



October 8, 2025

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

Docket: AMS-NOP-25-0034

**RE: Certification, Accreditation, and Compliance Subcommittee
Discussion Document: eCommerce Organic Labeling Requirements**

Dear Ms. Arsenault:

Thank you for this opportunity to provide feedback to the Certification, Accreditation, and Compliance Subcommittee on its discussion document related to eCommerce Organic Labeling Requirements. 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 discussion on this topic and its work to ground the discussion in the requirements of the Organic Foods Production Act and USDA organic regulations. Moreover, we note the importance of tying any conversation on labeling to existing federal laws and regulations that may have overlying jurisdiction in this area. Regarding this point, the Subcommittee notes the U.S. Food and Drug Administration's (FDA) actions related to e-commerce labeling and how labeling requirements may apply to digital platforms.

The FDA has indicated that online content may indeed meet the definition of labeling and has solicited feedback via public comment dockets as well as a formal Request for Information. The stated goals of these efforts are to improve consumer access to accurate information pertaining to nutrition, ingredients, and allergens. The FDA has yet to rule on its determination of what is considered a label in digital environments and what is required in these formats.

We believe the organic shopper, in viewing and verifying an organic claim via a "certified organic by..." statement, is an active part of the enforcement mechanism. They should have confidence in their purchases wherever they are sourced. **However, OTA believes strongly that organic need not get ahead of FDA's action in this area.** With this in mind, we offer responses to the Subcommittee's questions for which we have experience or insight.

- 1. What technical/operational barriers prevent platforms from consistently displaying "Certified organic by ***" statements on e-commerce platforms?**

Certain minimum information is already presented to convey the organic status of products sold online. Extending existing labeling requirements to these online platforms seems reasonable and within the intent of the labeling requirements of NOP regulations. Implications for implementation of organic-specific labeling requirements should be the same as those for other FDA-required label information.

2. How feasible is it to integrate certifier data into product listings at scale, especially for third-party sellers?

Extending existing labeling requirements to these online platforms seems reasonable and within the intent of the labeling requirements of NOP regulations. Implications for implementation of organic-specific labeling requirements should be the same as those for other FDA-required label information.

7. What role should manufacturers play in monitoring and reporting mislabeling of their products online?

There are no requirements within the USDA organic regulations for manufacturers to monitor labeling of products in the marketplace. We do not see that there should be any different expectation or requirement between physical or digital venues other than if the digital venue is owned or managed by the manufacturer.

8. What labeling information do consumers expect to see when shopping for organic products online?

We would think consumers expect to find the same labeling information no matter where they shop and would expect rulemaking to reflect this both for NOP organic and FDA required label information.

9. How do consumers who buy food in digital marketplaces verify they're getting an organic product?

Consumers view and verify a label or claim online just as they would in a physical space: they read it. We would think consumers expect to find the same labeling information no matter where they shop and would expect rulemaking to reflect this both for NOP organic and FDA required label information.

10. How can certifiers help ensure that their credentials are accurately represented in digital marketplaces?

We would expect certifiers be held to the same requirements in a digital environment as they would in a physical one.

11. Do you support the requirement for e-commerce labeling and/or market information to include the "Certified organic by *" statement by (include why or why not):**

- a. Certified operations selling organic product online?**
- b. Exempt operations (e.g., retailers or handlers of only sealed, retail labeled products, as indicated at § 205.101)?**



As noted above, we do not see it necessary to have different requirements between physical and digital environments. We do, however, acknowledge the challenges inherent in certain situations to keeping information up to date across platforms. For instance, product reformulations may result in a scenario in which the same named product may have different labels for a period of time as the digital signage and physical products are separate. While product information online may be updated, it may take a period of time for the previous product to be used up.

Given FDA oversight on critical food safety issues such as allergen information, OTA believes the order of priorities in making determinations on labeling requirements should fall first to these critical areas. If FDA determines labeling requirements must be consistent across physical and digital sales platforms, it stands to reason that organic can meet these same requirements. If, however, FDA determines there are reasons that the physical and digital labeling cannot mirror each other, then those considerations should be taken into account before any changes are made to the organic requirements.

On behalf of our members across the supply chain and the country, OTA thanks the National Organic Standards Board for the opportunity to comment, and for your commitment to furthering organic agriculture.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott Rice", is positioned above the printed name.

Scott Rice
Sr. Director, Regulatory Affairs
Organic Trade Association

cc: Tom Chapman
Co-CEO
Organic Trade Association