



November 30, 2017

NSF International  
Ms. Jessica Evans, Director of Standards Development  
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## **RE: Regenerative Organic Certification (ROC) - Draft Requirements**

Thank you for the opportunity for stakeholders to comment on the development of Regenerative Organic Certification. The Organic Trade Association always welcomes efforts to improve agricultural practices and soil health through standards development. The goals of increasing soil organic matter over time, improving animal welfare, providing economic stability and fairness for farmers, ranchers, and workers, and creating resilient regional ecosystems and communities are in line with the Organic Trade Association's mission to promote and protect organic agriculture, to grow organic to achieve excellence in agriculture, protect the environment and enhance community well-being.

Organic certification under USDA is the gold standard of excellence and we support Rodale for recognizing it as the foundation and baseline requirement for its regenerative organic agriculture standard. The achievements of the USDA organic program are the result of over 30 years of commitment, consensus and hard work, and by design, its improvements are ongoing. We stand strong in saying that USDA's National Organic Program (NOP) organic certification, or full compliance to the terms of a USDA-NOP recognized equivalency arrangement, must be the ticket to entry.

We appreciate the opportunity to review the draft standard. At this stage of the process, we have a handful of questions and comments we hope are constructive to the the following topic areas:

1. Equivalency to the USDA organic standards
2. The allowance of antibiotics in products labeled as organic
3. Public claims made on operations meeting bronze level of certification
4. Communications to prevent consumer confusion around the meaning of "certified organic"
5. The stakeholder review process and the committee of experts
6. Accreditation and oversight of certification bodies and inspectors

## **COMMENTS/QUESTIONS**

### **1) Equivalency to USDA Organic Standards**

Section IV of the proposed standard explains that USDA NOP organic is considered the baseline for Regenerative Organic Certification, along with international organic standards that meet the equivalency requirement to USDA Organic. The international standards specifically named are the European Union (EU) Organic Program and IFOAM--Organics International/IFOAM Accreditation Criteria.

**Question:** Is the EU organic program the only equivalency program that will be recognized? What about Canada, Taiwan, Japan, Korea and Switzerland? Will future equivalency arrangements automatically qualify for regenerative certification?

**Question:** Why is IFOAM accreditation criteria being recognized as a baseline to regenerative organic certification when it is not recognized as equivalent by USDA’s NOP?

**Comment:** As stated in earlier in our comments, for products sold in the United States, USDA’s NOP organic certification, or full compliance to the terms of a USDA-NOP recognized equivalency arrangement, must be the ticket to entry. If USDA organic is the baseline to regenerative organic certification, all aspects of the program must be adhered to.

## **2) The allowance of antibiotics in products labeled as regenerative organic**

Under section VI.1.5 (Animal Welfare – Vaccines & Antibiotics), antibiotics may be used to treat sick or injured animals when recommended by a veterinarian, or if homeopathic, herbal, and other non-antibiotic treatments are not available. Animals treated with antibiotics may be slaughtered for meat after twice the licensed withdrawal period of antibiotic use has passed.

**Question:** Under the USDA organic standards, a certified operation must not sell, label, or represent as organic any animal or edible product derived from any animal treated with antibiotics. There are no allowances made for withdrawal periods. Is this allowance to use antibiotics intended for regenerative organic certification in the EU only? If the allowance is intended for operations selling or labeling products in the United States as “regenerative organic,” what is the justification for this exception?

**Comment:** The full prohibition on the use of antibiotics in organic production is one of the best-understood and highly valued attributes of organic in the U.S. market. All existing equivalence arrangements with USDA-NOP organic include a critical variance that does not allow for the sale of livestock products from animals treated with antibiotics. Divergence from this core organic attribute will be misleading to the consumer, undermine the efforts of U.S. organic ranchers and dairymen, and make organic claims in the U.S. market non-compliant with USDA’s NOP.

## **3) Bronze level certification and allowance of public claims**

Section II (Scope and Structure) of the standard describes the three levels of Regenerative Organic Certification along with permitted claims and labeling. Under the “Bronze Level” certification, no product labeling is permitted. However, the certification may be ‘claimed’ publicly.

**Question:** How does an operation with “Bronze” certification publicly claim this achievement without labeling? What type of a public claims are allowed? How will a label and labeling be defined? In what way will producers be able to communicate they are “engaged in the process” while not making full claims?

