



# BEYOND PESTICIDES

701 E Street, SE ■ Washington DC 20003  
202-543-5450 phone ■ 202-543-4791 fax  
info@beyondpesticides.org ■ www.beyondpesticides.org

March 28, 2022

Ms. Michelle Arsenault  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Ave. SW.,  
Room 2648-S, Mail Stop 0268  
Washington, DC 20250-0268

**Docket ID # AMS-NOP-21-0087**

## **Re. CACS: NOP Risk Mitigation Table**

These comments to the National Organic Standards Board (NOSB) on its Spring 2022 agenda are submitted on behalf of Beyond Pesticides. Founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to bridge the interests of consumers, farmers, and farmworkers, Beyond Pesticides advances improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and the world.

The certification system and oversight by inspectors are routinely cited as guaranteeing the integrity of organic food. However, some investigative reports, such as the widely-quoted November 15, 2021 *New Yorker* article titled—at best misleadingly, and certainly sensationally—“The Great Organic-Food Fraud,”<sup>1</sup> exploit occasional, but serious, failures of the system, thus highlighting the need for greater oversight and stronger enforcement. The certification system provides consumers with assurance and farmers and processors with protection for the integrity of the organic brand. Certification establishes accountability to the rigorous and unique standards that set organic apart from chemical-intensive food production, with its hazardous practices and inputs. To the extent that the certification system suffers from credibility issues it undermines the standing of organic in the marketplace. Under the banner of “continuous improvement,” it is critical that the NOSB act to ensure that the certification

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<sup>1</sup> Ian Parker, 2021. The great organic food fraud. [https://www.newyorker.com/magazine/2021/11/15/the-great-organic-food-fraud?utm\\_source=nl&utm\\_brand=tny&utm\\_mailing=TNY\\_Daily\\_Variant\\_110821&utm\\_campaign=aud-dev&utm\\_medium=email&utm\\_term=tny\\_daily\\_digest&bxid=5be9d6613f92a40469e6784f&cndid=49798781&has=3c814dc0c12e40e21fed7d52667793ab&hashb=61dfc64efc5ca022d0d2144dc1d385fff085e84c&hashc=93a57b5c932bf4a4f9103137bb7e999d71b8bbde1c6a7f7acb2cff08819ab678&esrc=bounceX&mbid=CRMNYR012019-](https://www.newyorker.com/magazine/2021/11/15/the-great-organic-food-fraud?utm_source=nl&utm_brand=tny&utm_mailing=TNY_Daily_Variant_110821&utm_campaign=aud-dev&utm_medium=email&utm_term=tny_daily_digest&bxid=5be9d6613f92a40469e6784f&cndid=49798781&has=3c814dc0c12e40e21fed7d52667793ab&hashb=61dfc64efc5ca022d0d2144dc1d385fff085e84c&hashc=93a57b5c932bf4a4f9103137bb7e999d71b8bbde1c6a7f7acb2cff08819ab678&esrc=bounceX&mbid=CRMNYR012019-)

system is the best it can be, so that the market continues to grow as a key element in mitigating the existential public health, biodiversity, and climate crises of our time.

The organic certification system poses unique potential for conflicts of interest if not rigorously monitored. While organic's foundation was built on voluntary standards and a self-certification that established consumer trust and personal farmer-to-consumer relationships, as the market has grown exponentially so has the need for reassessing the strength of the system. Above all, there is the fact that organic operators choose their own certifiers and pay them for certification. For this system to maintain credibility in a growing market that must become mainstream, it is critical that we put in place adequate checks to ensure rigor, transparency, and checks on conflict of interest. The current system does, in worst case scenarios, allow operators to "shop" for certifiers that may be more in line with the operator's interpretation of organic regulations—or even, as in the case described by the *New Yorker*, unscrupulous or shoddy certifiers. While we understand that any system may have "bad apples" who seek to capitalize on potential weaknesses or act illegally, we believe that the debate on this topic is healthy and offers opportunities to strengthen a foundational principle of oversight in the organic system. For instance, standards could require a more randomized assignment of certifiers to operations seeking certification.

In addition, we need to ensure that certifiers are not seen as anything other than neutral parties enforcing standards that are set by the NOSB and NOP process. To that end, certifiers should serve as an important information source in policy deliberations, not as lobbyists advancing their own or their clients' financial self-interest. We must consider taking steps to ensure that certifiers are strengthened in their role as enforcers, not undermined by perceived and real conflicts of interest.

In view of the dependence of organic consumers on the robustness of organic certification and inspection, this proposal requires serious consideration by the NOSB, not a rubber-stamping of NOP's table. The proposal advanced by the CACS and NOP does not address the systemic sources of conflicts of interest cited above and should not be approved without further deliberations and more rigorous review and research.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar".

Terry Shistar, Ph.D.  
Board of Directors