



503.378.0690  
PO Box 368  
Corvallis, OR 97339  
organic@tilth.org  
tilth.org

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

**RE: Docket:** AMS-NOP-24-0081

Dear Ms. Arsenault:

Oregon Tilth thanks you for the opportunity to provide comments to the National Organic Standards Board (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.

### **Compliance, Accreditation, & Certification Subcommittee (CACS)**

#### ***Proposal: Risk-based Certification***

Oregon Tilth strongly supports the NOSB's efforts on risk-based certification. As outlined in the NOSB's Risk-based Certification proposal, the Strengthening Organic Enforcement (SOE) rule was a much-needed update to the USDA Organic regulations to mitigate fraud throughout the organic supply chain. However, implementation of SOE has increased the certification burden on *all* operations - including those that pose minimal risk to organic integrity. We've seen firsthand how this heightened scrutiny has inadvertently increased both the time and cost of achieving and maintaining certification. These rising demands are unsustainable, and we are already witnessing warning signs of negative consequences. For instance, some of our small and mid-sized certified farms have expressed growing frustration and are seriously considering surrendering their organic certification. Importantly, many of these operations intend to continue organic practices, but find it increasingly difficult to justify staying certified under the current trajectory of increased demands.

At the same time, the USDA has launched an unprecedented effort to support organic transition, with nearly 200 organizations participating in the Transition to Organic Partnership Program (TOPP). In our national survey of over 600 transitioning farmers - published in [Breaking New Ground: Farmer Perspectives on Organic Transition](#) - certification costs and recordkeeping requirements consistently ranked among the top barriers to becoming certified organic. Escalating costs and administrative burdens threaten the effectiveness of USDA's investments through TOPP.

The organic community must take bold steps toward a risk-based certification model. Minor adjustments to Organic System Plans (OSPs) or other incremental changes will not sufficiently address the core challenge. Without meaningful reform to the current certification framework, we risk both losing certified operations and discouraging those exploring transition to organic.

In our Fall 2024 comments on the *CACS Overview of Risk-based Oversight and Risk Assessment of Certified Operations* discussion document, we identified several opportunities to reduce the burden on low-risk operations—such as using remote audits for operations that do not physically handle organic products, reducing the number of audit trail exercises, and simplifying recordkeeping requirements. We are pleased to see these ideas, along with other stakeholder suggestions, reflected in the Spring 2025 proposal. For example, inspection-related recommendations now include a mix of full-scale and more targeted compliance inspections over the course of several years, and even reducing the frequency of on-site inspections for operations deemed low-risk.

As we chart our path forward, it's essential to preserve the core principles of consistency and fairness across certifiers. Certifiers should apply the same general risk assessment framework and criteria, while maintaining the flexibility to adapt to the unique characteristics of each operation. Equally important is maintaining the public-private partnership between the USDA's National Organic Program (NOP) – which handles accreditation and enforcement – and certifiers, who work on the frontlines of compliance assessment and monitoring. The Spring 2025 CACS proposal outlines several elements that support these principles and help evolve organic certification toward a more sustainable model:

- **Emphasizing Critical Thinking as a Core Competency:** This is necessary for certifier and NOP staff alike. Strengthening this skill set will require expanded training resources and practical tools to support the application of a global organic standard across a wide range of operation types. This work often involves navigating ambiguity and addressing situations that may not be explicitly covered by existing regulations. Building this competency can be further supported through clearly defined career ladders and mentorship structures within certification work, which help build confidence and provide valuable feedback. Prioritizing critical thinking ensures that time and resources are used wisely to make sound and sensible decisions that uphold organic integrity and deter fraud.
  - For example, in February 2022, the Accredited Certifiers Association (ACA) hosted a virtual meeting as part of an Oregon Tilth-led grant project on organic certification workforce development. Participants were asked to identify the top five knowledge areas for organic certification candidates, drawn from a list informed by community input. Among 33 responses—representing 14 certifiers, 4 independent inspectors, and 2 educators—the highest-ranked skill was “interpreting and applying regulations to specific situations.” This result highlights the value of critical thinking, analysis, and discretionary judgment in certification work.
- **NOP Annual Communication of High-Risk Focus Areas:** Delivered during the annual certifier training, this communication should identify high-risk areas based on data the agency has collected, such as trends in complaints, investigations, and NOP Import Certificates. Rather than relying on reactive, top-down directives, this proactive approach empowers certifiers to allocate resources more strategically and effectively. It also supports the consistent implementation of supply chain traceability audits and fosters clearer, more collaborative communication between NOP and certifiers. To maintain the integrity of enforcement efforts, these annually identified high-risk areas can remain confidential between the NOP and certifiers, minimizing the risk of bad actors adjusting their practices or supply chains to evade detection. This data-driven strategy

focuses limited oversight attention and resources where they can have the greatest impact.

