April 4, 2019

National Organic Standards Board
USDA – AMS
1400 Independence Ave, SW
Washington, DC 20250
RE: AMS-NOP-18-0071

National Organic Standards Board members:

The Ohio Ecological Food and Farm Association (OEFFA) is a grassroots coalition of over 4,800 farmers, gardeners, retailers, educators, and others who since 1979 have worked to build a healthy food system that brings prosperity to family farmers, safeguards the environment, and provides safe, local food. OEFFA employs education, advocacy, and grassroots organizing to promote local and organic foods, helping farmers and eaters connect to build a sustainable food system. OEFFA's Certification program has been in operation since 1981. OEFFA certifies more than 1,300 organic producers and food processors, ensuring that these operations meet the high standards established for organic products.

We respectfully offer the following comments.

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MATERIALS SUBCOMMITTEE

Discussion Document: Genetic Integrity Transparency of Seed Grown on Organic Land

OEFFA appreciates the NOSB work to assess the difficult issue of contamination, and for taking the time to ensure that this is approached in a way that works for those certified operations. We support the focus on corn, transparency, and on data gathering to foster the eventual development of threshold levels for contamination. Given the current climate, we are supportive of the recommendation for the NOP to achieve this through an Instruction to Certifiers. Most importantly, we must get started with this work, so we can build from the information gathered and address GE contamination in seed across the board. Operators will benefit from increased transparency regarding levels of contamination they begin with, by virtue of the seed with which they plant.

Our comments related to the discussion questions are noted below and are followed by more general information supportive of a new proposal.

1. *Would the testing and knowledge of GE contamination of seed grown on organic land lead to less available corn seed varieties that contain traits or regional adaptability sought by organic farmers?*

OEFFA corn growers, primarily in the Midwest, are largely using organic corn seed varieties that meet their needs. They may, under limited circumstances, use untreated, non-GMO, seed, primarily untreated, non-GMO high-oil varieties to boost protein levels in feed-grade corn. This high-oil corn was not available on the organic market. We believe that testing and knowledge of GE contamination of seed grown on organic land would not lead to less available corn seed varieties.

b.) *Please describe if there is a risk that an organic farmer would choose to leave organic production or have a significant loss due to their choice to not plant corn seed if they were knowledgeable of the level of purity from GE contamination. Note, the level of purity from GE contamination is not proposed to affect the certified organic status of the seed or the crop.*

OEFFA grain growers feel that if there is a mandate that levels of GE contamination are required to be printed on the seed tags, it will cause market forces to increase the purity of corn seed being provided which would support growers over the long-term. It is our understanding that during the pilot project phase, this information is informative, not punitive. The NOSB has the ability to gather information and work with seed companies after the analysis of pilot project data to ensure that producers are not forced into a situation where they must use contaminated seed.

That said, while the level of purity from GE contamination is not proposed to affect the certified organic status of the seed or the crop, it does affect the achievable market of the producer, and thus pay price. It is hard to know if a farmer would leave organic farming over this issue, but it would likely be part of a series of decisions that determine whether or not organic farming is a good fit. Still, ignorance of the

level of contamination in the seed on the front end could make achievable markets on the back-end less predictable.

In reference to seed dealers, rather than growers, OEFFA grain growers expect some companies that primarily deal in conventional and untreated non-GMO seeds might just get out of the business of selling to organic growers if testing were to be required, but might still market untreated, non-GMO seed to transitional producers. Our growers wonder if that might just push those who are skirting the organic seed requirements to use more organic seed.

c.) *If there are any other negative consequences that might come from the testing and knowledge of GE contamination presence in seed planted on organic land, please be specific on what these might be.*

OEFFA grain growers expect that the primary negative consequence of the transparency would be higher prices for the corn with the lowest percentage of contamination. They referenced Albert Lea's Ultra-Pure corn and suspected that the corn with the lowest percentage of GE contamination would sell out quickly. More contaminated corn, they expect, would be cheaper, but perhaps more difficult to sell due to the associated risks.

Another possible risk OEFFA grain growers noted was the potential for market confusion regarding organic being more than just non-GMO, but also being a process, rather than a testing-based standard. There was some concern that the knowledge that this transparency would provide could be used as a critique of organic. Still, OEFFA grain growers feel strongly the transparency is necessary and will serve to raise the bar.

