ORGANIC TRADE ASSOCIATION

October 8, 2025

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP

Docket: AMS-NOP-25-0034

RE: Certification, Accreditation, and Compliance Subcommittee Proposal: Risk-based Certification

Dear Ms. Arsenault:

Thank you for this opportunity to provide feedback to the Certification, Accreditation, and Compliance Subcommittee on its proposal related to risk-based certification. The Organic Trade Association (OTA) is the membership-based business association for organic agriculture and products in North America. OTA is the leading voice for the organic trade in the United States. Our members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, brands, retailers, material input providers, and others. OTA's mission is to grow and protect organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

OTA appreciates the Subcommittee's continued thoughtful effort to advance a risk-based approach that balances organic integrity with certification system efficiency. We support the further refinement of proposal's goals to develop shared definitions, consistent risk criteria, an oversight matrix, and aligned training for certifiers and inspectors. These steps can support the long-term sustainability of the organic certification system while maintaining a strong deterrent to fraud. We refer to our previous comments in support of the Subcommittee's continued work on this topic, included as an appendix. And while broadly supportive of the direction and intent of the proposal, we stress the need for the involvement and inclusion of *all* stakeholders in the organic community to help define and direct a risk-based approach, and not limit input to certifiers and the NOP.

Reducing Burden on Low-Risk Operations

We reiterate our previous comments that the current certification system imposes disproportionate costs on both very small and very large operations, despite vastly different risk profiles. In a piece written by our Co-CEO Tom Chapman published earlier this year, entitled *Do We Need to Right-Size the Regulatory Burden of Organic Oversight?*, we shared that despite dramatic shifts in the market and the diversity of operations, our system of oversight remains largely unchanged. The Organic Foods Production Act (OFPA) still treats all operations the same, regardless of size, scope, or risk level. Certification agencies and the NOP have expanded their capacity, and new rules like the Strengthening Organic Enforcement (SOE) rule have helped raise the bar to prevent fraud. But we are still using a one-size-fits-all model that doesn't differentiate based on risk. This oversight model is not sustainable for continued growth across all sectors and sizes.

Inefficiency undermines both the credibility and the growth of the organic sector. As the saying goes, *consumers will pay for quality, but they won't pay for inefficiency*. Treating all organic operations the same, regardless of their risk profile, squanders limited resources while diverting attention away from larger threats to organic integrity. It also strains certifier capacity and raises costs without delivering added value to farmers, businesses, or consumers.

OTA is supportive of policy and regulatory reforms that preserve strong organic integrity while scaling oversight to match risk. We believe reform in this area will yield benefits for farmers, businesses, and certifiers of all sizes, ensuring that smaller operations face an appropriate and proportionate oversight burden, that larger operations are not disproportionately subsidizing the cost of certification for others, and that certifiers can more accurately allocate resources across their client portfolios. We look forward to continued discussion in this risk-based conversation and serving as a partner to NOP and the certification community in ensuring organic remains a credible, trustworthy label, and a viable and appealing option for farmers and businesses of all sizes.

On behalf of our members, OTA thanks the NOSB and the CACS for your leadership on this issue. We are committed to supporting the development of a robust, risk-based certification framework that protects the integrity of the USDA Organic seal while improving system efficiency and reducing burdens where possible.

Respectfully submitted,

Scott Rice
Sr. Director, Regulatory Affairs
Organic Trade Association

cc: Tom Chapman
Co-CEO
Organic Trade Association

Appendix: OTA Comments: Spring 2025 CACS Risk-Based Certification Proposal

April 21, 2025

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP

Docket: AMS-NOP-24-0081

RE: Certification, Accreditation, and Compliance Subcommittee Proposal: Risk-based Certification

Dear Ms. Arsenault:

Thank you for this opportunity to provide feedback to the Certification, Accreditation, and Compliance Subcommittee on its proposal related to risk-based certification. The Organic Trade Association (OTA) is the membership-based business association for organic agriculture and products in North America. OTA is the leading voice for the organic trade in the United States. Our members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, brands, retailers, material input providers, and others. OTA's mission is to grow and protect organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

OTA appreciates the Subcommittee's thoughtful effort to advance a risk-based approach that balances organic integrity with certification system efficiency. We support the proposal's goals to develop shared definitions, consistent risk criteria, an oversight matrix, and aligned training for certifiers and inspectors. These steps can support the long-term sustainability of the organic certification system while maintaining a strong deterrent to fraud.

We submit the following comments in support of the Subcommittee's continued work on this topic:

The Need for Shared Definitions and Criteria

As we noted in our Fall 2024 comments, shared terminology is essential for consistent interpretation and execution of risk-based oversight. OTA agrees that shared definitions are essential and supports the Subcommittee's proposal to align terminology used across resources, including updates to the NOP Organic Integrity Learning Center (OILC) course NOP-230: *Risk-based Oversight*. However, we strongly recommend that any revisions to NOP-230 clarify and distinguish the different levels at which risk-based oversight is applied. Currently, the course intermixes these levels—USDA program-level oversight, certifier accreditation, entity-level certification, and day-to-day operational risk management—without clearly delineating how risk manifests and is managed at each.