- **Development of an Oversight Activities and Process Matrix:** Co-created by the ACA and NOP, this tool would outline appropriate certification approaches for operations based on their risk level. It would support consistent selection of applicable oversight tools and methods based on a risk assessment framework. To ensure effectiveness and usability, the matrix should avoid overly prescriptive or rigid criteria. While shared general risk criteria can promote high level consistency among certifiers, the final matrix must also provide flexibility to accommodate the unique circumstances of individual operations.

To achieve this balance between high-level consistency and flexibility, Oregon Tilth recommends the following considerations be factored into the development of an Oversight Activities and Process Matrix:

- **Definitions** serve as a foundational tool for creating a shared framework for critical thinking. In the context of organic certification, critical thinking often relies on the specific definitions of terms provided in the regulations. Establishing clear, formal definitions for terms such as “*risk*,” “*risk assessment*,” and “*risk evaluation*” would help ensure a common baseline across certifiers, while still allowing for the case-specific flexibility required in real-world decision-making. We note that the CACS does not recommend adding its proposed list of definitions to § 205.2. While incorporating such definitions directly into the regulations may introduce undesired rigidity, we encourage a more formal and referenceable approach than the CACS’s current proposal of a revised OILC course. A standardized set of definitions – clearly communicated and easily accessible – would better support consistency, transparency, and sound decision-making within a risk-based framework.
- **The NOP Program Handbook** should be considered as a key tool for maintaining flexibility and responsiveness within the risk assessment system co-developed by the ACA and NOP. Utilizing NOP Guidance and Instructions for Certifying Agents to shape risk-based certification would allow the organic program to adapt more efficiently to evolving industry conditions – without requiring formal rulemaking – while still offering certifiers a reliable and authoritative resource to guide informed, consistent decision-making.
- A risk-based approach to certification is also being implemented in **peer global organic certification schemes**, such as that found in Article 38 of the EU Organic Regulation 2018/848 and the British Columbia Certified Organic Program Low-Risk scheme. These established, field-tested systems provide valuable models that can inform the development of a comparable risk-based methodology under the NOP. Additionally, they present opportunities to advance greater harmonization within the global organic certification landscape.

All these components call for a cultural shift across the organic certification system. Just as certifiers must evolve their practices based on risk assessment, so too must the NOP ensure its accreditation and audit teams are trained and aligned with new expectations.

Oregon Tilth is generally supportive of the Risk-based Certification Proposal presented in the Spring 2025 Meeting Materials, particularly with the incorporation of the considerations outlined above. We urge the NOSB and the broader organic community to be courageous – embracing change, responding to evolving needs, and creating a resilient risk-based certification system that works for the farmers, ranchers, and food businesses we all serve, while continuing to ensure integrity for consumers who trust the organic label.

### ***Discussion Document: Residue Testing for a Global Supply Chain- Regulation Review***

Thank you for the opportunity to comment on the important discussion document addressing residue testing for a global supply chain. We commend the NOSB for considering this complex and evolving issue, particularly as it relates to both the integrity of organic products and the practical challenges faced by certifiers, inspectors, and organic producers.

#### *Residue Testing and Certifier Tools Beyond EPA/FDA Thresholds*

Current certifier and inspector tools for determining willful violations are primarily structured around pesticide residues, but in an increasingly global and complex supply chain, similar rigor must be applied to other prohibited substances such as solvents, excluded methods, and synthetic fertilizers. However, the tools available to certifiers are not sufficient to consistently determine intent or origin in these other categories, especially when there are no EPA tolerances or FDA action levels to rely on.

The use of the 0.01 ppm threshold as outlined in NOP 2613 creates enforcement difficulties and potentially penalizes producers unfairly. Many commodities, such as hay, grass, silage, seeds, and non-edible parts of crops (e.g., leaves) lack specific EPA tolerances. In the absence of clear regulatory thresholds, certifiers often default to the lowest applicable tolerance, even when higher tolerances exist for similar crop types. This inconsistency has real implications for enforcement and fairness.

