



September 19, 2025

Mr. Jerney Witte
Deputy Under Secretary – Market and Regulatory Programs
United States Department of Agriculture
1400 Independence Ave SW,
Washington, DC 20250

Subject: Designation of National Organic Program Personnel as Essential During Lapse of Appropriations

Dear Mr. Witte,

The Organic Trade Association (OTA) is the leading membership-based business association representing the U.S. organic sector. Our members span the entire organic supply chain, including growers, processors, certifiers, retailers, and others dedicated to advancing organic agriculture and trade. Our mission is to grow and protect organic through a unified voice that serves and engages our diverse membership from farm to marketplace.

The Agriculture Improvement Act of 2018 (2018 Farm Bill) amended the Organic Foods Production Act (OFPA) to strengthen oversight of organic imports. This congressional directive led to the Strengthening Organic Enforcement (SOE) rule, which took effect on March 19, 2024. The SOE rule was established to protect the integrity of U.S. organic products, safeguard American farmers' land and crops, and ensure that USDA's National Organic Program (NOP) has the authority and capacity to fulfill its statutory responsibilities.

The implementation of SOE significantly expanded the responsibilities of NOP, particularly in international trade oversight, compliance enforcement, and accreditation. The Trade Activities Division, within the NOP, manages the Organic Import Certificate System, a critical tool for verifying the authenticity and compliance of organic imports working in concert with U.S. Customs and Border Protection's Automated Commercial Environment (ACE). Without this system in continuous operation, USDA lacks the ability to provide sufficient trade oversight, leaving U.S. farmers vulnerable to fraudulent and non-compliant imports.

Similarly, the Compliance and Enforcement Division is responsible for investigating violations and ensuring remediation to protect legitimate American organic farmers from economic harm caused by fraud and unfair trade practices. The Accreditation Division oversees both public and private organic certifiers, ensuring that foreign certification bodies have the necessary systems and capacity to prevent fraudulent imports from undermining U.S. organic producers.

Under Office of Management and Budget (OMB) Circular A-11, Section 124, agencies are required to designate personnel as essential if their responsibilities are expressly authorized by law, necessarily implied by law, or required to protect life and property. Given that NOP activities are both statutorily mandated under OFPA and necessary to protect the economic property of organic farmers, it is imperative that USDA designates sufficient personnel within the NOP—including staff within Trade Activities, Accreditation, and Compliance and Enforcement Divisions—as essential to ensure these functions continue during a lapse in appropriations.

Failing to do so would expose U.S. organic producers to financial harm from fraudulent imports, weaken trade oversight, and risk non-compliance with congressionally mandated regulatory responsibilities.

We appreciate USDA's ongoing commitment to organic agriculture and request that you take the necessary steps to ensure that key NOP personnel are designated as essential. We look forward to working with you on this issue and others in the months ahead.

Sincerely,



Tom Chapman
Co-Chief Executive Officer

cc: Jordan Bonfitto, Chief of Staff – Market and Regulatory Programs