



National Organic Coalition

3540 Route 52, Pine Bush, NY 12566

845-744-2304; email: Liana@NationalOrganicCoalition.org

www.NationalOrganicCoalition.org

December 6, 2010

Melissa Bailey
USDA National Organic Program
Room 2646-So. (Stop 0268)
1400 Independence Ave. SW
Washington, DC 20250-0268

Dear Melissa:

The National Organic Coalition (NOC) fully supports the comments of Jim Riddle on NOP Draft Guidance Policies 5021, 5022, 5024, 5025, and 5026. Jim is one of NOC's trusted advisors who often provide us details on matters which affect organic integrity. We have attached Jim's comments below.

We feel that the promulgation of these draft guidances is certainly a huge step in outlining specific details to ACAs and certified entities in consistent interpretation of the rules, and we applaud you and the Department for this work. We note that Jim has identified several areas where this specificity could use even more detail.

Two areas of ongoing concern for NOC have been outdoor access for animals and contamination prevention. We note that as early as 2001/2002 we objected to the characterization of elevated screened-in porches as fulfilling the requirement for outdoor access for poultry. We continue to request that this be clarified, and that these porches not be permitted as true outdoor access.

In the area of contamination prevention and co-mingling, we agree with Jim in requesting more detail and better organization for split operations as well as separately for crops, livestock, and handling.

Thank you for your work in these areas, and we look forward to an ongoing dialogue on future guidances.

Sincerely,

Liana Hoodes, Director

Comments on NOP draft guidance policies 5021, 5022, 5024, 5025, and 5026

Submitted on 12/6/10 by Jim Riddle, Organic Independents, LLP, 31762 Wiscoy Ridge Road, Winona, MN 55987, Ph/fax: 507-454-8310. Email: jriddle@riverland.org

NOP 5021 - Compost and Vermicompost in Organic Crop Production

General Comments:

The draft provides solid guidance on alternative composting processes, including vermicompost, fully consistent with 2002, 2004, and 2006 NOSB recommendations. While the draft includes the NOSB's recommendations on compost teas and extracts, this draft policy provides no official guidance on use or composition of these inputs. I suggest that section 4 – Policy be revised to include guidance on compost teas and extracts, fully consistent with cited NOSB recommendations.

NOP 5022 - Wild Crop Harvesting

Specific Comments:

Add a new iv. to 4.2.d) to read: “iv. A description of the harvesting practices and equipment used or to be used.”

Rationale: The operator should provide factual information on the harvesting practices and equipment used to harvest organic wild crops.

Add “rare, threatened, or” to 4.2.e) To read: “e) A list of any rare, threatened, or endangered terrestrial or aquatic plants or animals that occur in the harvest area.”

Rationale: The OSP should list species which are rare or threatened, in addition to those which appear on the endangered species list.

Add to 4.3., after the 2nd sentence, the following: “The applicant should list all wild crops requested for certification on the operation’s Organic System Plan. If certified, the ACA should list all wild crops along with all other crops and products that are certified organic, on the Certificate of Organic Operation issued to the applicant.”

Rationale: Even if the wild crops are harvested on certified organic land, they still should be listed on the operation’s OSP and appear on the Organic Certificate issued by the ACA.

Add to the end of 4.4 and 4.5 the following: “by providing a signed and dated affirmation to the applicant.”

Rationale: The responsible authority for public lands or the owner of private lands should provide a written, signed, and dated attestation that no prohibited substances have been applied during the 36 months prior to harvest of wild organic crops. You might also ask that the responsible party or owner provide affirmation that the applicant is harvesting the wild crops with no damage to the crop or to the environment.

Add to Inspection criteria, a new # 6 to read: “6. Inspection of borders and buffer zones to assess contamination potential from adjoining land uses and maintenance of buffers, as applicable.”

Rationale: This provision will clarify protocols for inspections of organic wild crop harvesting operations.

NOP 5024 - Outdoor Access for Organic Poultry

Specific Comments:

Change section 2 – Scope to read: “This guidance applies to ACAs and [certified and exempt] organic poultry production operations.”

Rationale: There are many organic poultry producers who raise a few birds and sell less than \$5000 of organic products per year. NOP should make it clear that this policy applies to all organic poultry producers.

General Comments:

The draft provides no guidance on the use of elevated porches to provide “outdoor” access for poultry, nor does it discuss the land requirements (36 months with no prohibited substances) for outdoor runs or the vegetative cover to be provided in outdoor areas. Likewise, it sets no parameters for the minimum indoor and outdoor space to be provided per bird. These remain as contentious issues. The draft should be revised to provide guidance, or new rulemaking should be initiated in order for ACAs and USDA to take effective and consistent enforcement actions against operations that fail to provide outdoor access to poultry.

NOP 5025 - Commingling and Contamination Prevention in Organic Production and Handling

Specific Comments:

Section 2 – Scope. The scope of this policy should also apply to exempt operations.

Section 4 – Policy. This section should also specify that records must be maintained of preventative actions, including equipment cleaning, rinsing, and/or purging. Records of cleaning activities must be reviewed during organic inspections to verify that the actions described in the OSP are conducted before organic ingredients or products are received, stored, or otherwise processed.

General comments:

The entire guidance document would be clearer and more useful to certified and exempt operators and ACAs, if: 1) guidance on actions taken to prevent commingling were described separately from actions taken to prevent contamination; 2) the document were to contain language specific to split operations; and 3) examples of contamination, commingling, and preventative actions were specifically given for crop, livestock, and handling operations, (both for split and fully organic operations), as there are significant differences in how these categories of operations are managed and the types of commingling and contamination risks associated with each type of operation.

For split operations, guidance is needed on: cleaning of sprayers and other input applicators; cleaning of planting, tillage, irrigation, and harvesting equipment; storage of prohibited substances, including pesticides, fertilizers, feeds, feed supplements, health care inputs; cleaning of wagons, trucks, totes, bins, and storage units; protocols for custom operators; segregation and identification of livestock treated with prohibited inputs; receiving protocols for handlers; provisions for the production of organic and nonorganic seedlings or crops in greenhouses, as recommended by the NOSB on 10/17/01; and other common circumstances that occur on operations that conduct organic and nonorganic management.

Further, the guidance should discuss criteria to be used by operators and ACAs to determine the adequacy of buffer zones between organic land and nonorganic adjoining land, where risks of contamination exist. It would also be helpful if criteria were developed and issued to help operators and ACAs assess the adequacy of: equipment cleaning and purges; transport unit inspection, cleanout, and documentation; storage unit cleaning protocols; and other areas in the production and handling environment where risks of contamination and/or commingling are most likely to occur.

While the text of the draft is consistent with the NOP rule, it does not provide much useful guidance. These are very important topics and they deserve richer and fuller exploration and explanation. For more information, see chapters on risk assessment and organic control points in the *IFOAM/IOIA International Organic Inspection Manual*.

NOP 5026 - The Use of Chlorine Materials in Organic Production and Handling

General Comments:

This draft guidance is fully consistent with the May 2003 NOSB recommendation. Please double-check the current Safe Drinking Water Act to be sure that the chlorine limit is 4 ppm, not 5 ppm.