OEFFA also expects that the cost associated with increased testing for GMO presence will eventually fall to growers, who will pay higher prices for purer seed and may also pay for testing (or the cost will be transferred to them after seed companies conduct testing, because companies will raise their prices according to their own expenses).

2. *Can organic seed growers and their certifiers provide information regarding how many entities are testing for the presence of GE contamination? If they are not testing, what are the reasons?*

OEFFA Certification does not generally hear about GMO testing of crops grown for seed. We ask that inspectors report on any positive GMO tests and we get a few of these each year, but those responses stem primarily from feed mills. This could mean a variety of things: the seed buyers are not testing, the seed buyers are testing and not reporting to the growers, or the seed buyers are testing and reporting but the results are "clean" and thus OEFFA does not hear about it.

OEFFA has not done GMO testing in the past because there are no thresholds and there is no guidance for what to do with positive results. We plan to do some this year, but it will more likely be focused on

final crops grown for feed than seed or crops grown for seed, as a result of the numbers of operations we certify that grow each type of crop.

4. *Should there be a sentence added to a proposal addressing a possible future legal impediment to testing seed for GE traits? Would requiring documentation from the seed seller to the certifier stating that it is illegal for the farmer to test that seed corn, hence exempting that farmer from testing the seed, be a solution?*

OEFFA grain growers believe the seed should be able to be tested at any point in the supply chain by any actor in the supply chain. That said, some contracts involving Foundation Seed from which hybrid organic seed will be produced require that the producer not test the seed for GE content, which could put the contract grower in a difficult legal position. In this case, OEFFA agrees that a copy of the relevant portion of the contract, or a letter from the contract buyer noting that the seed must not be tested, would suffice to allow the producer to use the untreated/non-GMO Foundation Seed to fulfill the contract.

The requirement of the contract buyer that the seed not be tested is confounding to us, because the hybrid organic seed that is a product of the Foundation seed and will soon be on the market, will indeed be tested, at which point the GE content will become known. It's unclear to us why the secrecy is warranted in the situation of Foundation Seed.

5. *Can you provide feedback on how to gather the "level of purity from GE contamination" information from the certification agencies, and which entity should receive and summarize that information for the public?*

OEFFA prefers the NOP subcontract with an entity to receive and summarize this information for the public. Perhaps existing entities within the community, which are used to this sort of data gathering and analysis, would be well-equipped to efficiently and expeditiously manage such a task.

The paperwork and financial burden concerns OEFFA and the farmers that we serve. In discussing how this initial data gathering project could play out, OEFFA grain growers felt strongly that the burden of testing for organic seed should fall on the seed companies and that the level of contamination should be printed on the seed tag. They also suggested that suppliers keep back one sample per lot, which would be more efficient and effective than analyzing data from each individual grower across the country.

Additionally, OEFFA grain growers hold that if a farmer chooses to purchase untreated non-GMO seed for which the GE content is not available, the burden of testing that seed should fall to the farmer. The grower should have that seed tested at an independent lab and keep the sample, noting the percentage of GE content present.

As noted in the related Discussion Document, attempts to address this issue span five years without any concrete action. We urge the NOSB and NOP to move forward with this project. As the board

synthesizes comments from the spring meeting and prepares a proposal for the Fall of 2019, please include responses to previous concerns around the definition of a "lot," which can vary a great deal. We need to be clear about the parameters of future testing as the implications of the results may depend on that clarity.

We appreciate that future testing will be narrowed to commercially available GE traits but it is ***important to note that as conventional seed increasingly includes stacked traits, that will mean an increase in testing costs, as a strip test would be required for each trait.***

Thank you again for your attention to this issue. OEFFA supports the forward movement of this proposal.

Discussion Document: Assessing Cleaning and Sanitation Materials Used in Organic Crop, Livestock, and Handling

The organic community would benefit from a comprehensive review of sanitizers, disinfectants, and cleaners. It is very difficult to evaluate the essentiality of proposed materials, whether a petitioned new material or a review at sunset, in the absence of such a comparative analysis.

OEFFA has noticed three varying levels of scrutiny when reviewing cleaning materials, especially sanitizers:

- Certifier looks only at the active ingredients on the label of a product and does not consider other ingredients; actives must be non-synthetic or on the National List.
- Certifier looks at a full list of ingredients. Active ingredients on the label must be non-synthetic or on the National List. Other ingredients must be present on the Technical Evaluation Report for the active ingredient(s).
- Certifier looks at a full list of ingredients; all ingredients must be non-synthetic or on the National List.

