

October 5, 2020

Jennifer Tucker
Deputy Administrator
National Organic Program
United States Department of Agriculture
1400 Independence Ave. SW
Washington, DC 20250-0268

**Re: Comments on National Organic Program: Strengthening Organic Enforcement
Proposed Rule, Docket Number AMS-NOP-17-0065; NOP-17-02**

Dear Deputy Administrator Tucker:

The American Farm Bureau Federation (AFBF) is pleased to submit these comments to the United States Department of Agriculture regarding the Strengthening Organic Enforcement Proposed Rule (Docket Number AMS-NOP-17-0065). AFBF is the nation's largest general farm organization, representing agricultural producers in all fifty states and Puerto Rico. Many AFBF members grow organic crops to sell in various marketplaces. Many provisions of this proposed rule impact them directly.

AFBF appreciates the Department's effort to draft a proposed rule focused on ensuring the integrity of the USDA organic seal. Growers have made a calculated decision regarding their participation in the organic program and adhere to strict standards in exchange for the marketing opportunities the USDA organic seal brings. Considering the extra steps associated with growing and selling an organic product, AFBF's members strongly urge USDA to ensure American organic products and their foreign counterparts are produced and sold under the same strict standards. Many elements of this proposed rule seek to ensure integrity in the organic program and provide a fair and balanced playing field for American growers, in exchange for increased monitoring. While some of these proposed provisions may establish new requirements for producers, it is a fair trade-off if fewer fraudulently labeled products are sold in the American marketplace.

The proposed rule amends existing regulations that exempt some types of businesses from organic certification. AFBF supports the proposed rule change to narrow the list of entities not required to hold an organic certification. This action will improve consumer confidence in the organic label by closing loopholes. Exemptions to organic certification should be limited and based on activities in which there is a low risk of compromising organic integrity, such as exceptions for transporters, storage facilities, retail operations, and customs brokers. Additionally, growers and certifying agents would benefit from additional guidance on these new requirements once the final rule is implemented.

To minimize potential organic fraud, AFBF appreciates the proposed provision to require mandatory use of National Organic Program Import Certificates. However, AFBF suggests a few modifications to this section to further minimize the impact of fraudulently labeled products. First, we suggest USDA shorten the thirty-day timeframe for certifiers to issue certificates. The United States imports organic commodities, such as corn, wheat, and soybeans, that are hard to identify once disseminated into the food supply chain. These products could enter the marketplace and no longer be traceable after thirty days have passed, a significant concern if these products are later discovered to be fraudulent. It would also make sense to align the import certification with the Customs and Border Protection (CBP) deadline for uploading to the Automated Commercial Environment system.

The proposed rule suggests new recordkeeping requirements to enable supply chain traceability and prevent organic fraud. AFBF finds the inclusion of the new term 'organic fraud' in the final rule to be useful. It will clarify the overall goal of the proposed rule to prevent and detect organic fraud. To prevent organic fraud as defined in the proposed rule, AFBF also supports improving current recordkeeping requirements. Farmers understand the need for more recordkeeping accountability, but insist that foreign producers, who sell organic products into the United States, must meet equivalent recordkeeping standards as well. The proposed requirements will mitigate organic fraud by promoting accountability throughout the supply chain and minimize opportunities for organic fraud to occur. Increased oversight of organic agriculture will ensure that American producers operating under strict organic standards are not disadvantaged by potentially fraudulent production. Additionally, the transition to electronic recordkeeping and certifications should enable producers to implement these practices in their operations.

AFBF is broadly supportive of the proposed changes and the overall objective to bolster organic integrity. However, these provisions will likely bring significant changes to the oversight of organic agriculture. Considering this, we request that USDA provide organic growers adequate time and sufficient guidance before the final rule goes into effect, and new compliance provisions are enforced. AFBF appreciates the opportunity to provide our feedback on the Strengthening Organic Enforcement proposed rule and appreciates your consideration of these comments.

Sincerely,

A handwritten signature in black ink, reading "Paul Schlegel". The signature is written in a cursive, flowing style.

Paul Schlegel

Vice President, Public Affairs