



Accredited Certifiers Association, Inc.

*Accredited certifying agents working together to ensure
the integrity of organic certification in the United States*

April 8, 2014

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

Re: Docket AMS-NOP-14-0006; NOP-14-02
NOSB Compliance, Accreditation & Certification Subcommittee
Request for NOP Clarification and Guidance on Retail Compliance and Certification

Dear Ms. Arsenault:

Thank you for the opportunity to provide comments to the National Organic Standards Board (NOSB) regarding the Compliance, Accreditation and Certification (CAC) Subcommittee Request for NOP Clarification and Guidance on Retail Compliance and Certification.

The Accredited Certifiers Association (ACA) represents 50 foreign and domestic accredited certifying agents. Our comments were developed through a Working Group of interested ACA members with input solicited from our entire membership.

The ACA supports the Subcommittee recommendation for additional education and outreach to retailers in the form of Guidance from the National Organic Program. We also support the Subcommittee's request for clarification from the National Organic Program of the Rule as it applies to retailers including:

- a) clarification regarding recordkeeping requirements for exempt and excluded operations;
- b) clarification regarding whether an exempt or excluded retail establishment may sell products off-site, including on-line sales;
- c) clarification of the labeling requirements in §205.308, §205.309 and §205.310.

In reference to c)

- some ACAs interpret the language in §205.308(b) – “prepared in a certified facility” – as referring to the retail food establishment, rather than where the product was initially produced. If “prepared in a certified facility” does refer to the retail operation, and if the operation is not certified, the use of the word “certified” would be restricted, and the retailer would not be permitted to use the USDA Seal or certifier logo.

- some ACAs interpret the language “prepared in a certified facility” as referring to the certified handler.

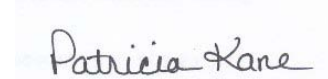
It is recognized that the requirement for a retail food establishment to be certified in order to legally use both the term “certified” and the USDA Seal would have a major impact on existing retail operations, because this is commonly practiced by noncertified retailers. We support the request for clarification of “prepared in a certified facility”.

While our members find most retail food establishment activities to be exempt or excluded from a certification mandate, they strongly support the concept of voluntary retail certification and believe that the limitations of §205.308 & 309 (b) sections act as an incentive for operations to choose certification. Retail certification serves to strengthen the organic community by reducing organic integrity risks, providing higher-quality consumer education, and drive consumer demand. Furthermore, certified retailers function to “watchdog” organic compliance further up the supply chain. Operations that seek certification tend to be more knowledgeable about organic requirements and issues affecting the organic community. Their staff is able to provide excellent service to the discerning organic consumer. They serve as a valuable resource to the organic industry. We’re pleased with the increasing presence of organic products in the marketplace, whether or not retailers choose to seek certification for their exempt or excluded handling. Even small organic sections at more conventional retail operations serve a function of introducing new consumers to organic products. While the retailer certification exemption /exclusion permits retailers to refrain from certification, we prefer to stress the benefits of certification, so retailers choose certification as a point of differentiation in the marketplace and to provide better service to the organic community.

Clear education for certifiers, retailers, and consumers will bring more consistency to organic claims by all retail food establishments. Such education should also stress the value of retail certification, to encourage operations to take this higher road.

Again, we thank the Compliance, Accreditation and Certification Subcommittee for addressing this topic once again, and for the opportunity to provide feedback.

Respectfully submitted,

A handwritten signature in blue ink that reads "Patricia Kane". The signature is written in a cursive style.

Patricia Kane
ACA Coordinator