OEFFA Certification currently follows the middle option because we believe that the intent of the Board and organic community is best embodied in that approach. However, this limits the availability of approved sanitizers to producers.

We support the request for a Technical Review for each active sanitizer ingredient to provide a foundation for this broader review and the pragmatic idea to have a reference document that could be passed to future NOSB members. The Technical Review should include a "standard of identity" for the active ingredient which includes common inert ingredients that accompany it.

In the course of reviewing each sanitizer, NOSB would evaluate the full list of ingredients (active and common inerts) against the criteria in OFPA. This process would happen every three years and could include revisions of the Technical Review to include new ancillary/inert ingredients as necessary. If new ancillaries are not in keeping with OFPA, the listing could be annotated to exclude those specific formulations. For example, "Chlorine materials, *except* chlorine materials containing quaternary ammonium compounds." Materials review organizations would then review only the listed active ingredient in a sanitizer product unless the National List entry for that active included an annotation (and then would review inerts/ancillaries as well).

We think the proposed evaluation criteria and list of materials classified by their active ingredients are a great start and appreciate NOSB's acknowledgement of previous comments.

COMPLIANCE, ACCREDITATION, AND CERTIFICATION SUBCOMMITTEE

Discussion Document: Oversight Improvements to Deter Fraud

We commend the proposal and are comforted to know that the 2018 Farm Bill provided increased resources and authority to the NOP to address this issue. The NOSB has been very thorough in gathering feedback from affected stakeholders on the issue of organic import fraud. We also understand that despite the issue being brought to the fore, there is much work to do as our domestic organic grain producers remain in a position where they are competing with foreign grain that may or may not be truly certified organic. We request that the same efforts also be put into gathering feedback on domestic fraud, particularly within the organic dairy sector.

Discussion Questions:

1. Are there any additional activities missing from the list above that would result in better oversight and enforcement of the organic regulations?

Projects already underway in need of completion:

- OEFFA echoes the comments from the Organic Trade Association to increase the number of Harmonized Tariff Codes, 10-digit statistical breaks for organic products, in the harmonized tariff schedule. OEFFA agrees the 10-digit code should be required. This will ensure accurate accounting of products entering the United States, which is critical to understanding what products are entering and from which countries. Without increased number of codes and their

compulsory use by industry, there is no reliable/consistent baseline for understanding volumes, prices, and origins of imported organic products. **Additionally, the NOP should set up a meeting with the International Trade Commission in the coming months to establish an ambitious goal for the number of HT codes that can be completed by the end of 2019.**

- Implement Origin of Livestock Rulemaking
- Transparency and follow-up on the results of the Dairy Compliance Project
- Implement Organic Livestock and Poultry Practices rulemaking

Low-hanging fruit that would increase industry transparency:

- USDA should provide oversight of certification agencies located outside of the U.S. involved in issuing organic import certificates and ensure that large grain shipments are being directed to specific ports of entry where additional oversight is possible.
- Release the results of the NOP peer review audit
- Identify the number of USDA staff dedicated to tracking import shipments, the percentage of ships tracked, and the methodology for risk assessment.
- Related to point 2 in the Discussion section, we suggest adding "consistency" to the following sentence as demonstrated here:
  "Organic certification agencies should develop a stronger system of collaboration, consistency, and transparency when investigating fraud." This will support organic operations in greater and quicker adherence to the sourcing requirements relating to uncertified entities and imports.

Education and further investigation or oversight:

- Identify other industries/products that have a longer history of dealing with fraud and learn from the measures they took and their outcomes.
- Identify the legislative authority necessary to gather detailed ship manifest data in advance of shipment with the ultimate goal of directing large organic grain shipments to specified ports where the authenticity of the organic certification and product can be verified.
- Advise the NOP to work with all USDA departments and provide education on the need to move beyond a sole focus of phytosanitary requirements and prioritize organic fraud agency-wide and in partnership with Customs and Border Protection.
- Identify whether the fraudulent imported grain is being insured as organic.
- Ensure that when another certifier, operating in the U.S. or through an equivalency or recognition agreement, revokes the certification of a domestic entity, an automatic investigation is triggered within the NOP.

