ORGANIC TRADE ASSOCIATION

February 3rd, 2026

Via E-Filing
Supreme Court of California
Honorable Chief Justice Patricia Guerrero
Associate Justices of the Supreme Court
350 McAllister Street
San Francisco, CA 94102-4797

Re: Amicus Curiae Letter in Support of Petition for Review Supreme Court Case No. S294668: *Environmental Democracy Project v. Rael, Inc.* - Court of Appeal Case No. A170385

Dear Chief Justice Guerrero:

Pursuant to Rule 8.500(g) of the California Rules of Court, the Organic Trade Association ("OTA") respectfully submits this letter in support of the petition for review in the above-captioned matter.

OTA is the membership-based business association representing the United States organic sector, with members spanning the entire supply chain. OTA's mission is to grow and protect organic from farm to marketplace. The Court of Appeal's decision extends the California Organic Food and Farm Act ("COFFA") in an unprecedented manner that was never intended and that conflicts with well-established certification standards for a broad range of different product types. Absent review, the decision stands to negatively impact not only organic products produced in California, but all organic products sold in California, putting them at a competitive disadvantage in the global marketplace. The decision also will deny consumers ready access to accurate information and discourage organic production and use.

For these reasons, OTA urges this Court to grant review to resolve an important question of law and to ensure uniformity and predictability for a growing sector that plays a critical role in California's economy, environmental stewardship, and consumer marketplace.

Interest of Amicus Curiae

Founded over forty years ago, OTA is the leading voice for the organic trade in the United States. Its members span the entire supply chain and include growers, shippers, processors, certifiers, farmers associations, distributors, importers, experts, consultants, brands, retailers, and others. OTA's mission is to grow and protect organic, which necessarily includes keeping organic standards strong and meaningful to consumers.

OTA has long been engaged in organic policy development at both the federal and state levels. OTA

played an active role in the enactment of the federal Organic Foods Production Act of 1990, which established the framework for the U.S. Department of Agriculture's National Organic Program ("NOP"). Since that time, OTA has worked closely with USDA on the implementation and enforcement of federal organic regulations and related programs. OTA has also engaged with the Federal Trade Commission regarding guidance on organic claims and the importance of enforcement against deceptive or misleading uses of the term "organic." At the state level, OTA and its members were similarly involved in the passage of COFFA and its predecessor statute, the California Organic Products Act ("COPA").

OTA works directly with certifiers and provides education on organic certification requirements under the NOP, as well as on recognized standards applicable to products outside the scope of the NOP, such as finished textiles and personal care products. OTA is also a shareholder the Global Standards GmbH, a non-profit under German law who manages the Global Organic Textile Standard ("GOTS"), a program for organic textile certification. OTA also collects and sponsors market data and research. That includes research on consumer perception of organic labeling claims; the health and environmental benefits of organic products; and economic trends globally, nationally, and when available, in specific states like California.

Based on its extensive policy involvement, technical expertise, and market research, OTA is well equipped to provide the Court with important context on the NOP, COFFA, and other organic certification frameworks, as well as to explain the practical significance of this case for California's organic industry and the consumers who rely on trustworthy organic labeling.

Reasons OTA Supports Review

OTA has consistently supported rigorous and meaningful standards for organic claims and labeling. The Court of Appeal's decision, however, effectively applies COFFA and the USDA organic regulations to all products marketed as organic in California—an outcome unsupported by the statutory scheme and inconsistent with legislative intent. If allowed to stand, the ruling will harm organic businesses in California and beyond, disrupt established supply chains, and restrict consumer access to organic products.

OTA therefore joins in support of the Petition for Review filed by Rael, Inc. ("Rael") and offers this submission to address three key points: (1) COFFA has never been understood or applied as a universal organic labeling law; (2) USDA organic regulations were never designed to operate as the sole standard for all product types; and (3) the significant practical consequences of the decision warrant this Court's intervention.

1. COFFA has never been understood or applied as a universal organic labeling law.

Organic industry stakeholders, including OTA, worked closely with the California Legislature in the enactment of COFFA and its predecessor statutes, which were intended to align California's organic laws with the federal USDA organic regulations. That same objective guided later amendments. In 2016,

OTA again collaborated with the Legislature to strengthen coordination between state and federal organic programs and to bolster California's competitiveness in the global organic market.

At no point in these legislative efforts was there any suggestion that COFFA would apply universally to all products marketed as organic. The 2016 update was intended to update the fee schedule, streamline registration, and allow CDFA to support organic agriculture through education, outreach, and other programmatic activities. When the Legislature chose to expand the statute's scope, it did so explicitly. In 2003, it amended COFFA to cover cosmetics and adopted product-specific provisions governing those products. The basis of the state organic program is registration — because COFFA conditions the lawful production, handling, or processing of organic products on registration, and because Section 110875 limits that registration requirement to food, animal feed, and cosmetics, the absence of textiles and non-cosmetic personal care products from the registration framework indicates that the Legislature did not intend COFFA to reach those products. The Legislature also demonstrated that it knew how to address product categories lacking detailed federal or state organic standards. For aquaculture, fish, and seafood products, it expressly prohibited organic labeling until formal certification standards were developed, while still requiring registration so that the California State Organic Program could maintain oversight and prevent improper marketing. See Health & Safety Code § 110827. By contrast, the Legislature imposed no comparable prohibition or registration requirement for textiles or non-cosmetic personal care products—further confirming that COFFA was not intended to reach those categories absent express legislative action.

