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September 30, 2024

Ms. Michelle Arsenault, Advisory Committee Specialist
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave. SW.,
Room 2648-S, Mail Stop 0268
Washington, DC 20250-0268

RE: Docket: AMS-NOP-24-0023

Dear Ms. Arsenault:

Oregon Tilth thanks you for the opportunity to provide comments to the NOSB. We appreciate the work of the NOSB and its subcommittees and are grateful to have an opportunity to provide feedback. As always, Oregon Tilth supports the NOSB's work to improve and refine the organic system and its processes. We believe that collaborative actions that support and promote continuous improvement will result in a more robust, consistent, and beneficial system.

Livestock Subcommittee

Proposal: Meloxicam - petition

Oregon Tilth supports the addition of Meloxicam to the National List. We appreciate the research the NOSB has conducted which clearly outlines the potential positive effects and limited drawbacks of this healthcare input for certified organic livestock production. Providing another source of pain relief in the form of an NSAID for all organic livestock, and dairy cattle in particular, supports increased animal welfare by aiding in animal recovery from an illness or injury. Currently available remedies, such as aspirin, have a limited duration of effectiveness and there are few health care inputs with longer efficacy. Adding Meloxicam as an approved organic input to the National List will benefit organic livestock and producers with faster recovery and increased well-being and is consistent with other international standards.

Proposal: Annotation Change - DL Methionine

Oregon Tilth supports the removal of the annotation for DL-Methionine. Allowing poultry producers to have flexibility in the amounts of DL-Methionine added to their ration will have a positive effect on bird health. Additionally, removing the annotation on DL-Methionine will



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lessen an unnecessary recordkeeping burden on organic poultry, certifiers, and inspectors. For example, inspectors evaluating a smaller producer with a mixed flock (layers, broilers, and turkeys) currently must calculate the various rations fed over time for each species to confirm the content of DL-Methionine. Similarly, producers buying retail bagged certified organic poultry feed are currently tasked with comparing DL-Methionine rates as a component of those feeds to determine which is suitable for their operation and the stage of life of the birds. Reducing these burdens by removing the annotation on calculating pounds per ton fed over the life of the bird and flock will aid the organic industry while still maintaining organic integrity.

Compliance, Accreditation, & Certification Subcommittee (CACs)

Discussion: Residue Testing for a Global Supply Chain

Residue testing is clearly an essential tool for ensuring compliance with organic regulations. While residue testing is not a substitute for the certification process and verification of compliance through an organic system plan review and annual inspection, it can support the process with objective results related to the presence of prohibited substances or the use of excluded methods. Oregon Tilth supports continuous improvement in residue testing to ensure integrity and thanks the NOSB for their continued work on this topic.

Residue testing is an exceedingly complex topic that is influenced by a myriad of factors including half-life of chemicals, weather patterns, crop type, geographic location and more. Residue investigations are rarely straightforward, often involving cross-certifier collaboration. Certifiers would benefit from robust guidance documents and training that applies to complex situations to ensure organic integrity is maintained. Due to limitations on capacity and the cost of testing, this tool should be used as part of a risk-based approach to organic certification.

As the organic sector has grown, unique challenges have arisen when utilizing NOP 2613 (Responding to Results). Some specific challenges include testing a processed product with no EPA tolerance level, testing multiple samples of a single lot with conflicting results, testing a processed product such as essential oils, and assessing compliance related to residues not outlined in NOP 2611-1. Developing industry wide guidelines would enable certifiers to achieve more consistency in residue testing with regards to collecting information and interpreting results.



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Discussion: Overview of Risk-based Oversight and Risk Assessment of Certified Operations

Questions to stakeholders:

1. How does your organization define risk?

The Strengthening Organic Enforcement (SOE) final rule mandates that certifiers evaluate and identify high-risk operations and products. Due to SOE, as well as the continued pressure on staffing resources within the organic certification community, risk-based oversight and the evaluation of risk are becoming increasingly central in organizational strategies. Oregon Tilth supports a risk-based approach and believes we should continue to enhance and refine this strategy.

We base our risk assessment on specific circumstances that could negatively impact the organic integrity of an operation. Examples of factors we consider when designating different risk levels include product type, operation size, split/parallel production, import of ingredients, and production practices. Oregon Tilth uses risk analysis by reviewing these assessments to guide the appropriate follow-up actions. Operations are designated as low risk, low-to-medium risk, or high risk during the assessment. This process is integrated into the certification workflow and completed by Certification Staff during the final review of all operations.

This method allows Oregon Tilth to proactively address potential risks and ensure compliance with accreditation requirements. Our risk-based policies and procedures help shape organizational strategies and annual work plans, while maximizing resources and streamlining processes.

a. Would it be valuable for the definitions listed above (Risk-based oversight, Risk management, Risk, Vulnerability) to be included at §205.2 Terms Defined?

