to the allowance of materials in organic production is critical and this recommendation addresses many of the issues. However, we offer the above discussion regarding increased fees, confusion regarding generic lists and challenges in achieving real time reporting as important points of consideration by the NOP and NOSB. In our view, they represent challenges that will be forthcoming upon finalization and implementation of specific components in this recommendation.

Respectfully submitted,

Oregon Tilth, Inc.

Oregon Tilth, Inc. is a non-profit 501(c)(3) organization that supports and promotes 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, Oregon Tilth currently certifies over 650 farms and ranches and over 600 handlers in more than 35 states affording us a broad perspective of current practices and challenges faced by organic producers and handlers.