



BEYOND PESTICIDES

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

September 19, 2025

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-25-0034

Re. CACS: eCommerce

These comments to the National Organic Standards Board (NOSB) on its Fall 2025 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 eliminate a reliance on pesticides. Our membership and network span the 50 states and the world.

Organic consumers drive the crucial transformation away from chemical dependency to organic, sustainable, and regenerative practices. In order for consumers to exercise informed choice in the marketplace, they must have access to the information required by the Organic Foods Production Act to be provided on the label or in the market. Beyond Pesticides has undertaken litigation to ensure that consumers are protected from misleading and fraudulent advertising in jurisdictions where statutes provide that protection.¹ We support the petition on eCommerce submitted by OrganicEye and thank the CACS for this opportunity to provide organic consumers with information in the booming online marketplace.

Probably every organic consumer who has shopped online has encountered product names including the word “organic” or descriptions of products as “organic” or containing organic ingredients and wondered whether that description is true. If the consumer wishes to verify the claim, the first step is generally to look for the organic seal and ingredient list on the label. The next step is to look for the name of the certifier because there has been inconsistency among certifiers—particularly in whether to certify hydroponic or container production and access to the outdoors for livestock.²

¹ District of Columbia Consumer Protection Procedures Act (“CPPA”), D.C. Code §§ 28-3901–13.

² <https://www.cornucopia.org/wp-content/uploads/2019/03/CertifierReport.pdf>.

As the CACS has verified, there is inconsistency between the requirements when a product is offered for sale by a “brick and mortar” establishment and the requirements in eCommerce. As with other inconsistencies in regulation, this one presents an opportunity for fraud. The requirements for eCommerce should be brought into line with those for physical establishments.

We offer responses to some of the CACS’s questions:

2. How feasible is it to integrate certifier data into product listings at scale, especially for third-party sellers?

Certifier data is essential to maintaining organic integrity and avoiding fraud, so it must be integrated into all product listings. It serves as an important verification to the consumer that the product is certified in accordance with the Organic Food Production Act, is a stamp of organic integrity, and gives the consumer a reference for accountability and compliance.

7. What role should manufacturers play in monitoring and reporting mislabeling of their products online?

Manufacturers must provide accurate information, check online listing, and correct mislabeling when discovered by them, the online merchants, or consumers. Manufacturers must ensure that their products are fairly and fully represented by those who sell their products online.

8. What labeling information do consumers expect to see when shopping for organic products online?

Consumers expect to see the label(s) from the product, including the organic seal, ingredient list, the name of the certifier, and place of origin.

9. How do consumers who buy food in digital marketplaces verify they’re getting an organic product?

If the consumer wishes to verify the claim, the first step is generally to look for the organic seal and ingredient list on the label. The next step is to look for the name of the certifier. Country of origin is also relevant. Products in the digital marketplace often have specification sheets that provide detail product information. While that is one way to convey the information, it is important the organic products in the digital marketplace display in readable form the product labels that contain all the information required for product sales in brick and mortar stores.

11. Do you support the requirement for e-commerce labeling and/or market information to include the “Certified organic by **” statement by (include why or why not):**

a. Certified operations selling organic product online?

Yes. As we have stated above, identification of the certifier is essential information for the informed organic consumer who wants to buy only products that meet the strictest interpretation of the organic regulations.

b. Exempt operations (e.g., retailers or handlers of only sealed, retail labeled products, as indicated at § 205.101)?

Yes. As we have stated above, identification of the certifier is essential information for the informed organic consumer who wants to buy only products that meet the strictest interpretation of the organic 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, with a long horizontal stroke at the end.

Terry Shistar, Ph.D.
Board of Directors