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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-25-0034

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.

Livestock Subcommittee

Discussion Document: Chlorine Materials – petitioned

Oregon Tilth supports the inclusion of chlorine materials on the §205.603 list for use in treating livestock drinking water, with language modeled on the existing §205.605 listing for human food contact and processing. Current restrictions limit chlorine uses in livestock systems to equipment sanitation, which creates inconsistency when the same water standards apply to humans but not to animals. Allowing chlorine for water treatment, provided it does not exceed Safe Drinking Water Act limits, ensures livestock health and safety while maintaining parity with human applications.

Discussion Document: Integrating Livestock and Agroforestry Crops

Oregon Tilth appreciates the work on this topic. We see benefits to the integration of livestock and perennial crops. This is a practice used in the Pacific Northwest and of interest to producers in the region. Oregon Tilth supports a shorter pre-harvest interval (e.g., 60 days) for livestock grazing in orchards producing tree-harvested crops, while maintaining longer intervals for crops that contact the ground. Current evidence indicates that food safety risks from this practice are minimal when crops do not contact soil, and that surface-deposited manure breaks down more quickly than incorporated manure. In addition, post-harvest sanitation steps may further mitigate any risk of contamination, and Oregon Tilth encourages additional research which may support a reduced interval for soil-contact crops that undergo post-harvest sanitation. We also more broadly support continued collaboration with FDA and further research to ensure that USDA organic regulations remain science-based and practical, while avoiding unnecessary restrictions on ecologically beneficial integrated crop-livestock systems.

2027 Livestock Sunset Reviews – EPA List 4 Inerts

Oregon Tilth supports the proposed motion to amend §205.601(m) and §205.603(e) to incorporate the EPA’s classifications for inert ingredients, with exclusions for alkylphenol ethoxylates and PFAS. Adopting the EPA tolerance exemption list, rather than requiring individual inert material petitions, is a more practical and science-based approach. This ensures consistency across organic crop and livestock materials while closing potential regulatory gaps.

Crops Subcommittee

Proposal: Pear Ester – petitioned

Oregon Tilth supports the allowed use of pear ester (kairomones) only in passive, indirect contact, closed pheromone traps. We do not support encapsulated polyamide formulations that are sprayed, as this type of application does not align with organic principles of targeted pest management with minimal exposure.

Compliance, Accreditation, & Certification Subcommittee (CACS)

Proposal: Risk-based Certification

Oregon Tilth strongly supports the development of a risk-based certification model which may both meaningfully reduce burdens for compliant, low-risk operations while allowing certifiers to dedicate more resources to monitoring higher-risk operations and commodities.

Importantly, a risk-based model should be dynamic not based on fixed assumptions such as small automatically equals low risk. Instead, it must combine operation size, handling complexity, and commodity-specific risk factors to create a fair, consistent framework across certifiers. As an illustration, certain products that were considered high-risk during times of strong demand and elevated market prices are declining in risk, while other categories have more recently become high-risk due to supply shortages and rising prices. As we have seen with fraud prevention initiatives, risk levels shift based on market conditions. A flexible, risk-based framework would allow certifiers to respond to these changing conditions in real time, ensuring oversight is both effective and proportional.

We are actively participating in industry-wide work to develop best practices, including through the Accredited Certifiers Association (ACA), and we support NOSB’s proposal to advance this work. By applying a shared structure while preserving flexibility, the organic community can create a more sustainable certification system that supports low-risk operations who operate in compliance with NOP regulations, targets high-risk activities, and ultimately strengthens organic integrity and consumer confidence in the organic seal.

Proposal: Residue Testing for a Global Supply Chain: §205.671

Discussion Document: Residue Testing for a Global Supply Chain: Regulation Review (§ 205.670 and unavoidable residual environmental contamination (UREC) definition))

Oregon Tilth supports revising §205.671 to explicitly address intentional application of prohibited substances while maintaining flexibility for enforcement where residues result from unavoidable circumstances.

