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Submitted Via Federal eRulemaking Portal (<http://www.regulations.gov>)

Agricultural Marketing Service, United States Department of Agriculture

Re: 7 CFR Part 205

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National Organic Program, Strengthening Organic Enforcement

Dear Secretary Perdue:

American Farmland Trust (AFT) is pleased to submit these comments on the National Organic Program’s Strengthening Organic Enforcement (NOP SOE) rule. Founded in 1980, AFT is the only national organization that takes a holistic approach to agriculture, focusing on the land itself, the agricultural practices used on that land, and the farmers and ranchers who do the work. Both AFT as an organization, and its individual board members, have a long history of involvement with the organic program and supporting efforts to reward producers for their use of regenerative practices.

One of the legs of AFT’s mission is to ensure the long-term viability of all farming and ranching operations. This means that we support organic certification as a way for producers to improve the viability of their operations while also engaging in a high level of environmental protection. As such, we support the existence of strong, well-enforced standards to ensure the integrity of organic products, and to make sure that only the producers who go through the rigorous certification process are rewarded by access to the organic market.

AFT commends the Agricultural Marketing Service (AMS) for its development of a new rule that will hold the NOP to a higher standard overall, and improve consistency across all organic products. We support the new rule’s ability to hold all producers, both foreign and domestic, to the same high standard, leveling the playing field to better protect American farmers and ranchers from fraudulent products. We believe that this new rule will benefit American farmers and consumers, and that the NOP has the best interest of growers and consumers of organic certified products imbedded in this SOE proposed rule.

General Comments:

AFT applauds the clarification of requirements that help standardize and strengthen the oversight of specialized certification systems, such as by limiting the types of operations excluded from organic certification in the global supply chain.

Although we acknowledge that some producers will feel that the proposed rule puts too many requirements on them to become and/or stay certified, AFT believes that the proposed rule has been

crafted with a sense of equity for all in the organics space. We feel that the recordkeeping requirements in the proposed rule are both necessary and appropriate.

Section 1: Applicability and Exemptions from Certification

AFT would like to thank the NOP for crafting the Strengthening Organic Enforcement (SOE) proposed rule to level the playing field for all organic-certified products by requiring organic certification for all businesses that buy, sell, or trade organic products, including those that facilitate or negotiate the purchase, sale, or trade of organic products between buyers and sellers.

We are also supportive of the proposed rule to significantly limit any exemptions to certification that would contribute to a lack of consistency between domestic and imported organic products.

Section 2: Imports to the United States

AFT applauds the proposed rule's requirement that any organic products entering the United States receive an NOP organic import certificate. We feel that this will harmonize standards and protect American farmers by ensuring that international producers are held to the same high standards as domestic producers.

Section 4: On-Site Inspections

We request clarification regarding the inspection frequency for importers of organic products. Although the rule states that "operations may be selected randomly, risk-based, and/or in response to a complaint or investigation," (p. 47549-47550) we would like clarification that this is inclusive of importers of organic products. We also suggest mandating that inspections and audits occur on importers of organic products at an increased rate if any non-compliance issues arise in order to ensure future compliance.

Conclusion:

AFT appreciates the time and effort that have gone into creating this new rule, and thanks AMS for protecting the interests of American farmers and consumers. We look forward to contributing to the development of the program in any way we can.

Sincerely,
American Farmland Trust