- Non-retail products are particularly challenging to link back to the last certified entity due to the lack of robust labeling requirements. Requiring the following elements will support fraud prevention and maintenance of organic integrity in the supply chain: organic status, "certified organic by" statement, and the operation's business name and information.
- Groceries, as retail food establishments, are at particular risk of fraud in produce and bulk sales. It is worth considering that they too should be required to be certified, or alternatively, the NOP might review records groceries are required to keep as exempt operations.
- Supply chain audits, including cross checks, conducted by NOP on high-risk commodities should be conducted.

2. Are there specific items above that are impractical or difficult to implement and why?

Focusing on the verification system is both sound and sensible. Sourcing is often the foundational element of an Organic Control Point Program for a handler. If certifiers focus on evaluating and verifying the operation's system, they spend less time checking over every bit of an operation's work and encourage the operation to own the OCP. However, even when giving them plenty of technical assistance, they often under-develop these systems/procedures or do not dedicate enough resources to implementing them. Certifiers respond typically by encouraging operations to bolster their procedures through the compliance process. Developing an adequate procedure is particularly challenging with import issues due to the lack of related standards and instruction. As discussed under number 4, improving certifier policies and resources to help operations create Organic Control Point Programs in complex situations is essential to guide them through the process.

3. Please provide your thoughts on how these items should be prioritized. By importance, ease of implementation?

This is a practical question, and we appreciate the NOSB posing it. We categorized our feedback in #1, above, based on our understanding as a farmer organization and certifier, but also recognizing that we do not have a full view of the challenges that face staff at NOP, Customs and Border Protection, and the inner workings at USDA. We believe that these items should be prioritized based on importance.

1. Close the loophole which allows uncertified handlers to buy and sell organic products, as well as to physically take possession, as noted in sections a, b, and c of the discussion document.

2. Explore working with Congress to provide the NOP with "stop sale" authority.

3. The National Organic Program should improve its oversight through the following activities:

- Dedicate staff to oversee the tracking of organic grain being imported from overseas through tools such as “Vesseltracker.”
- Improve the regulations by requiring all handlers...to become certified organic (see #1).

4. Ensure that every product sold as organic have clear correlation between the information on the certificate, the shipping documentation, and the physical product, with the source, certifier, and company name, in addition to the lot number.

    a.) The supplier can share their source information directly to the certifier.

5. Both domestic certifiers, as well as those operating abroad, should provide acreage for organic commodities in the Organic Integrity Database.

6. As it pertains to bulk commodities, set up an alert system, where buyers who reject a product due to a concern of the validity of organic certification, could present this information so other buyers could do their own review before purchase and/or processing or resale.

Additionally, we request that the following recommendations for the OIG findings in the “Approval and Oversight of NOP Agreements for International Trade and the Import of Organic Products” report be carried out:

- Prior to issuance of future U.S. Equivalence determination letters, develop and implement a procedure to document and disclose the final resolution of all foreign country organic standards identified as having differences from USDA organic standards.; and
- Revise NOP handbook NOP 2100 to include the requirement that NOP officials conduct on-site audits at least every two years of foreign countries that maintain equivalency arrangements with the USDA.

Energy Infrastructure on Organic Farms

OEFFA is grateful to the board for requesting the NOP add Energy Infrastructure on Organic Farms to the work agenda. It is our understanding that you are awaiting final approval of this request.

Energy infrastructure is impacting organic farms in the absence of clear guidance for certifiers. This negatively impacts both certifiers and farmers who are left in the dark regarding how to manage and mitigate these impacts on farms. It also represents a clear example of regulatory inconsistency in our industry. No one knows what to do, because most are reticent to talk about it. This strategy serves no one.

OEFFA's experience working with energy infrastructure on organic farms has taught us that in the deployment of this infrastructure, prohibited substances can be identified and alternative materials and practices can be utilized. When soil productivity and the environmental integrity of organic farms may be threatened, there are tools that can be shared to mitigate that impact.

OEFFA's understanding is that the NOSB has carefully scoped its request, not to take controversial actions against any industry or practice, but rather to address a very narrow purpose --the impacts of this infrastructure on organic farms--with the goal of providing Instruction to Certifiers so that they can offer tools and resources to proactively prevent impacts from such activities on or adjacent to organic operations. This request is clear, purposeful, and could foster consistency of enforcement in our industry.