The proposed definition of "risk-based oversight" is most appropriate for application at the certification and operational levels (e.g., a certifier's evaluation of an operation or an operation's internal compliance plan), but is less appropriate for USDA's programmatic oversight or for the accreditation of certifiers. If

NOP-230 is to be updated, we recommend it be refined and focused to reflect its intended audience—ideally separated or modularized for clarity. For example, this may be less applicable to lesson 2 which focuses on the internal operations of a certification agency.

Additionally, we believe the proposal omits a higher-level conversation about risk at the programmatic level. The current definitions focus on non-compliance, but not all non-compliances pose the same threat. For example, inadequate labeling oversight at a 100% organic operation poses far less risk to the integrity of the organic label than similar oversight failures at a split operation where commingling is far more likely to occur. Programmatic risk-based oversight must go beyond risk of non-compliance and instead focus on evaluating how and where they pose risk to organic integrity—whether through intentional fraud or through unintentional errors stemming from structural or procedural vulnerabilities.

We are concerned that the current proposed definition of "risk" is overly focused on intentional fraud. A risk-based approach must also account for broader threats to organic integrity, including those that arise unintentionally through poor training, structural weaknesses, inadequate oversight, or simple human error. A robust definition of risk must encompass both the likelihood and potential impact of any action—intentional or not—that could compromise organic integrity.

Certifiers need flexibility in how they apply oversight tools, but they should be operating from a shared foundation of risk criteria and performance indicators to ensure consistent performance. It is unclear if these revised definitions will achieve this objective.

Broader Stakeholder Engagement Is Essential

While the proposal rightly identifies ACA and NOP as key partners, OTA urges the NOSB and NOP to include a broader set of stakeholders—including trade organizations—in the development of risk criteria, oversight matrices, and training resources. Certification oversight must reflect the realities of trade dynamics, global supply chains, and market-based vulnerabilities. Trade stakeholders offer critical insights into high-risk commodities, supply patterns, and competitive pressures that may not be visible to certifiers or regulators alone.

Without the voices of organic businesses and producers, there is a risk that the system will lean too heavily on accreditation-centered perspectives, which may overlook operational realities or inadvertently impose inefficiencies. A narrow focus on certifiers and regulators guarantees that risk prioritization is always reactive, vs. a proactive stance that focuses resources on emerging areas of risk before they cause reputational damage to businesses, producers, or the organic label. OTA is eager to collaborate with NOP, ACA, and the NOSB to ensure the framework is informed by all facets of the organic community. We encourage engagement with organizations beyond OTA to bring in a well rounded focus on various sectors, levels, and sizes of trade.

OTA supports the proposal for NOP to communicate acute risks to certifiers on a predictable, annual basis—such communication will help certifiers better plan and align oversight activities with risk prioritization. However, we believe this communication must not be a one-way process. To be effective, it should be paired with a formal mechanism for industry stakeholders—including brands, importers, traders, customs brokers, and retailers—to confidentially share intelligence on emerging risks. Many actors in the organic trade community possess critical, real-time information about supply chain disruptions, suspicious trade flows, or problematic actors that may not rise to the level of a formal complaint but nonetheless warrant NOP or certifier attention. Creating a structured pathway for this type of non-complaint-related information to inform NOP's annual risk communications will strengthen the credibility and responsiveness of the risk-based certification system as a whole.

Reducing Burden on Low-Risk Operations

The current certification system imposes disproportionate costs on both very small and very large operations, despite vastly different risk profiles. A well-calibrated risk-based approach can reduce redundant paperwork and unnecessary verification steps for compliant, low-risk operations. This would not only lower the cost for these operations but also allows for the redirection of those resources to high-risk operations and better services levels. OTA supports consideration of streamlined inspections, reduced paperwork, and tiered oversight activities for such operations, as long as integrity of the organic seal is preserved.

We continue to encourage the NOP to evaluate whether standardized or simplified Organic System Plans (OSPs) for low-risk categories could improve efficiency without sacrificing integrity. Such improvements could help reduce attrition among certified farms and processors, lower barriers to entry for new organic businesses, and improve applicability of technical resources for all operations.

In summary, OTA offers the following recommendations:

- Ensure NOP-230 is appropriately revised to focus on risk-based oversight of certified entities and their operations. Obfuscation with broad risk-based oversight should be removed. Risk-based oversight needs to continue to be pursued at a programmatic level and it should focus on scale and likelihood of risk to organic integrity vs. non-compliances.
- Engage a broader range of stakeholders beyond ACA and certifiers in the development of risk criteria and oversight processes. Collaboration with OTA, the Organic Farmers Association, and other sector representatives will strengthen the framework.
- Establish a formal process for industry to submit data on emerging risks—including non-complaint-related intelligence from trade actors, customs brokers, or downstream buyers.
- Risk based certification should result in prioritized use of resources that result in less resources going to low-risk areas and more resources going to high-risk areas. If focus is purely on high risk then resource constraints will prevent measured improvements.

On behalf of our members, OTA thanks the NOSB and the CACS for your leadership on this issue. We are committed to supporting the development of a robust, risk-based certification framework that protects the integrity of the USDA Organic seal while improving system efficiency and reducing burdens where possible.

Respectfully submitted,

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