Defining these terms could be helpful a tool for certifying agencies when developing their own risk assessments. Having definitions, as long as they aren't prescriptive with regulation guidance, can ensure everyone is using consistent terminology.

b. Are there other definitions that would be beneficial to include at §205.2 Terms Defined besides those listed above? Is it important that all certifiers use the same risk criteria to evaluate certifier operations? Why or why not?

While some guidelines from the NOP could help establish consistency across certification agencies, it does not seem necessary at this time for all certifiers to use the same risk criteria to evaluate operations. Certification agencies and certified operations vary, and not all have the



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same business models or client base. It is important that all certifiers use risk criteria to evaluate operations, but requiring uniform criteria across the board could possibly have unintended detrimental effects within the industry.

2. What other resources (e.g. trainings, models, certifications/credentialing program) are currently available that would help an organization become more proficient at risk-based oversight and/or risk evaluation?

As mentioned in the NOSB Risk-based Certification Discussion Document, there are several resources available on the topic of risk-based oversight. These include the preamble to the SOE Final Rule, various ACA Best Practice documents and courses available in the Organic Integrity Learning Center (OILC) related to risk. Oregon Tilth staff utilize these resources in conjunction with decision-making processes related to risk assessment.

3. What are the unintended consequences that could arise from using a risk-based oversight approach?

Overburdening small operations with excessive oversight could occur if a complex risk-based approach, better suited for large, complex, high-risk operations, is used. Such high levels of oversight can increase the cost of certification and may lead to smaller operations leaving certification. Oregon Tilth utilizes risk assessment tools to focus enhanced oversight on operations that pose the greatest risk to organic integrity. Additionally, Oregon Tilth continually reevaluates its criteria, policies, and procedures regarding risk.

4. What other ways are there to reduce burdens on low-risk operations?

Consider establishing a system that incorporates remote audits for low-risk operations. Additionally, other methods to reduce the burden on low-risk and possibly smaller operations could include simplifying recordkeeping requirements or conducting fewer audit trail and mass balance exercises during inspections. Adjusting inspection models, similar to NOP's approach of regular versus mid-term accreditation audits, could also be considered. This could adjust the focus of each inspection based on an operation's history of non-compliances and assessed risk. By tailoring the certification process to the specific needs of each operation, certifying agencies can alleviate the burden on smaller and less complex businesses, promoting greater participation in the organic market.



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Discussion Document: Consistency in Organic Seed Use

Questions to stakeholders:

1. Is there still support for the 2018 and 2019 recommendations?

Oregon Tilth supports NOSB's efforts to increase the amount and variety of organic seed that is commercially available and to support continuous improvement of this portion of the organic regulations. We are supportive of previous work to encourage an increase in the percentage of organic seed used over time as well as using demonstration trials of organic and non-organic seed varieties for comparison. Strengthening the requirements of a documented organic seed search may push the industry forward in increasing availability of organic seed.

4. Are there some crops for which organic seed is available? Are there any crops for which lack of organic seed supply is notable?

We have seen that many vegetable seeds, including hybrids, are available in organic form. For example, organic garlic seed has become increasingly available over time. This may be due to the relatively high cost of garlic as a commodity and relatively low production cost. Many certified organic growers also choose to save their own seed stock as new seed can be relatively expensive.

Unfortunately, many varieties of organic vegetable seeds lack key characteristics sought by growers such as disease resistance, weed competition, bunching size, fertility demands, shelf life, and flavor. Growers often cite these reasons as the rationale for selecting the conventional counterpart of a particular vegetable variety.

Many commodity crops such as barley, corn, wheat, and alfalfa are not as widely available as organic. Requirements for other seed certifications (such as certified potato seed) also create hurdles for increased use of organic seed. In some instances, pest and disease issues in these seed stocks interrupt the organic seed supply.

7. What additional information do certifiers and inspectors need to effectively enforce the commercial availability requirement (i.e. how would a certifier or inspector know that an organic option is available and must be used)?

For organic producers to demonstrate a commercial availability search was thoroughly conducted, the inclusion of terms like, "utilizing likely sources of organic seed" or "searching relevant companies for organic seed" or "known to carry organic seeds" should be included in



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guidance from the NOP or used consistently by certifiers. Without that clarification, producers could cite "3 sources checked for organic seed" when some or all of those sources rarely are a valid source for organic seed. This could even be added as an amendment to 205.204. If a seed broker sources from companies with no organic seed inventory, perhaps it could not count toward a commercial availability search.

Additional guidance should also address crops grown under contract that dictate specific cultivars. In these instances, the responsibility of the seed search can be unclear and confusing.

9. Who could/should build/maintain a U.S. commercial availability database for seed? What attributes should be listed/made available?

We do not know who should maintain a database but see value in such a project especially if it is widely used by growers. It may be beneficial to allow individual growers to list seed in addition to seed companies that can already be found online. Creating a direct outlet for individual growers could allow them access to a marketplace and, at least regionally, provide another source of seed.

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 the planet through focus on core areas of certification, conservation, policy and the marketplace.