

Honorable Tom Vilsack
U.S. Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, D.C. 20250

Dear Secretary Vilsack:

We the undersigned have all served on the National Organic Standards Board (NOSB). Each of us has been appointed by a U.S. Secretary of Agriculture. Our tenure on the NOSB has covered the full span of the NOSB's existence, from 1992 until the present day.

We are writing to share with you our concern that the integrity of the National Organic Standards has eroded significantly over the years. In some cases the Standards have devolved from the original intention of OFPA, as in the example of enclosed poultry porches substituting for outdoor access. In other cases, a lack of strong enforcement of existing standards has led to well documented cases of fraud and an economic burden on organic operators who follow the rules, versus those who do not. We think the erosion of the Organic Standards is in violation of the Organic Foods Production Act of 1990 and is undermining consumer confidence in the integrity of organic food and the confidence of real organic farmers in the integrity of the USDA National Organic Program.

In the last eleven years, the National Organic Program has failed to successfully bring a number of key NOSB recommendations to rulemaking. This failure has led to real damage to trust in and the integrity of the organic program, as the NOP has failed to respond to serious challenges to the meaning of organic from industry. We urge you to take immediate action on the following NOSB recommendations;

1. **Production Standard for Terrestrial Plants in Containers and Enclosures (Greenhouses)**, passed in 2010. This recommendation called for the prohibition of hydroponic production in the organic program: "systems of crop production that eliminate soil from the system, such as hydroponics or aeroponics, can not be considered as examples of acceptable organic farming practices. Hydroponics, the production of plants in nutrient rich solutions or moist inert material, or aeroponics, a variation in which plant roots are suspended in air and continually misted with nutrient solution, have their place in production agriculture, but certainly cannot be classified as certified organic growing methods due to their exclusion of the soil-plant ecology intrinsic to organic farming systems and USDA/NOP regulations governing them." The NOP issued a statement that they "will develop a proposed rule based on the NOSB final recommendations" on September 30, 2010. This was followed with inaction until 2014, when they issued the statement saying that hydroponic production is now allowed in organic certification. This was followed by a resolution passed by the NOSB in 2016 reaffirming the 2010 NOSB recommendation.
2. **The USDA published a proposed rule to close the loopholes related to 'Origin of**

Livestock' (80 FR 23455) in 2015. The proposed Rule would clarify that: "After completion of a one-time, 12-month transition period of an existing conventional dairy herd (or livestock to form new organic dairy operations), all new dairy animals milked on the organic dairy farm would need to be managed organically from the last third of gestation." Unfortunately, the 2015 rule has never been finalized. Congress included a provision in the Fiscal Year 2020 Agriculture Appropriations bill requiring USDA to finalize the long-delayed rule by June 17, 2020. USDA missed that deadline. On October 21, 2020, the NOP announced plans to publish another Proposed Rule to address enforcement issues raised by USDA's Office of General Counsel, instead of moving directly to a final rule as required by Congress. NOP has failed to provide a timeframe for issuing the new regulations that are fully enforceable.

3. **The National Organic Program (NOP) finalized a comprehensive set of animal welfare standards, referred to as the Organic Livestock and Poultry Practices (OLPP) rule in January 2017.** The rule, originally set to take effect in March 2017, was written with broad input from the organic community, and is supported by the vast majority of organic farmers, businesses, consumers, and advocacy organizations. The rule was rejected by the Trump administration. The OLPP should be immediately reinstated in its final form.

Furthermore, we call on the USDA to take immediate action to enforce those standards which have been inadequately enforced.

1. **The Pasture Compliance Program.** Public trust in the USDA organic seal is faltering due to highly public examples of poor enforcement of the Pasture Rule on large CAFO operations. The 2017 series of articles in the Washington Post have brought tremendous scrutiny to this problem. These large producers should be required to be exemplars of the rule.
2. **Grain Fraud.** Despite significant Congressional funding to stop fraud in imported grain certified as organic, there has been little regulatory action taken to alter this failure. Action should be taken immediately to protect both American farmers and consumers.

While this letter contains key issues, there are other issues of importance not raised here. The National Organic Program can only thrive if it is built on public trust. This trust relies on the integrity and transparency of the National Organic Program. We NOSB members and the organic community have invested years in trying to protect the National Organic Program. We urge the USDA to act on these NOSB recommendations aimed at enhancing the foundational goals as spelled out in the Organic Food Production Act.

Signed by the following former members of the National Organic Standards Board:

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Fred Kirschenmann (1995- 2000)
Joan Gussow (1996-2001)
Eric Sideman (1997-2002)
Owusu Bandele (2000-2005)
Jim Riddle (2001-2006)
Dave Carter (2001-2006)
Goldie Caughlan (2001-2006)
Ann Cooper (2002-2004)
Dennis Holbrook (2002-2007)
Nancy Ostiguy (2002-2007)
Hubert Karreman (2005-2010)
Jeff Moyer (2006-2001)
Joe Smilie (2006-2011)
Daniel Giacomini (2006-2011)
Jennifer Hall (2006-2011)
Kevin Engelbert (2006-2011)
Steve DeMuri (2007-2012)
Katrina Heinze (2007-2012)
Kristine Ellor (2007-2012)
Barry Flamm (2008-2013)
Jay Feldman (2010-2015)
Wendy Fulwider (2010-2015)
Joe Dickson (2010-2015)
Calvin Reuben Walker (2011-2016)
Robert (Mac) Stone (2011-2016)
Jennifer Taylor (2011-2016)
Colehour Bondera (2011-2016)
Nicholas Maravell (2011-2016)
Zea Sonnabend (2012-2017)
Harold Austin (2012-2017)
Tracey Favre (2012-2017)
Francis Thicke (2013-2018)
Paula Daniels (2015-2015)
Harriet Behar (2016-2020)
Jesse Buie (2016-2021)
Emily Oakley (2016-2021)
Dan Seitz (2016-2021)
Dave Mortensen (2017-2020)

CC: Kelliann Blazek, Special Assistant to the President for Agriculture and Rural Policy.

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