



Accredited Certifiers Association, Inc.

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

September 30, 2013

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-13-0049; NOP-13-04]
NOSB Compliance, Accreditation & Certification Subcommittee
Toward Clarifying Accredited Certifying Agents' Application of §205.206(e)

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 Discussion Document entitled Toward Clarifying Accredited Certifying Agent's Application of §205.206(e).

The Accredited Certifiers Association (ACA) represents 47 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 appreciates the Subcommittee's work in bringing this discussion forward to the public for comment, however, ACA members request that the NOSB and the National Organic Program (NOP) provide sufficient time for public comment - the recent public comment period was only 17 business days. This is not sufficient time to prepare comments for the Board. We ask that NOP and NOSB review the process used, revise the work plan and work schedules in order that the work is completed earlier and provide sufficient time for the public to submit well-documented, thorough comments to the NOSB. If the revision of the schedule means that fewer discussion documents / recommendations are presented, so be it. We do not judge the Board on the number of items for consideration, but on the quality of information provided. The public has recently seen the time frame for public comment shrink to the point that it is difficult for membership organizations to a) provide the information to their members; b) organize their members to begin the work of developing comments and c) draft and submit the comments. We request that a concerted effort be made to extend the public comment period.

The ACA believes that this Discussion Document will inform the organic community about the rigors of organic certification and we agree strongly with many points in this Discussion Document, including:

- Support for the preference of preventative pest control measures over the use of allowed synthetic materials;
- Recognition that pest control and management is one of the most challenging aspects of organic crop production;
- The need to allow organic producers to protect their crops from potentially devastating pests, including insects, vertebrates and weeds;
- Acknowledgement that there is likely a lack of clear and comprehensive understanding across some sectors of the organic community about the role of Accredited Certification Agencies (ACAs) and how we apply the requirements of §205.206(e), and
- The need for the public to understand the rigors placed on organic operations under the existing standards in order to facilitate reasonable and informed work regarding the listing of materials on §205.601

We believe that §205.206(e) is an essential part of the organic production standards that should be clearly understood and consistently applied. While there is always room in every system for some level of improvement, we believe that certifiers in general are doing a sufficient job at applying this standard, and that producers are in general doing an excellent job of implementing preventative pest control measures on the farm.

Many of the preventative pest control practices described in §205.206(a)(1-3), such as good sanitation, selection of appropriate species and soil fertility management, may seem so fundamental to good management practices that farmers may not even think of them as good pest control practices, and would implement such practices whether they were required or not by the organic regulations. For the certifier, it can sometimes be challenging to get the organic farmer to list all such practices on a piece of paper.

The ACA provides the following information to address the questions asked by the CAC Subcommittee:

1. [What activities or practices do you require of applicants and certified operators in their Organic System Plans \(OSP\) with respect to their compliance with §205.206\(e\)?](#)

The ACA members indicate that the Organic System Plan includes a Crop Management section which requires the applicant / operator to:

For Weeds:

- a) Identify the methods (both cultural and least toxic) used to prevent and control weeds;
- b) Specify products they may use for weed control with annotations/restrictions stated in the National List;
- c) Indicate how they monitor the effectiveness of their weed management program.

For Pest Management

- a) Identify the pests present on the operation;
- b) Identify strategies (both cultural and least toxic) used to prevent or control pest damage to crops;

- c) Specify pest control products with annotations/restrictions stated in the National List they may use if necessary;
- d) Indicate how they monitor the effectiveness of their pest management program

For Disease Management

- a) Identify the problem crop diseases;
- b) Identify disease prevention strategies (both cultural and least toxic) used;
- c) Specify disease control products with annotations/restrictions stated in the National List they may use if necessary;
- d) Indicate how they monitor the effectiveness of their disease management program.

The above information is updated on an annual basis.

2. What form of verification or records from the operator do you require in support of their compliance with § 205.206(e), either during review of the OSP, during the inspection, or upon the inspection review?

Included as part of the OSP, applicants / operators supply a list of pest, disease and fertility materials they may use throughout the year. Applicants / operators are generally required to document their use of both cultural management techniques and the use of pest and disease control materials throughout the year. This information is reviewed at inspection.

3. What information do you require when an operator needs to amend their OSP on short notice when pest pressure unpredictably or unexpectedly rises beyond their decision threshold?

The majority of ACAs recognize the use of materials reviewed by OMRI and WSDA for use in organic production. Ingredient information on the materials used by applicants / operation is reviewed by ACAs.

Applicants / operators generally are required to notify their certifying agent when materials not previously included in the OSP are needed. The certifying agent reviews the preventative practices used as well as the materials ingredient information and makes a determination on acceptability for use.

Certifying agents do not force an operation to have catastrophic crop losses before allowing them to use an allowed synthetic material.

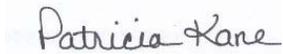
4. Other than through records, how do you verify that approved substances are applied only when other, less toxic or aggressive means have been tried and found wanting?

Generally, pest control practices are observable in the field by the inspector. Tools such as keeping the farm clean of pest habitat, cover cropping to disrupt pest cycles, and mowing down weeds can easily be observed by the inspector during the onsite audit. Inspections cover whether the requirements of §205.206(e) are being met in the following ways:

- ~ Inspectors review the approved Organic System Plan sections which describe non-chemical pest management methods, and then confirm implementation of that plan onsite;
- ~ Inspectors review and verify that there is crop rotation, a primary cultural method for the integrated management of all pest categories;
- ~ Inspectors specifically assess whether, if materials are applied for pest control, appropriate non-chemical strategies and methods have been implemented; and
- ~ Inspectors are required to list and describe the significant pests of an operation, and what management methods are used.

The ACA appreciates the CAC Subcommittee bringing this document forward and requesting additional information that will provide clarification to the public regarding application of §205.601(e). Thank you for the opportunity to contribute to the discussion.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patricia Kane". The signature is written in black ink on a white background.

Patricia Kane
Coordinator