Potential positive outcomes of this topic being added to the work agenda could include:

- A panel discussion at the Fall 2019 NOSB meeting
- A discussion document to help unpack the issue
- An assessment of the utility and applicability of Organic Agriculture Impact Mitigation planning for producers
- Proposed guidance or instruction for certifiers regarding how to work with farmers faced with this infrastructure so that certification can be maintained

Thank you again to the NOSB for requesting to add this item to the NOSB work agenda. We support your efforts and urge the NOP support the discussion of this important topic.

LIVESTOCK SUBCOMMITTEE

Discussion Document: Use of Excluded Method Vaccines in Organic Livestock Production

OEFFA regards vaccines as a necessary tool for farmers to maintain the health of their livestock. We favor a policy of allowing vaccines made by excluded methods only when there are no commercially available vaccines that are not produced through excluded methods to prevent that specific animal disease or health problem and the specific health problem poses an emergency. We suggest an approach to defining "emergency" in this situation that is parallel to that used for defining emergency use of parasiticides.

Regardless of the approach taken, it will need to be informed by a list of available vaccines. It appears that such a list is available through APHIS.[1] The Accredited Certifiers Association has commented:

> *We have heard it suggested that the six-digit codes assigned to the product listings can provide clarity as to whether vaccines are produced with excluded methods. However, we were recently advised by USDA-APHIS that relying on the coded information would lead to incorrect characterizations.*

The challenge had previously been that no list of available vaccines existed. While it may be the case that relying on the currently coded information would lead to incorrect characterizations, perhaps we could use the existing APHIS list to begin building accurate characterizations.

Further, to reduce redundancy among material reviews conducted on the same set of vaccines by multiple certification bodies and due to the (often) proprietary nature of vaccine formulations, OEFFA suggests that the commercial availability review be undertaken by the NOSB. Vaccines available only from excluded methods would be included on the National List and subject to the same Sunset Review process as other items permitted due to commercial availability considerations.

[1] https://www.aphis.usda.gov/animal_health/vet_biologics/publications/CurrentProdCodeBook.pdf.

2021 Livestock Sunset Reviews

(PARASITICIDE) FENBENDAZOLE

(PARASITICIDE) MOXIDECTIN

HYDROGEN PEROXIDE

PERACETIC ACID

IODINE [205.603(A) AND 205.603(B)]

TRACE MINERALS

VITAMINS

OEFFA Supports the continued listing of Fenbendazole, Moxidectin, Hydrogen Peroxide, Peracetic Acid, Iodine, Trace Minerals, and Vitamins on the National List for use in livestock production.

METHIONINE

OEFFA has noticed an increased use of metal methionine hydroxy analogue chelates, or, in common language, synthetic methionine stuck to copper, manganese, or zinc. We have allowed the use of such chelates under §205.603(d)(2), "Trace minerals, used for enrichment or fortification when FDA approved," because these substances are AAFCO approved as sources of these minerals. Typically, however, synthetic methionine use would be regulated under §205.603(d)(1), which specifically addresses DL-Methionine. This work-around underscores the urgent need for natural methionine sources within a holistic, systems-based approach to poultry production.

Previously, OEFFA has advocated **systems-based research aimed at eliminating DL-Methionine in organic poultry feeds and investigating the impacts of natural methionine feed sources, breed, and high-welfare management strategies simultaneously.** Substantial research has already been conducted investigating isolated strategies for raising chickens organically and humanely without synthetic amino acid supplementation. If we do not spend time investigating natural methionine sources in a systems-based approach, creative ways of including synthetic methionine in poultry diets will continue to proliferate.

HANDLING SUBCOMMITTEE

Sunset Reviews

Celery Powder

OEFFA awaits input from the celery panel and eagerly anticipates an alternative to conventional celery powder for use in organic handling.

Dairy Cultures

Enzymes

Microorganisms

Yeast

Citric Acid

These materials are widely used by OEFFA producers in organic handling and we support their re-listing. Because the Dairy Cultures Technical Review from 1995 does not address ancillary substances, OEFFA relies on the Microorganisms Technical Review, which does list them, as a reference for Dairy Cultures.

