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October 1, 2013

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Avenue, SW
Room 2648-So, Ag Stop 0268
Washington, DC 20250-0268

Re: AMS-NOP-13-0049

Comments to the NOSB Compliance, Accreditation, and Certification Subcommittee regarding the Sounds and Sensible Initiative and Clarifying §205.206(e)

Dear Ms. Arsenault:

Pennsylvania Certified Organic (PCO) welcomes the opportunity to provide comments to the National Organic Standards Board (NOSB) regarding the subcommittee proposals to be discussed at the upcoming business meeting. PCO is an NOP-accredited certifying agent that certifies more than 700 operations, including around 165 crops operations, 385 livestock operations, 120 processor/handler operations and various combinations of these categories.

Sound and Sensible Initiative

The Compliance, Accreditation and Certification Subcommittee has presented a discussion document that informs the organic community of steps being taken by NOP and Accredited Certifying Agents to streamline the organic certification process. PCO supports these initiatives, and has been working with the Accredited Certifiers Association to provide the NOSB and NOP with our ideas for sound and sensible certification. PCO encourages the good work that is explained in the subcommittee's discussion document.

Clarifying Accredited Certifying Agents' Application of §205.206(e)

The Compliance, Accreditation and Certification Subcommittee has presented a discussion document that addresses the variability in the understanding and application of

Assuring the Integrity of Organic Products in the Marketplace

§205.206(e), the section of the National Organic Program regulations that restricts the use of National List substances only when preventative methods such as crop rotation, sanitation measures, and cultural practices are not sufficient to control pests, weeds, and diseases.

§205.206(e) reads, “When the practices provided for in paragraphs (a) and (d) of this section are insufficient to prevent or control crop pests, weeds, and diseases, a biological or botanical substance or a substance included on the National List of synthetic substances allowed for use in organic crop production may be applied to prevent, suppress, or control pests, weeds, or diseases: *Provided*, That, the conditions for using the substance are documented in the organic system plan.”

The subcommittee has requested comments on the following specific questions.

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)?

PCO requires operators to use the management practices required by §205.206(a), including crop rotation, crop nutrient management practices, sanitation measures, and cultural practices to enhance crop health. Operators will often also use some of methods described in §205.206(b)-(d) to control pests, weeds, and/or diseases, but it is not required by PCO to satisfy the requirements of §205.206(e), since §205.206(e) does not distinguish parts (b)-(d) as being a separate hierarchical step from part (a).

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?

The operation must describe its pest, weed, and disease management practices within the OSP. The operation must also include the specific materials that the operation might resort to using for pest, weed, or disease control should its other management practices fail. Actual records are not required for review during the initial OSP review. Rather, the records are verified at the on-site inspection, and may include production and field activity records such as crop rotation, cultivation, mowing activities, applying non-synthetic materials, etc. Most of the information regarding pest, weed, and disease management is ascertained via observation and interview during the inspection (see Question 4 for specific inspection report questions).

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?

Materials are approved during the initial OSP review. An approved synthetic pest control material will be identified as “allowed with restrictions”; the restriction being that the operator must comply with §205.206(e). Compliance with the restriction is verified at the on-site inspection. The use of an approved material in response to pest, weed, or disease

pressure is built into our OSP, so urgent request from operators are uncommon. If they want to use a material that has not yet been reviewed or approved, PCO makes every effort to review the material for compliance in a timely manner.

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?

The PCO inspection report includes the following questions related to the verification of pest, weed, and disease management:

- Are vertebrate pest prevention strategies implemented? If yes, summarize strategies here:
- Are insect and disease prevention strategies implemented? If yes, summarize strategies here:
- Are all pest, weed and disease control products listed on the Materials Used form?
- Describe applicant's efforts to monitor pest, weeds and disease.

There is a separate section in the inspection checklist regarding crop rotation that asks which functions crop rotation provides; one of the choices is pest management.

In closing, PCO would like to respectfully address the length of the public comment period made available for these proposals. With recommendations put on the NOSB website on September 5th and comments due October 1st, commenters had only 26 days to read, research, and respond to the subcommittee recommendations. In order for the NOSB to receive thoughtful and thorough information from the public to inform their decisions, more time is needed for the public to develop responses to the important issues being considered by the NOSB. We urge the board to take measures to provide at least 45 days for public comment for future proposals, as stated in the current NOSB Policy and Procedures Manual.

PCO appreciates the opportunity to provide comments and thanks the NOSB members for their careful consideration.

Sincerely,



Johanna Miranda
Policy Director