



April 4, 2018

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Avenue, SW
Room 2642-So., Ag Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-17-0057

RE: Certification, Accreditation, and Compliance Subcommittee – Eliminating the Incentive to Convert Native Ecosystems to Organic Production (Proposal)

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Certification, Accreditation, and Compliance Subcommittee's (CACS) proposal on eliminating the incentive to convert native ecosystems to organic production.

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, representing over 9,500 organic businesses across 50 states. Our members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, consultants, retailers and others. OTA's mission is to promote and protect organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

Position

OTA supports CACS' proposal which would prevent land newly converted from native ecosystems to enter into organic production for a period of 10 years. We agree with the subcommittee that converting native ecosystems directly to organic production does not align with organic production principles, and a disincentive is required to prevent this practice. CACS' proposed timeline of 10 years provides an adequate disincentive without completely shutting new land out of organic production, and we appreciate the clarification that this proposal would not affect land used under the wild-crop standard. We also support CACS' inclusion of a definition for "native ecosystem," as this is the type of habitats that organic stakeholders would like to see protected. This is a more outcome-focused approach than was proposed in the Fall 2017 meeting.

However, a number of commenters responding to CACS' proposal at the Fall 2017 meeting raised issues about the potential impact on small dairy farms in New England preventing their expansion into woodlots adjacent to the farms. It did not appear as though CACS addressed these comments in the most recent proposal, and we urge CACS to provide stakeholders a response to these issues and consider whether further revision to the proposal is warranted.

Data Collection

CACS requested input from Accredited Certifying Agents (ACAs) on how much land would have been affected should this proposal have become rule prior to 2016. We agree that it is important to have data on how a particular proposal will affect the overall industry, and gathering this data from ACAs will be helpful. We would also encourage NOSB to suggest to USDA's National Agricultural Statistics Service (NASS) questions that could be included in the next organic producer survey that could also shed light on how much land is converted from native ecosystems to organic production. For example, the following questions could be added to NASS' Organic Producer Survey under questions related to "Operation Characteristics":

- Over the past 5 years, how many acres were converted to organic from land that had never been farmed before (i.e. native ecosystems)?
- Over the next 5 years, how many acres do you anticipate will be converted to organic from land that has never been farmed before (i.e. native ecosystems)?

Having solid data included in NASS surveys will lay the necessary groundwork for National Organic Program (NOP) rulemaking as is suggested by CACS in its proposal.

Conclusion

Overall, OTA supports the overall goal of CACS' recommendation on how to eliminate incentives to convert native ecosystems to organic production, and we believe a 10-year waiting time is an adequate disincentive. Eliminating the incentive to convert native habitats is a noble goal, and one that aligns with organic production principles. OTA supports this goal, but we believe CACS has not adequately addressed the concerns raised by small dairy farmers in New England, and that further refinement of the proposal may be necessary to accommodate those concerns. Lastly, for NOP to initiate and complete notice and comment rulemaking, it will be essential to conduct some sort of cost and benefit analysis. Paving the way for this by recommendations to USDA to collect data in its next organic producer survey will assist the program in taking action once NOSB has passed a final proposal.

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,



Nathaniel Lewis
Farm Policy Director
Organic Trade Association

cc: Laura Batcha
Executive Director/CEO
Organic Trade Association