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September 21, 2021

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-21-0038

Re. CACS: Oversight Improvements to Deter Fraud: Modernization of Organic Supply Chain Traceability Discussion Document

These comments to the National Organic Standards Board (NOSB) on its Fall 2021 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 Compliance, Accreditation, and Certification Subcommittee (CACS) seems to suggest that the main barriers to full organic integrity are technological. We disagree. While improved technology can contribute to increased compliance, we believe that the most important barriers are systemic and we urge the NOSB to consistently beat the drum on behalf of farmers and organic compatible practices that support local, decentralized production that nurtures ecological health in accordance with the Organic Foods Production Act (OFPA).

We offer as an example the plight of organic dairy farmers who have been left high and dry after being abandoned by their main processor, Danone/Horizon, which has announced that it is terminating its contracts with 89 small-to-medium-sized organic dairy producers in the Northeast as of August 2022. At that point, all of Horizon's contracted organic dairy farms in Vermont, New Hampshire, Maine, and northern New York may well have no buyers for their milk and will likely face a very uncertain future.

A letter with the news was sent by Danone to 28 Vermont producers, 14 in Maine, 2 in New Hampshire, and 45 in New York State's three northernmost counties. The company plans, instead, to source milk primarily from larger producers, including "organic" concentrated animal feeding operations (CAFOs) — in Ohio, Pennsylvania, the Midwest, and some Western

states — that can produce milk at lower cost, leaving the Northeast region’s small and medium size organic dairy farms in the lurch. While this is bad news for those organic dairy farmers and the economy of those states, it is worse news for the future of organic integrity.

Why is Danone cancelling contracts as organic milk production in the Northeast is increasing? In Danone’s words, the company “will be supporting new partners that better align with our manufacturing footprint.” In other words, the company doesn’t need to depend on local fresh milk suppliers when low cost, ultra-pasteurized milk that is easily transported and warehoused has become a staple on the organic shelf. More importantly for the future of organic dairy is the expectation that USDA will promulgate a weak regulation on origin of livestock—that will allow the massive loophole of being able to sell or transfer transitioned animals as certified organic. Such a regulation, in combination with the continued failure to enforce rules requiring organic livestock to have access to pasture, makes it profitable to produce “organic” milk in industrial confined animal feeding operations (CAFOs), where cows are fed cheap imported “organic” grain instead of pasture. Organic consumers do not want CAFO milk, but many will have no other choice without strong regulations.

In other words, this serious problem of fraud in organic grain and dairy is not due to a lack of “tools” available to certifiers and inspectors, but to the systematic problems—caused by a system that creates incentives to replace pasture with grain that is imported from countries with looser regulation than the United States. Better enforcement tools can assist in returning integrity to organic dairy, but only if NOP and certifiers enforce access to pasture and promulgate a strong regulation on origin of livestock that closes the loophole allowing dairies to sell or transfer transitioned animals as certified organic.

By ignoring its responsibility to implement strong origin of livestock standards, USDA has clearly shown the organic community that it does not care about ecologically sound practices, as required by law, but instead encourages CAFOs that are out of sync with organic values and principles. The origins of organic are in family farmers sharing values with consumers who care about their community’s health. The NOSB must voice this value, even if it is not on the NOP agenda for the NOSB meeting.

To this end, we urge you, in making the case for meaningful enforcement tools, to insist on strong, consistent enforcement of regulations.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar". The signature is fluid and cursive, written in a professional style.

Terry Shistar, Ph.D.
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