For more than two decades following the inclusion of cosmetics, neither industry participants nor state agencies have interpreted or enforced COFFA as a universal organic labeling law. The settled understanding has been that COFFA governs the same products regulated under the NOP, along with cosmetics, while other product categories are subject to recognized, product-specific certification standards.

Against this backdrop, it is not plausible that the Legislature intended—without discussion or acknowledgment—to effect a sweeping expansion of COFFA that went unnoticed by regulators and stakeholders alike and that would place California in conflict with federal law and internationally recognized organic standards. The "puzzling issues" and ambiguities identified by the Court of Appeal arise not from the statute itself, but from an interpretation that extends COFFA beyond its intended scope.

2. USDA organic regulations were never designed to operate as the sole standard for all product types.

USDA's organic regulations establish comprehensive and rigorous standards governing the production, handling, processing, certification, and labeling of agricultural products intended for human and animal consumption. Those requirements are specifically designed for food and feed products and impose limitations on processing methods and inputs that reflect that purpose.

By design, however, the National Organic Program does not apply to all product categories. Finished

textiles, for example, fall outside the scope of the NOP—a limitation USDA has expressly recognized. Although a product may bear a USDA organic claim only if it complies with both NOP production standards for raw agricultural inputs and NOP handling standards for processing, most textile manufacturing processes rely on dyes, auxiliary agents, and materials that are incompatible with food-based NOP requirements. As a result, USDA organic certification is generally not feasible for most finished textile products.

To address product categories not covered by the NOP, well-established third-party certification systems have developed. In the textile sector, the Global Organic Textile Standard ("GOTS") provides a rigorous, traceable framework that tracks organic materials from farm to finished product. USDA has confirmed that GOTS-certified products—such as apparel, socks, or mattresses—may be marketed as "organic" in the United States, provided they do not reference USDA certification or display the USDA organic seal. USDA has likewise indicated that other credible third-party standards may support organic claims for non-NOP products.

The Textile Exchange's Organic Content Standard ("OCS") offers another example, providing chain-of-custody verification for products represented as containing a specified percentage of organically grown fiber. Products such as blended-fiber garments may be accurately marketed using OCS certification even though they do not qualify for NOP certification.

Personal care products further illustrate the limits of the NOP. Products such as lotions, soaps, and shampoos are not regulated under USDA's organic regulations, yet often contain organic ingredients. Certification programs such as NSF/ANSI 300 and COSMOS establish standards tailored to these products, permitting additives necessary for manufacture that would be impermissible under food-based USDA organic requirements.

These third-party certification programs play a critical role in both protecting and promoting organic claims. They ensure the integrity of organic inputs while allowing accurate communication in product categories for which USDA organic regulations are not appropriate. The Court of Appeal's decision would effectively eliminate these established frameworks by requiring universal compliance with USDA organic regulations, even where such standards are impractical or the UDSA has no desire to regulate.

3. Significant practical consequences of the decision warrant this Court's intervention

Court of Appeal's interpretation would first and foremost diminish the quality and clarity of information available to consumers. Consumer protection depends not only on preventing deceptive claims, but also on allowing accurate ones. In product categories outside the scope of USDA organic labeling, established third-party certification programs have long enabled consumers to identify products made with organic ingredients in a clear and reliable manner. Restricting organic references to ingredient statements alone deprives consumers of meaningful, accessible information and undermines informed purchasing decisions.

The decision also places organic businesses in an untenable position. Although OTA strongly supports robust oversight and credible standards, the interpretation adopted below subjects products to

regulatory requirements never designed for their category. Where compliance with food-based USDA organic regulations is impractical or impossible, businesses may be forced to abandon truthful, substantiated organic claims altogether. At the same time, the ruling increases exposure to opportunistic litigation even in the absence of consumer confusion, further discouraging lawful participation in the organic marketplace.

These pressures are particularly acute in California, which serves as a central hub for organic production, processing, and innovation. Thousands of certified organic operations are based in the state, many of which are integrated into national and international supply chains. Because maintaining California-specific labeling and compliance regimes is often infeasible, heightened uncertainty, compliance costs, and legal risk may prompt some companies to scale back operations in the state or exit the California market entirely.

The decision further threatens California's competitive position beyond its borders. COFFA applies not only to products sold within the state, but also to products produced or processed in California for sale elsewhere. (Health & Safety Code § 110880.) Limiting organic claims to USDA-certified products would isolate California businesses from widely recognized international certification frameworks and place them at a disadvantage relative to competitors operating under globally accepted standards.

Taken together, these effects would suppress organic production, reduce consumer choice, and weaken the environmental, public-health, and economic benefits associated with the organic sector.

Those consequences underscore why this Court's review is warranted.

Sincerely,

Tom Chapman

Co-CEO
Organic Trade Association