Nutrients, Vitamins, and Minerals

This group listing functions differently than much of the National List, which allows or disallows specific materials. The group listing leads to regulatory inconsistency among certifiers. We agree with the National Organic Coalition and others who have repeatedly called for this to be addressed, and ask that there would be ample lead time, should this listing be changed into a material-by-material listing, as is customary in the majority of the National List materials, to avoid confusion among organic handlers.

Post-harvest handling and "100% Organic" status

There are currently inconsistencies among certifiers on this issue. Some say that any products with non-certified materials contacting organic products after harvest disqualify them from obtaining 100% organic status. Others say that any raw agricultural commodity produced on an organic farm is 100% organic, regardless of post-harvest handling materials. Certifier policies also differ with respect to how crops are listed on producer certificates as opposed to how they may be treated for calculation purposes later in the chain of production. There is broad frustration with the 100% labeling category. That said, if it is going to continue to be a part of the organic rule, certifiers need guidance on this topic to insure consistent application of 100% organic status. OEFFA supports official, documented recognition of any raw agricultural commodity produced on an organic farm as 100% organic, regardless of the use of compliant nonorganic post-harvest handling materials.

CROPS SUBCOMMITTEE

PROPOSAL: STRENGTHENING THE ORGANIC SEED GUIDANCE

OEFFA thanks the subcommittee for its continued work in honing this proposal. We agree that the Organic Seed Guidance must be strengthened, and we generally support the proposal. We also recently participated in an ACA working group to develop best practices related to this topic and we offer that up as additional information. That said, we offer the following feedback on specific points of appreciation and request for further clarification on the proposal.

4.1.6

OEFFA appreciates this attempt to clarify the grey area regarding non-organic perennial planting stock and what may or may not be sold from it.

It is our understanding in this section that no vegetative portion of the plant, such as the clearly defined rosemary cuttings you noted, could be sold as organic prior to a full year of organic management. This makes sense to us.

Our interpretation of your language is that fruit from non-organic plants (both non-organic plugs and bare root plants) produced less than one year from the time of planting and entered a system of organic management would still be allowed. We are not entirely sure if this is what you intended in the language you drafted and ask that you clearly delineate the expectations for both bare root plants and plugs grown as perennials.

4.2.1(b)

Thank you for removing the requirement to check five sources for organic seed, and the inclusion of multiple methods by which to determine an adequate seed search has taken place.

DISCUSSION DOCUMENT: PAPER (PLANT POTS AND OTHER CROP PRODUCTION AIDS)

OEFFA continues to view Paper Pots as a necessary part of an innovative and labor-saving transplanting system. We appreciate the postponement of the paper pot prohibition in an effort to gather more information, and we support the Technical Review for paper-based crop production aids.

2021 Crop Sunset Reviews

Hydrogen Peroxide

Soaps, Ammonium

Oils, horticultural (narrow range oils)[205.601(b) and 205.601(e)]

Magnesium Sulfate

OEFFA Supports the continued listing of Hydrogen Peroxide, Soaps, Ammonium, Oils, Horticultural, and Magnesium Sulfate on the National List.

Field and Greenhouse Container Production

We noted that the updated Work Agenda lists "field and greenhouse container production" as being "on hold" since September 2016.

It is our understanding that a current focus of the NOSB and NOP is clarity and consistency of enforcement. The integrity of the organic seal and the market for organic products is harmed in the absence of clear and consistent standards, and when the NOP allows multiple and conflicting interpretations of the organic regulations across certifiers.

OEFFA agrees that clear and consistent standards are paramount. There are existing and evolving systems of production that need additional oversight to eliminate inconsistencies between certifiers and operations. **We urge the NOSB and NOP to advance work on Field and Greenhouse Container Production, a work agenda item that has been previously approved by the NOP, by putting this topic on the agenda for the Fall 2019 NOSB meeting. Further action is essential to ensure clarity and consistency in the organic standards and to prevent multiple conflicting requirements across certifiers.**

POLICY DEVELOPMENT SUBCOMMITTEE

Subcommittee Notes and the Open Docket

Thank you to the NOSB and NOP for the return of the subcommittee notes. We all benefit from better communication between NOSB meetings and appreciate your efforts at transparency.

