



April 1, 2022

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

Docket: AMS-NOP-21-0087

RE: CAC Subcommittee – Proposal on NOP Risk Mitigation Table

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 the NOP Risk Mitigation Table.

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.

The NOP Risk Mitigation Table¹ was developed by NOP to document the ways it identifies and mitigates potential conflicts of interest to safeguard impartiality in the delivery of services and oversight over accredited certifiers. The purpose of developing the table is for NOP to maintain compliance under ISO/IEC 17011:2017 conformity assessment requirements for accreditation bodies.

OTA supports strong oversight of the NOP and accredited certifiers to ensure impartiality and safeguard against conflicts of interest. OTA’s initial feedback regarding the NOP Risk Mitigation Table are detailed in response to the Subcommittee’s questions below.

1. *What potential conflicts of interest and mitigation strategies are missing from the table?*
 - The table does not address potential conflicts or risks to impartiality that may arise from accrediting certifiers that operate within a larger governmental organization, i.e. within State Departments of Agriculture or State Organic Programs.

2. *Could any potential conflicts of interest and mitigation strategies identified in the table need further clarification?*
 - Throughout the document, we encourage close scrutiny with an eye towards broadening the assessment of possible risks for each potential conflict. In some cases the assessment of possible risks is far too narrow. For example, the only possible risk identified under “Favoritism, bias or discrimination” is related to sharing of information. This should be expanded to address other

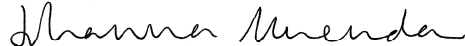
¹ <https://www.ams.usda.gov/sites/default/files/media/NOPMemotoNOSBRiskMitigationCombined.pdf>

possible risks such as unfair enforcement procedures, etc.

- Under “Undue Influence,” the Control Measure simply states that the NOP will adhere to the USDA Organic Regulations in the decision-making process, and the Monitoring Method is to compare the decision with previous decisions to confirm consistency with the requirements. Achieving this goal becomes challenging when the USDA Organic Regulations are not clear, are outdated, or are knowingly applied inconsistently by certifiers. NOP must clarify and update the standards to resolve known inconsistencies and divergent certification practices in order to fully ensure strong and consistent oversight of certifiers.

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,



Johanna Mirenda
Farm Policy Director, OTA

cc: Laura Batcha
Executive Director/CEO, OTA