We recommend that the NOSB work with the NOP to update NOP 2613 to reflect more nuanced, crop-specific, and risk-based thresholds particularly where no EPA/FDA standard exists. Additionally, expanding the list of materials screened as part of NOP 2611 is critical to supporting a risk-based approach to testing, ensuring that certifier and inspector tools are sufficiently robust to detect and address a broader range of contamination risks beyond pesticides.

#### *Applicability of §205.671 and Need for Expansion for Exclusion of Sale*

There is value in expanding §205.671 to explicitly include the concept of *intentional application* of prohibited substances, especially when there is evidence of willfulness. This would strengthen enforcement capabilities without relying solely on residue thresholds. At the same time, existing regulatory provisions (§205.662) already allow certifiers to remove products from the market that are not produced in compliance, even without exceeding residue thresholds. Codifying this into §205.671 with a general principle of “stop sale” notices would enhance clarity and consumer confidence.

#### *Downstream Notification and Chain-of-Commerce Considerations*

We support the concept of informing downstream supply chain recipients when known noncompliant products have entered the chain of commerce only when the residue levels are above established tolerances (e.g., >5% of EPA thresholds) and/or the application is determined to be willful. Products purchased in good faith and found to have minor, non-willful contamination should not trigger punitive consequences downstream. Balancing transparency and fairness is crucial to uphold the integrity of the organic market and maintain consumer trust.

#### *Unintended Consequences*

There are several potential unintended consequences of the current and proposed residue testing framework that must be considered. Increased testing requirements, particularly without clear thresholds or standardized guidance, could lead to higher costs and greater uncertainty for operations, especially those that act in good faith when sourcing ingredients. A critical concern is whether products purchased in good faith, especially processed or imported goods, can continue to be used in organic production if subsequent testing reveals contamination, and if so at what levels.

### Solutions for Managing Contamination Risks in Imported Products

To mitigate these risks while maintaining organic integrity, a proactive approach should be adopted; one which encourages producers to implement supplier verification protocols and risk-based testing for high-risk or imported goods. However, testing should be integrated into a broader risk-based strategy, with shared responsibility across the supply chain, not just placed on downstream producers. Import status and testing of incoming inputs can be elements of organic fraud prevention and certification protocols. International models such as the EU's risk-based testing protocol should be examined for best practices and potential harmonization. Emphasizing the responsibilities of both producers and suppliers, particularly in verifying and testing imported goods enhances transparency and accountability. By incorporating proven strategies from international regulatory systems, such as those used in the European Union, we can strengthen compliance and reinforce consumer confidence in the organic label.

### UREC Definition and Guidance Implications

We do not support the proposed revised definition of Unavoidable Residual Environmental Contamination (UREC), especially if it allows prohibited substances, including excluded methods, to be dismissed without proper mitigation. The definition must emphasize the *producer's responsibility* to implement mitigation and prevention measures, not offer an escape clause.

We support revising guidance to clarify that noncompliances should not be issued solely on the basis of UREC if no tolerance exists and contamination is under 0.01 ppm. However, UREC determinations must be science-based and regionally specific; what is UREC in one state may not be in another. We urge further development of clear, evidence-based standards and possible regional benchmarks for UREC determinations.

We also support exploring bioremediation tools for land transition but caution against allowing products grown in heavily contaminated conditions to be labeled as organic, regardless of intent.

### Number and Cost of Sampling and Testing:

We strongly support the option for certifiers to pass on the costs of residue sampling and testing in certain high-risk scenarios (e.g., investigations, complaints, imported product verification) and allow this to count towards the 5% minimum. This flexibility would allow certifiers to perform more testing, which would enhance program integrity while ensuring that testing remains targeted and proportional.

## **Crops Subcommittee**

### ***Proposal: Pear Ester – petitioned***

Oregon Tilth supports the addition of Kairomones to the National List as an addition to the allowance of Pheromones for use as Insect Management under 205.601(f). Oregon Tilth currently approves 6 different kairomone materials under the previous WSDA-approval as pheromones with 40 clients using 1 or more of these products.

## **Materials Subcommittee**

### ***Discussion Document: Research Priorities 2025***

Oregon Tilth supports the NOSB's ongoing work on setting an annual list of research priorities for the organic community. We recognize the importance of research and extension for organic and transitioning-to-organic producers. These producers are required to use certain practices like crop rotations and prevention techniques to manage pests. They are restricted from using most synthetic materials that are often included in conventional agricultural research. Research on organic practices, like those focused on building soil health, however, are relevant to all producers and should be prioritized.