We also appreciate the efforts at opening the docket soon after the previous NOSB has ended. This semester, the open docket lent itself to improved communication between OEFFA producers and NOSB members regarding Genetic Integrity Transparency of Seed Grown on Organic Land, and we are grateful to have had the opportunity to engage producers during the winter when they had more time to think through the issues and provide input. That said, we feel certain there must be a way to facilitate greater

fluidity of information and collaborative work among the NOP, the NOSB members and the organic community and industry through a more fluidly open docket.

With the best intentions of restoring greater transparency and fostering open communication, we request the following:

1) The role of the Advisory Board Specialist (ABS) as described in the PPM on pages 11-12 includes the following:
    - Arranging, facilitating, and documenting the NOSB Subcommittee conference calls
    - Ensuring NOSB members have all necessary materials and information to provide informed, structured and timely recommendations to the NOP

We suggest that the first point should be revised to: "Arranging, facilitating, and documenting the NOSB Subcommittee conference calls. Documentation must include topics discussed, a summary of the discussion, motions made, and votes on motions." This request is further supported by General Records Schedule 6.2,[1] which requires that such records must be maintained "permanently" and be made available to the public. They include:

> Records that document the activities of subcommittees that support their reports and recommendations to the chartered or parent committee. This documentation may include, but is not limited to:
>
> - meeting minutes
> - transcripts
> - reports
> - briefing materials
> - substantive correspondence, including electronic mail, exchanged between one or more subcommittee members, any other party that involves the work of the subcommittee, and/or agency committee staff (such as the Designated Federal Officer)
> - background materials.

[1] https://www.archives.gov/records-mgmt/grs/grs06-2.pdf. The PPM, page 12, requires, "Records of the NOSB shall be defined and handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule."

We would happily utilize this more detailed information in addition to the well-organized grid that was more recently provided to better do our work and provide information to NOSB.

2) Based on the **Policy for Public Communication between NOSB Meetings** (Adopted April 11, 2013), "The NOSB and NOP seek public communication outside of Board biannual meetings and public comment periods to inform the NOSB and NOP of stakeholders' interests, and to comment on the NOSB's and NOP's work activities year around. [Currently in PPM, p. 33.]" **As such, we request the NOP open the docket for the next NOSB meeting as quickly following the previous NOSB meeting as possible. This will facilitate a more fluid, transparent dialogue between NOSB members and stakeholders.**

ADDITIONAL TOPICS

MUSHROOM STANDARDS

OEFFA views the transparent public process as the backbone of the organic industry and clear and consistent standards as paramount. We, like many ACAs, have certified Mushrooms for some time utilizing the seed standards that exist in the regulations. We recognize this is a stretch and would prefer actual mushroom standards by which to certify organic fungus. As ACAs tend to do, we have striven to stay in touch and in line with our certification counterparts to certify mushrooms, in the absence of truly applicable standards, in as consistent and equitable manner as possible.

Recently, however, the NOP issued a notice to certifiers stating that operations producing ready-to-use mushroom spawn are required to hold organic certification. OEFFA participated in an ad-hoc ACA group following this notice and shared several concerns with other participants. It is not clear if agricultural ingredients in ready-to-use spawn must be certified organic (in contrast to growing media used for seeds). It is also unclear how an operation that combines nonorganic spawn (with an appropriate commercial availability search) with nonorganic agricultural or nonsynthetic ingredients can be required to hold certification while an operation that mixes livestock minerals with organic agricultural ingredients (e.g as carriers) for inclusion in livestock feed does not need to be certified. **Rather than the recent, off-the-cuff rulemaking in response to a materials dispute, we can best resolve these issues through the public process to develop clear and consistent standards.**

When NOSB Meetings are Held

OEFFA consistently hears feedback from organic producers regarding the timing of NOSB meetings. ***The spring meeting comes at a tough time for mixed vegetable producers, and the fall meeting is a challenge for grain growers in the Midwest.*** These challenges extend beyond attendance at the meeting and include finding the time to respond to meeting materials that are published in such close proximity to the deadlines for public comment. Please consider holding one of the meetings each year in the winter--perhaps in January. While we recognize this will still present a challenge for those organic producers in other climates, this timing would enable substantial sectors of the organic community to take a more active participatory role in communication with the NOSB.

On behalf of the Ohio Ecological Food and Farm Association and OEFFA Certification,

Carol Goland, Ph.D.
Executive Director