Northeast Organic Farming Association of Vermont
Growing local farms, healthy food, and strong communities in Vermont since 1971.

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National Organic Standards Board
Michelle Arsenault, Advisory Committee Specialist
USDA-AMS-NOP
1400 Independence Avenue, SW
Room 2642-S, Mail Stop 0268
Washington, DC 20250-0268

Public Comment
NOSB Meeting - April 2017
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Nicole Dehne, Certification Director, Vermont Organic Farmers LLC
Madison Monty, Policy Advisor, Northeast Organic Farming Association of Vermont

Vermont Organic Farmers LLC (VOF) is a USDA accredited certifier representing 589 certified organic farmers and processors. The organization has been certifying producers since 1985 and has been accredited by the USDA since 2002. The Northeast Organic Farming Association of Vermont (NOFA-VT) is one of the oldest organic farming organizations in the country with over 1,200 members – farmers, gardeners and consumers working to promote an economically viable and ecologically sound food system. We appreciate the opportunity to comment on the NOSB's agenda items.

Handling Subcommittee

2019 Sunset Reviews

VOF producers certified to the processing scope use the following materials from the list of 2019 sunset reviews. VOF supports the relisting of these materials as they are important tools for VOF producers.

- Diatomaceous earth. This material is used by almost all of our organic maple producers to filter maple syrup for larger pieces of undissolved material that make the syrup look cloudy. VOF currently certifies 185 organic maple producers.
- Nitrogen. This material is used by many of our certified producers as a processing aid to replace the oxygen between the product and the container.
- Chlorine Materials (Calcium hypochlorite, Chlorine dioxide, Sodium hypochlorite). Chlorine materials are used by many of our certified producers to sanitize food contact surfaces in their facilities.
- Carbon dioxide. This material is used by VOF certified processors who produce carbonated beverages.
- Casings. Certified producers continue to use casings for their organic sausages.

- Pectin (non-amidated forms only). Many of our producers who produce jams and jellies used pectin in their processing.

Livestock Subcommittee

2019 Sunset Reviews**:**
VOF livestock producers use the following materials from the list of 2019 sunset reviews. VOF supports the relisting of these materials as they are important tools for VOF producers.

- Chlorine Materials (Calcium hypochlorite, Chlorine dioxide, Sodium hypochlorite). Chlorine materials are used by many of our certified producers to sanitize food contact surfaces in their facilities.
- Chlorhexidine. Is used by dairy producers as a teat dip when iodine or other approved teat dips are no longer effective. We have seen it used to address the spread of warts, high somatic cell counts or high mastitis instances. It is essential for use by veternarians when conducting surgeries.
- Glucose. Is used by VOF dairy producers to treat ketosis intravenously.
- Oxytocin. Is used by VOF dairy producers to address retained placentas.
- Tolazoline. Is used by veterinarians to reverse sedation caused by xylazine.
- Copper sulfate- Is used by VOF dairy producers as a treatment and prevention for hairy warts (digital dermatitis) and general hoof health.
- Lidocaine. Is used by our VOF producers on organic livestock to minimize pain during dehorning.
- Procaine. Is used by our VOF producers on organic livestock as a general local anesthetic.

Discussion Document: Clarifying "emergency" for use of synthetic parasiticides in organic livestock production

VOF feels that further clarification will assist certifiers in enforcing these regulations consistently. We support a definition of emergency that clarifies the following:

- That the procedure is not routine.
- That preventative measures have failed.
- Where producer has done testing or procured the recommendation of a veterinarian to determine infestation and whether the animal's life is at risk.
- Steps are taken to prevent a reoccurrence.

This clarification will help certifiers review use and point to a specific area of the rule that prevents routine use and requires a plan to prevent a similar issue from reoccurring.

Compliance, Accreditation, & Certification Subcommittee

Discussion document: Eliminating the incentive to convert native ecosystems to organic production crop production

While we haven't found this to be an issue of major significance for our producers/landscape here in Vermont, NOFA-VT and VOF appreciate the Discussion Document on this topic and support the NOSB's efforts to prevent the conversion of native ecosystems and high value conservation land to organic production. Recognizing that more information is needed before this issue can be addressed, at the time we are providing comments on a few specific areas where we feel there is a need for greater clarity.

1. The definition of "high value conservation land" or other terminology will be critical to the successful implementation of a policy to protect native ecosystems.
The definition and must be clear, enforceable, and generally suitable for regulatory purposes.
The terminology must be clear enough to be interpreted consistently by certifiers, inspectors, and farmers.
Additional review of international organic definitions and standards, with consideration given to how those standards are applied by certifiers, is needed.

2. Methods for verifying land use history are centrally important.
In determining the best approach and specific definition of protected land, the NOSB should consider the methods available to certifiers in verifying land use history.
The NOSB should more closely explore verification methods used in other countries.

3. The standard must be able to be applied with fairness and equality.
The NOSB should consider who is disincentivized: the current land owner or the previous land owner who may have converted a native ecosystem but did not disclose that information upon sale to an organic farmer? This issue has even greater impact if the land is completely banned from being certified organic.
In developing a proposal or rule change, NOSB should consider whether (and under what circumstances) an exclusion from organic certification in order to protect native ecosystems would be considered a legal taking.

