



March 30, 2022

National Organic Program
1400 Independence Avenue, SW
Room 2642-South, Stop 0268
Washington, D.C. 20250-0268

RE: Docket Number AMS-NOP-21-85

On behalf of International Fresh Produce Association (IFPA), we respectfully submit the following comments on the National Organic Programs Notice of Public Listening Session With Request for Comment, regarding upcoming standards development activities and feedback about specific recommendations received from the National Organic Standards Board (NOSB).

Established in 2022 and founded on a deep-seated history of leadership from the Produce Marketing Association and United Fresh Produce Association, our trade association represents over 2500 companies from every segment of the global fresh produce supply chain, including over 500 companies directly involved in the organic fresh fruit, vegetable and floral supply chain. IFPA is committed to serving all sectors of the produce industry through government advocacy, global engagement, and expertise in food safety, technology, supply chain management, sustainability, marketing, and leadership. Through these efforts, IFPA will enable the produce industry to grow and drive increased fruit and vegetable consumption, including those organically produced, which is a vital cornerstone of public health.

The IFPA Organics Committee is comprised of 17 passionate produce industry professionals, representing a diversity of organic produce commodity and operation types, regions, and experience, who support and guide the association's efforts and priorities in organic fruit, vegetable, and other specialty crop production and sales. Our comments are informed by members of this committee, other IFPA members who are part of the organic produce supply chain, and other industry stakeholders on whom the NOP priorities have direct impact and influence.

We recognize the crucial role that the NOSB plays in providing transparent, industry-driven recommendations to the NOP, and we applaud NOP for opening feedback directly from the industry on the status and prioritization of previous NOSB recommendations. We view transparency and stakeholder feedback as essential to this process, and while not all proposals from NOSB will necessarily be acted upon, their work as an advisory committee provides an important perspective.

We offer comments on the following NOP requested topics relevant to the organic production of fresh fruits and vegetables:

- Overview of Program Structure
- NOP Handbook Updates
- Organic Mushroom Production Standard
- Hydroponic/Aeroponic Production and Create Greenhouse and Container Production Standards
- Require Increased Use of Organic Seeds
- Recommendations Related to Genetic Engineering and Excluded Methods

Overview of Program Structure

IFPA does not have specific recommendations with regard to the existing structure of the National Organic Program and its six administrative groups. However, to most effectively support objective, science-based organic policy decisions, we encourage continued consultation and collaboration with sister agencies as necessary, such as the U.S. Environmental Protection Agency (EPA) or U.S. Food and Drug Administration (FDA), which have scientific expertise regarding various organic policies under consideration. Recognizing the potentially limited bandwidth within NOP, IFPA is supportive of additional funding allowing for the hiring of new NOP staff, including a certain number with technical expertise (in areas such as horticulture, entomology, or pathology), a liaison with EPA and FDA who is familiar with their regulatory processes, an economist, and a liaison with the organic community. We believe that doing so will enhance the ability of the NOP to consider and respond to NOSB policy recommendations, and make informed decisions to the benefit of both organic consumers and producers.

We also encourage NOP to continue building a structure that supports broader representation of the produce industry, beyond that of the NOSB. While the NOSB's work is detailed and thorough, with only 15 members they cannot adequately represent the diverse organics industry, and have only limited representation from the fresh produce industry. As such, we urge NOP to continue to incorporate feedback from a diverse set of stakeholders, including, but not limited to, NOSB.

NOP Handbook Updates

Along with the Organic Foods Production Act of 1990 (OFPA) and the USDA organic regulations, the NOP Handbook, titled *The Program Handbook: Guidance and Instructions for Accredited Certifying Agents and Certified Operations*, provides those who own, manage, or certify organic operations with guidance, instructions, and policy memos that can assist them in complying with the USDA organic regulations.

We encourage the NOP to strengthen adherence to the NOP Handbook by all members of the organic community, especially certifiers. Members of IFPA from different regions and crop categories have cited

circumstances where a lack of clarity in the NOP Handbook has resulted in inconsistencies in how certifiers interpret NOP guidance. In general, growers would like to see more education and direction from AMS to certifiers pertaining to approved practices and products. Certifiers should follow Accredited Certifiers Association (ACA) best practices to avoid such inconsistencies. Wherever possible, the NOP should improve the certification process and accountability amongst participants to not only ensure compliance, but to eliminate discrepancies in enforcement and maintain trust in the organic label.