We also support the CACS proposal to allow certifiers to pass the cost of testing to operations in risk-driven cases of complaint, investigation, or follow-up; additionally, Oregon Tilth also supports allowing certifiers to pass the cost of risk-based testing for import verification to certified operations. Oregon Tilth also supports the CACS proposal to allow testing of certified operations in the case of complaint, investigation, or follow-up to count toward the certifier's 5% annual minimum. This approach provides certifiers with flexibility, encourages targeted risk-based testing, and strengthens organic integrity.

Regarding NOP 2613, we encourage NOSB to work with NOP to revise the 0.01 ppm threshold, which is inconsistent and often unfair in crops without EPA tolerances (e.g., hay, silage, seed). A risk-based, crop-specific framework is needed to avoid penalizing producers for unavoidable low-level contamination, such as atmospheric drift or background residues.

Discussion Document: Consistency in Organic Seed Use

Oregon Tilth shares NOSB's concern that organic seed usage has declined over the last decade, despite the long-standing requirement for commercial availability searches. Market demand for organic seed has weakened, discouraging producers from growing it. We have observed operations leaving organic seed production due to decreased demand.

We support strengthening continuous improvement language to require not only three documented commercial availability searches but also encourage active efforts to increase organic seed usage, such as seed trials and adoption of alternative organic varieties where feasible. We also support guidance from NOP and NOSB directing certifiers to collect data on an operation's year-over-year changes in organic seed usage percentage. Certifiers should consider the extent of active efforts to increase organic seed usage and the change in organic seed usage over time in tandem to identify repeat non-compliances when operations fail to make progress year over year.

We also urge NOSB and NOP to consider guidance on contract situations where growers are required to use proprietary seed and therefore cannot perform a legitimate commercial availability search. Clarifying compliance expectations for these cases will help ensure fairness and consistency.

Finally, we encourage NOP to explore adoption of a phased timeline toward higher organic seed usage, similar to the EU's 100% organic seed requirement by 2036. A stepwise approach including timeline benchmarks would help strengthen the domestic organic seed sector while providing a clear market signal and ensuring data collection to monitor progress.

Discussion Document: eCommerce Organic Labeling Requirements

Oregon Tilth appreciates the NOSB's attention to organic labeling in the context of eCommerce. Online platforms are increasingly central to consumer purchasing, yet enforcement and clarity are lacking. A key distinction should be made between websites controlled by certified operations (e.g., a company's own website) and third-party distributors such as Amazon, where certified operations may have little or no control over how their products are displayed or described. While operations must be accountable for marketing under their direct control, enforcement becomes much more complex when third-party distributors list organic products inaccurately or without required certifier identification. Unless platforms like Amazon are themselves subject to oversight, it is unclear how certifiers can reasonably ensure compliance in these cases.

We also see a need for greater clarity and consistency in definitions. Terms such as "retail store," "retail outlet," and "retail establishment" are used inconsistently across NOP regulations; "retail establishments" are included among the § 205.101 exemptions from certification, while the current § 205.2 definition of "labeling" references "retail stores" but does not clearly extend to websites. We support standardizing or clarifying the use of these terms and expanding the definition of "market information" to explicitly include websites and digital platforms; we also support requiring "Certified Organic by (COB)" statements for product-specific listings where the activity being marketed is certified. This would promote transparency and make enforcement more consistent across certifiers, while aligning eCommerce oversight with the same labeling standards applied in physical marketplaces.

Handling Subcommittee

2027 Handling Sunset Reviews

Oregon Tilth supports the removal of glycerin and cornstarch from §205.606 of the National List. No Oregon Tilth-certified operation is currently using non-organic forms of these materials; because all such operations have transitioned to certified organic alternatives, organic forms of glycerin and cornstarch appear to be demonstrably commercially available and effective. Similarly, we support the removal of non-organic colors such as beta-carotene, chokeberry, elderberry, grape, and saffron, as Oregon Tilth-certified operations have fully adopted organic colorants; current use is limited to purple carrot and red cabbage. For these reasons, we encourage NOSB to move forward with removing these non-organic listings.

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.