In general, we believe a rule change (such as an addition to 7 CFR 205.202) rather than the issuance of Guidance by NOP will be the best approach to addressing this issue. We also generally support an extended (5-year) waiting period for land that has been recently converted from high value conservation land or a native/fragile ecosystem. We applaud the

Certification, Accreditation, and Compliance Subcommittee for taking on this challenging topic and look forward to providing additional comments.

Crops Subcommittee

2019 Sunset Reviews:
VOF crop producers use the following materials from the list of 2019 sunset reviews. VOF supports the relisting of these materials as they are important tools for VOF producers.
Chlorine Materials (Calcium hypochlorite, Chlorine dioxide, Sodium hypochlorite)
Herbicides, soap-based
Biodegradable biobased mulch film. NOFA-VT and VOF hear often from organic growers about their desire to use biodegradable mulch. We even hear from some growers that the reason they have decided not to certify their farm organic is because the regulations prohibit the use of this material despite their view that it is an environmentally friendlier alternative to plastic mulch. The current NOP Policy Memo 15-1 currently requires that biodegradable mulches be 100% biobased despite the fact the NOP rule does not. The problem with this interpretation is that there are no mulches available at this time or in the near future that meet this 100% biobased requirement. NOFA-VT and VOF encourage the Crops Subcommitee to review the NOP's Policy Memo 15-1, as requested by the NOP, and find a reasonable solution to this issue that encourages production of biodegradable mulch with increased biobased content while taking into consideration what is feasible for commercial production.
Boric acid
Sticky traps/barriers
Copper sulfate
Coppers, fixed. Copper fungicides are a critical disease prevention tool for organic vegetable and fruit growers in Vermont. Organic growers who use these products do so only when necessary to address diseases like late blight in tomatoes or potatoes or fire blight in apples. VOF strongly recommends annual soil testing from organic crop producers and copper is one of the materials evaluated in the standard fertility tests. Evaluating these tests allow us to monitor accumulation of copper in the soil.
Micronutrients (Soluble boron products)
Micronutrients (Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt)

Hydroponics

Organic production systems must promote ecological balance and conserve biodiversity, as recognized by the creators of OFPA and clearly stated in the Organic Rule. NOFA-VT and VOF believe the maintenance of soil ecology and organic matter is the foundation of organic

farming. In this regard and others, hydroponic/aquaponic/aeroponic systems do not meet the letter or spirit of OFPA and should not be allowed in organic production.
The NOSB's deliberations around hydroponic/aquaponic/aeroponic systems have substantial ramifications for the future of organic. For this reason, NOFA-VT and VOF urge the NOSB to once again bring the issue of hydroponic/aquaponics/aeroponic to a vote at the fall 2017 meeting. Although there exists a continuum of methods used in greenhouse and container production, we believe the distinction between the two ends of this continuum – hydroponics/aquaponics/aeroponics and in-ground farming (whether in the open or under cover) – is clear enough for the NOSB to move forward with prohibiting soilless production systems in organic.

While some container production may approach the in-the-soil end of the continuum, we prefer a situation wherein only in-ground production can be labeled organic (aside from specific situations such as bedding plants and herbs). With regard to fully mature crop production in containers, clear standards are needed before this type of production can be considered to meet the basic principles of organic and the letter and spirit of OFPA. The key principle has to do with management of the soil, which has to be the ultimate source of crop nutrients.

J. I. Rodale and his staff defined organic growing as "a system whereby a fertile soil is maintained by applying nature's own law of replenishing it – that is, by adding organic matter to preserve humus rather than using chemical fertilizers." Rodale's definition was simplified to create a founding tenet of the organic movement: "Feed the soil, not the crop."

In contrast to the ecologically complex systems envisioned by the creators of OFPA, hydroponic systems reduce crop production to a simplified system of a nutrient feeding solution and an inert growing medium. By purposefully eliminating the ecological complexity used in soil-based systems, hydroponic systems go against the definition of "organic production" set out in the Organic Rule.

Certification of hydroponic production systems, as currently sanctioned by the NOP, fails to recognize the essential functions of complex soil ecosystems in organic production and the role of organic farmers as stewards of soil ecology. Furthermore, the current inconsistencies among certifiers in regard to certifying hydroponic systems diminish the value of the organic label and reflect poorly on the industry.

Hydroponic/aquaponic/aeroponic systems have a place in food production, but that place is not within organic.

Organic is much more than just the inputs used; it is a whole ecosystem approach to farming. By focusing solely on the use of approved substances, many ecological benefits provided by soil-based farming such as carbon sequestration, improved biodiversity, diverse crop rotations, are devalued. For many farmers and consumers it is these long-term environmentally beneficial activities that motivate them to support organic production.

Proposal: Strengthening the organic seed guidance (NOP 5029)

VOF supports the NOSB's recommendation for a rule change to require an annual documented improvement for sourcing and using organic seed and planting stock as long as it is understood that there may be circumstances that would warrant an exception. For example, a producer may increase their production in a crop where organic seed is difficult to obtain and therefore their annual % would not increase.

In addition, we do not agree that the regulation should include language that requires full compliance of 205.204(a) as it does not seem fair to burden the farmer with sourcing organic seed and planting stock that may not exist.