Organic Mushroom Production Standards

Given that mushrooms are considered a specialty crop commodity that has been successfully applying organic crop standards for decades, IFPA does not believe rulemaking for organic mushroom production standards should be considered an NOP priority.

If the NOSB recommended standards were adopted as written, this would severely limit the availability of organic mushrooms in the marketplace. Compost “produced in accordance with compost guidelines presented in 205.203 (c)(2)” would be rendered incapable of producing mushrooms. When mushroom compost is made, a succession of micro-organisms is grown under a rigorous and controlled time, temperature, aeration, and turning schedule to create the ideal nutrients for mushrooms. This includes properly creating the structure of the compost needed to consistently grow mushrooms, the carbon to nitrogen ratio needed to consistently grow mushrooms, and the turning of nitrogen into protein in the form of microbial bodies needed to consistently grow mushrooms.

Additionally, there currently do not exist enough organic agricultural byproducts to supply even a fraction of the need for the volume of mushrooms produced in the US. The crop of mushrooms should not be singled out for this requirement when conventional agricultural byproducts can be used as mulch, for example. Mushrooms are not livestock, they should not be required to ‘eat’ only organic feed, as is required for organic livestock production. Growing mushrooms is closer to growing plants than feeding animals.

Much of the appeal of mushrooms is that they turn agricultural waste/byproducts into high quality protein, and their own byproduct—spent mushroom compost that comes out of the mushrooms houses after each crop is fully harvested—sequesters carbon, regenerates soils, mitigates toxins, spills, PFAS, and revegetates acid mine drainage areas to highway construction sites. Mushrooms are also used as a canary in a coal mine for chemical contamination, as most will not grow normally in contaminated substrates.

Hydroponic/Aeroponic Production and Create Greenhouse and Container Production Standards

IFPA supports the use of technology and innovation to ensure increased accessibility and variety of organic fresh produce for all consumers now and in the future. We agree with the decision by AMS not to propose the prohibition of hydroponic/aeroponic production systems or to otherwise prioritize further rulemaking, particularly while litigation is pending. We support prioritization of efforts to ensure consistent certification of greenhouse and container systems, including the development of clear definitions among a variety of CEA

operations, through the development of objective standards that support the unique production practices of these crops.

Require Increased Use of Organic Seeds

IFPA agrees with the NOP position on organic seed, specifically that the recommendation is sufficiently addressed by USDA organic regulations for commercial availability related to seeds and planting stock, in addition to the training availability and best practices document. Mandating the increased use of organic seeds would place a significant burden on certain produce commodities, where seed producers offer limited quantities of organic seed with lower germination rates and increased foreign material. These limited quantities are available at costs of up to double the current rates as a result of insect damage of breed stock flowers or seed heads during seed production. Prioritizing this rulemaking will come at the expense of organic produce suppliers, ultimately decreasing accessibility to consumers.

Recommendations Related to Genetic Engineering and Excluded Methods (Multiple)

The NOSB has made several recommendations related to genetic engineering and included methods. These include the formal recommendations *Require Genetic Integrity for Transparency of Seed Grown on Organic Land—Instructions to Certifiers* (October 2019) and *Guidance of GMO Prevention Strategies* (October 2015). The NOSB has also recommended developing *Guidance for Determining which New Technologies are Considered Excluded Methods* (October 2019).

IFPA generally agrees with NOP that creating a list of prohibited technologies would cause confusion. Creating a prohibited list of technologies that are still the focus of development could also stifle the innovation needed to drive production practices forward, in a way that rises to the high standards of organic production. We do support NOP in efforts to provide more clarity and guidance directly to organic operators and certifiers on which methods are allowed and which are excluded.

Conclusion

In conclusion, we appreciate NOP's request for stakeholder feedback on these priorities. We see this as an effort not only to prioritize outstanding recommendations, but also to draw in a diverse set of voices into the decision-making process, including, but not limited to, NOSB. Furthermore, as previously stated above, the NOP should increase consultation with its sister federal agencies to more adequately evaluate scientific and economic considerations when establishing organic policy. The NOP has a statutory obligation to consult with sister agencies, whose scientific expertise regarding various organic policies under consideration and can provide pertinent research, data and support of a technical matter. We support a greater budget and more resources for NOP to conduct such consultation.



We appreciate your consideration of these comments in support of the organic fresh produce industry.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Szczepanski".

George Szczepanski
Director, Production, Supply Chain & Environmental Policy
International Fresh Produce Association

A handwritten signature in black ink, appearing to read "Emily Griep".

Emily Griep, PhD
VP Regulatory Compliance & Global Food Safety Standards
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