## **4) Communications to prevent consumer confusion around the meaning of “certified organic”**

As explained in the introduction to the standards, “Regenerative Organic Certification does not aim to compete with or negate current organic standards, but instead serves as a mechanism to support these standards.” Given the overlap between two of the three pillars – soil health and animal welfare – and the inclusion of some duplicative requirements, we ask the following questions:

- How will Rodale help ensure that this additive certification scheme will not inadvertently confuse consumers and lead to a misconception that the organic standards do not cover soil health and animal welfare? OTA would be glad to work with Rodale on such efforts.
- What communications and educational efforts will Rodale engage in to help ensure that consumers understand the existing requirements for soil health and animal welfare under the USDA organic standards? Again, OTA would be glad to work with Rodale on such efforts.
- The draft standard contains requirements that are already covered under NOP certification as well as some inconsistencies. Including duplicative requirements and/or inconsistencies could create questions or confusion about the existing requirements under the USDA organic standards. Does the committee intend to conduct a GAP analysis to help identify overlapping requirements to avoid duplication and/or inconsistencies?
- How will Rodale protect against the use of the term Regenerative by non-organic value chains as awareness of organic regenerative grows? The recent history of private standards gives us caution about ‘halo’ programs for conventional systems.

**Comment:** The Organic Trade Association recognizes the decades of significant investment and hard work of 24,000 certified operations, mostly farmers, in USDA’s NOP seal. We also recognize the areas in the USDA organic standards where improvement is needed and we are committed to this ongoing process. Respectfully, from a certification and consumer-facing label perspective, we would rather see improvements to soil health and animal welfare requirements made within the existing organic standards through guidance and rulemaking. We also understand the current frustrations and the desire to want to move ahead in a freer and expedited fashion via a private standard and label. However, the USDA organic regulations are 20 plus years in the making. While our success is mighty and growing, organic food sales still make up only 5% of total food sales and organic farm acres comprise only 0.5% of total farm acres in the United States.

Although we completely support regenerative organic farming and are very interested in ways to promote improved organic practices, we have concerns that we may be too young and too small to create an overlapping or additive organic PLUS certification program and label. As the awareness of the regenerative organic standard spreads, so may the misconception that USDA organic standards do not include requirements for soil health, biodiversity and animal welfare. Although not intended, this could present an unfortunate disservice to the livelihood of the organic sector and organic farmers across America. It’s critical that a new Regenerative Organic Certification does not come at the expense of the hardworking farmers and handlers who choose USDA organic certification.

## 5) The stakeholder review process

Section II (Scope and Structure) describes the stakeholder review process. The standard states that, “regenerative organic certification will be continually reviewed and revised by a diverse committee, including a review period.” It would be helpful at this stage of development to understand greater detail about the review process.

**Question:** Please describe the committee of experts who will be convened to review and revise the standards. How will this committee be appointed or elected? What are the qualifications to serve?

**Question:** Please explain the Stakeholder Review Process in more detail. How often will the standard be revised?

**Question:** Can you clarify the specific role of NSF, Rodale and others in the process?

**6) Accreditation and oversight of certification bodies and auditors**

The standard includes minimal information on how certification bodies and/or inspectors will be approved and monitored, as well as how the certification, accreditation and enforcement process will be carried out. In section VIII (Appendix) under “Auditor Requirements for All Modules of Regenerative Organic Certification,” it states that auditor remuneration is not incentive-based, nor based on the outcome of inspections. All approved auditors must receive initial training, as well as ongoing continuous education and periodic evaluation.” The Rodale Institute website states, “Owned by this coalition, the NSF International is facilitating the public comments process and is open to many certification partners.”

The Organic Trade Association is cautious about developing an additional consumer-facing organic label without also assuring rigorous oversight and enforcement. From the Organic Trade Association’s perspective, the quality and success of an organic-based standard is entirely dependent on a robust third-party certification process operating under an independent accreditation system with formal enforcement mechanisms. With this in mind, we ask the following questions:

**Questions:**

- Consistent with USDA organic as the baseline, will the certifiers’ management system be assessed against requirements such as ISO/IEC 17065? Will these certification systems be accredited by a system compliant with ISO/IEC 17061?
- Can you clarify the specific role of NSF, Rodale and others in the certification and accreditation processes?
- What will the approval and monitoring procedures as well as the accreditation process look like?
- How will violations of the standards be addressed and enforced?
- When and how will the procedures and policies for certification, accreditation and enforcement be available for public comment?

In closing, the Organic Trade Association is very supportive of the goals of Regenerative Organic Agriculture and believe these goals build on the solid foundation that USDA organic has built. We recognize the pioneering role of the Rodale Institute and its leadership to further advance organic practices that bring about healthy soil, healthy food, healthy people and a healthy planet. We look forward to continuing a dialogue about our common goals and all efforts to mitigate climate change.

On behalf of our members across the supply chain and the country, thank you once again for the opportunity to comment.

Respectfully submitted,



A handwritten signature in black ink that reads "Gwendolyn V. Wyard".

Gwendolyn Wyard  
Vice President of Regulatory and Technical Affairs  
Organic Trade Association

cc: Laura Batcha  
Executive Director/CEO  
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