In Oregon we have collaborated with Oregon State University for many years, helping to create an Organic Agriculture Program which has now grown to six full-time organic extension faculty members. Oregon Tilth and other organic stakeholders continue to inform the direction of the Organic Agriculture Program including setting priorities.

Several of the research priorities identified in the NOSB's Discussion Document are also focuses of the Organic Agriculture Program including:

- How to increase the availability and supply of organic seeds. Also, comparative trials to evaluate performance and quality of organic seeds and planting stock.
- Holistic soil research to quantify soil life.
- Elucidate practices that reduce greenhouse gas emissions and that contribute to farming systems' resilience in the face of climate change.
- Organic no-till and low-till practices for diverse climates, crops, and soil types.
- Develop cover cropping practices that come closer to meeting the annual fertility demands of commonly grown organic crops.
- Develop a dairy program to address climate change mitigation strategies where production capabilities are not hindered, and effective forage rotations are maximized.

In partnership with Oregon State University, Oregon Tilth published [\*Breaking New Ground: Farmer Perspectives on Organic Transition\*](#). Our report shared findings from a national survey of over 600 transitioning farmers, examining their motivations, obstacles, and the resources and support they need during transition. Drawing on the survey findings, we outlined nine recommendations for how public and private sectors can better support the success of farmers who choose organic. In the following comments, we focus on three of those recommendations that highlight urgent needs for future research and education.

### **Address the Unique Needs of Transitioning Farmers**

Transitioning farmers in our study were different from other farmers in important ways that need to be considered. In our study, transitioning farmers were significantly more motivated by access to organic markets compared to other groups. At the same time, they identified unique marketplace barriers – specifically, access to organic price premiums, fair prices during transition, and availability of organic price information. To support this group effectively, research should examine how public resources – such as the USDA's Economic Research Service – and private market data services can better provide transparent, actionable market information.

While production challenges remain critical during transition, our findings also underscore the importance of financial preparedness and economic viability. Transitioning farmers ranked financial planning tools among their top five most-needed resources. Future research should therefore integrate financial analysis into organic systems research, including:

- Cost of production comparisons across organic and non-organic systems

- Cost-benefit analyses of different organic practices (e.g., green manure crops vs. purchased fertility inputs)

#### Develop More Effective Weed and Pest Management Strategies

Despite growing access to organic technical expertise, weed management remains one of the most persistent and difficult challenges for organic farmers. In our survey, all farmer groups ranked weed management as a major obstacle and identified pest, weed, and disease management information as the most needed resource during transition. This disconnect between the availability of knowledge and the continued challenges in practice suggests an important research gap. Key questions include:

- Are existing weed and pest control strategies too costly, complex, or not suited to different farm scales?
- Are farmers hesitant to invest in specialized equipment?
- Are long-term, systems-based strategies – central to organic management systems – too demanding in terms of land or time for some producers?

To address these issues, research should prioritize participatory projects that involve farmers directly in the design and implementation of on-farm trials. Long-term studies and demonstration projects can show the cumulative benefits of holistic pest and weed management, while also refining recommendations based on real-world conditions.

#### Re-examine the Relationship Between Yield and Successful Transition

While reduced yields are often cited by both farmers and agricultural service providers as a barrier to organic transition, our survey revealed a more nuanced reality. Three of the four farmer categories we studied did not rank yield loss as a significant concern, and even the one that did (split operations) only considered it a minor obstacle. These findings suggest the need for further research into why yield concerns may be overstated or outweighed by other factors. Potential research questions include:

- Which cropping systems and practices (e.g., nutrient management strategies, crop rotation designs) can achieve yields in organic systems that are comparable to those in conventional systems?
- How do organic price premiums help offset yield reductions and contribute to long-term farm viability?

Understanding the economic trade-offs and agronomic strategies that contribute to successful transition can help reshape outreach and technical assistance to better align with farmers' actual concerns and opportunities.

#### **Conclusion**

Oregon Tilth encourages continued investment in research and education that centers the lived experiences of organic and transitioning farmers. Effective support requires a holistic understanding of market, agronomic, and financial factors. We urge the NOSB and the entire organic community, including both public and private sectors, to support research, education, and extension that is participatory, grounded in real-world practice, and designed to deliver practical tools for the farmers shaping a more sustainable and resilient agriculture and food future.

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.*