



September 29, 2022

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

Docket: AMS-NOP-22-0042

RE: CAC Subcommittee – Proposal on Oversight Improvements to Deter Fraud (Acreage Reporting)

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the National Organic Standards Board (NOSB) Compliance, Accreditation & Certification Subcommittee's Proposal on Oversight Improvements to Deter Fraud and Acreage Reporting. The Subcommittee is recommending that the National Organic Program (NOP) require certifiers to list harvested acres by crop type and acreage on the organic certificate for domestic and international producers.

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 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.

Summary Position

- OTA agrees with the goals of this proposal, but we do not support a requirement to list harvested acres by crop-type and acreage on the public facing organic certificate.
- OTA supports mandatory acreage reporting, by certifying agents, to the Organic Integrity Database (OID) by crop type, acreage, and location. Reports and data visible to the public must only include aggregated data in a manner to protect **confidential business information**.
- Acreage by crop-type could be made available only to certifiers and inspectors for supply chain / mass-balance audits and/or it could be provided to buyers via a certificate addendum as approved by the certifying agent and certified operation. We urge NOSB to explore these alternative options.

We offer our more complete comments:

OTA supports NOSB's work aimed at deterring organic fraud, and we support recommendations that will increase the tools available to detect and prevent organic fraud from happening. Currently, there are no means to accurately calculate organic acreage and/or yield estimates on a regional or country-by-country basis. This hinders the ability of NOP, State Organic Programs, certifiers, and inspectors to evaluate the total volume of organic product coming from any given region and accordingly detect whether fraud is occurring.

OTA strongly believes that accurate and current data must be maintained in the OID. To accurately calculate organic acreage and/or yield estimates on a regional or country-by-country basis, it is critical that certifying

agents be required to submit data by crop type, acreage and location (e.g., state), **and number of animals by livestock type and location (e.g., state)**, at least on a quarterly or biannual basis. As we presented in our comments on the Strengthening Organic Enforcement (SOE) proposed rule, and in our previous comments to NOSB, we believe this is one of the most impactful single actions that can be taken to increase the integrity in global organic control systems. In addition to mandatory reporting requirements for certifying agents, OTA also commented in support of federated organic certificates generated from the OID. We encourage NOSB to consider a proposal from the OID perspective.

In the proposal, CACS reports that public comments from Spring 2022, “generally supported proceeding with declaring production crop type on all certificates.” We have also heard from our members that listing certified harvested acreage by crop type is a valuable tool for traders, buyers and other supply chain participants making it possible to assess the contracted volume as representative of the acreage listed in the certificate. The ability to cross-reference certified acreage with contracted volume assists with risk mitigation in the supply chain.

CACS also notes another commenter saying there are “challenges in balancing protection of confidential business information with making such data adequately accessible for traceability and fraud detection purposes. OTA agrees. This comment is also consistent with the feedback we are hearing from our members.

In our spring 2022 comments, we said, “OTA is sensitive to confidential business information and therefore expects that USDA will continue its practice of aggregate reporting to the public. Reports and data visible to the public must only include aggregated data in a manner to protect confidential business information.”

Given the strong support for being able to access acreage and livestock data that will help mitigate organic fraud and the importance of protecting CBI, we are interested in a solution that will achieve both.

OTA supports a well-functioning central database that can serve as THE “go-to” place to verify organic certification status, and we favor OID federated certificate uniformity. We also support flexibility and the certifier’s choice to issue certificate addendums from their own system, provided it matches and is clearly linked to the OID. Finally, we would also like to see less reliance on the paper form of the certificate and more on using a functional and up-to-date database to verify an organic operation’s status and access critical data such as crop acreage and livestock numbers.

All of this added up, with confidential business sensitivities top of mind, we can imagine a scenario where certifiers and inspectors can access, through the OID, the acreage/data needed to support mass-balance audits at the farm or handler operation level. The data would be available only to certifiers and inspectors, and readily shared for inspections and supply chain audits. It would not however be publicly available via the federated organic certificate. Aggregated crop acreage and livestock data would be publicly available via the OID and could be used to support organic acreage and/or yield estimates on a regional or country-by-country basis. Further, under the OID federated certificate model proposed in the SOE rule, a certified operation could still request a certificate addendum or transition certificate (generated by its certifier’s system) with crop type and acreage; and certifiers could provide this service upon request **and** as approved by their clients.

In closing, we agree with the goals of the proposal and would like to see quantitative data better integrated into the auditing system. We support inspectors, certifiers, buyers, and sellers having the necessary



information to conduct effective mass-balance at the farm, region, or country level, and to be able to quickly cross-reference, in real-time, volume of organic sales to certified organic production area. **We believe this should be possible without divulging sensitive business information to the public.** Therefore, OTA encourages NOSB to send this proposal back to subcommittee for further work.

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 "Gwendolyn V. Wyard".

Gwendolyn Wyard
Vice President, Regulatory, OTA

cc: Tom Chapman
CEO, OTA