



April 4, 2019

National Organic Standards Board
USDA-AMS-NOP
1400 Independence Avenue, SW
Washington, D.C. 20250-0268

Re: Docket No. AMS-NOP-18-0071

I. Introduction

PCC would like to thank the National Organic Program (NOP) and the National Organic Standards Board (NOSB) for the opportunity to provide comments on the NOSB's agenda and the NOP program. PCC Community Markets is a community-owned, co-operative food market that began as a food-buying club of 15 Seattle families in 1953. Today, we have 66,000 active member-owners and 11 stores in seven cities, generating \$288 million in annual sales — making PCC the largest consumer-owned and operated grocer in the United States. We are a triple bottom line organization, that advocates for consumers and the community in everything we do.

Organic is an integral part of our product offerings and operations, valued for its benefits to consumer and environmental health. Because of this, PCC has integrated organic into its identity and priorities in the following ways:

- **We place a priority on organic produce.** Ninety-five percent of the produce sold at PCC is certified organic.
- **We believe we are a part of the organic integrity chain.** PCC Community Markets is a certified organic retailer.
- **We want to grow organic with integrity in our stores and in the fields.** PCC committed to adding 1,000 organic grocery products to our shelves by 2022. Beyond our shelves, we have invested in advocacy efforts to bring greater awareness to the solutions that organic provides to many of the environmental and consumer issues through active engagement in Olympia, Washington and Washington, D.C.

As a part of our efforts to grow organic with integrity, PCC became a full member of the National Organic Coalition (NOC) in 2018 and will be a member signatory to its extensive and collaborative comments submitted to the NOSB. On the majority of the materials and discussion issues outlined in the NOSB's agenda, we refer you to the NOC Comments and concur with the NOC position. There are, however, several issues PCC would like to address individually and are discussed in the following comments.



II. Issues of Organic Integrity

PCC's commitment to the organic label and underlying framework relies on a strong, consistent, and adaptive organic program. Without these elements, the organic label faces reduced consumer confidence and value. While we want to see organic grow, we believe this should be done with integrity and a strong adherence to the fundamental concepts embodied by the organic laws and regulations.

We would like to thank the NOSB and the NOP for their extensive efforts to maintain this integrity and overarching goal in many facets of their work, particularly the NOSB in its detailed and balanced presentation of perspectives and information. We do, however, feel that it is necessary to call attention to areas of concern that should be addressed by both the NOSB and the NOP.

A. Origin of Livestock

Washington State organic farmers (and many more across the United States) are continuing to suffer from the impacts of the inconsistently interpreted provisions of the Organic Food Production Act (OFPA) and OFPA's Rule concerning origin of livestock. We recognize that this is a problem the NOSB and the NOP made significant efforts to remedy in 2015 by issuing a proposed rule. The proposed rule, however, sits idle while organic dairy farmers and other producers in the supply chain suffer irreparable damages.

We ask that the NOSB encourage the NOP to complete its rulemaking on origin of livestock without further delay and that the NOP act on this request.

B. Hydroponics

Fostering soil fertility is a mandatory requirement of OFPA for organic crop production.¹ In addition to this, organic production is defined as "a production system that is managed in accordance with [OFPA] and regulations...to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity."² These are the concepts and standards that our members support in purchasing organic.

By allowing the certification of hydroponic production systems that do not contain soil, however, the NOP is supporting a production method that is inconsistent with OFPA and its underlying regulations.

Because we believe that hydroponically produced products are inconsistent with the organic standards, PCC has taken it upon itself to label hydroponically produced organic products wherever this distinction can be verified in the supply chain. Unfortunately, this has been a challenging task

¹ See 7 USC § 6513 (b)(1).

² 7 C.F.R. § 205.2.



because of the lack of transparency concerning this production method. This is a burden that we should not have to bear in order to bring our consumers the transparency they deserve and demand.

On a second note, the climate change issues facing the world are front and center and gaining steam as a priority amongst legislators, businesses, growers, and consumers. While not perfect, organic production offers some strong opportunities for bringing agriculture into the climate change conversation and offering some important solutions. By shifting away from soil-based production, we are closing the door on this opportunity.

To address both of these issues, we would ask the NOP to move forward with the adoption of the NOSB's 2010 recommendations concerning hydroponic systems to develop new regulations prohibiting organic certification of hydroponic agricultural production.

In the interim, we would ask that guidance be issued putting in place a moratorium on any additional certifications of products grown with hydroponic systems and that all existing hydroponic products that have been certified organic be labeled as hydroponic.

C. Animal Welfare

Within PCC we receive numerous inquiries from consumers concerning the organic label and the corresponding standards concerning animal welfare. As the NOSB and the NOP are well aware, there are significant gaps within the organic standards concerning animal welfare. This is why a significant amount of time and energy was invested in the development of the Organic Livestock and Poultry Practices final rule.

While we believe that this rule could be strengthened to better align with consumer expectations, the failure to finalize the final rule is unacceptable and irresponsible. We would ask that the NOSB continue to request finalization of this rule and the NOP move this rulemaking forward.

D. Fraud Enforcement

PCC offers its support and appreciation for the efforts to address fraud in organic imports. For consumers and retailers alike, confidence that the organic product being purchased is, in fact, organic is paramount.

While we understand that there are many agencies involved in troubleshooting this issue, we would encourage the NOP to be as aggressive as possible in eliminating loopholes and demanding clarity and consistent application of import standards across all organic agricultural products. This includes working within USDA to ensure that all departments are communicating clear directives and standards throughout all steps of the import process. Above all, we encourage the NOP to proceed with its rulemaking in the most expeditious manner possible and look forward to providing comments on the proposed rule.

E. Energy Systems Infrastructure

The organic framework provides a unique opportunity to address not only inputs and materials, but also to develop tools and policies to address emerging issues impacting organic agricultural systems. Energy systems infrastructure, primarily related to the expansion of hydraulic fracturing (a.k.a. “fracking”), are just such an issue.

We would encourage the NOSB (and NOP) to take the following actions concerning the rising impacts of fracking on organic farms:

- Add this issue to the NOSB work agenda.
- Host a panel of experts to provide information and clarification to the NOSB and NOP on fracking impacts on organic farming.
- Study the successful implementation of Organic Agriculture Impact Mitigation Plans and its potential for wider use across the country.
- Develop a discussion document that lays out one or more potential courses for action and includes guidance or instruction to certifiers leading to a final proposal.
- Share information with the Council on Environmental Quality to consider declaring organic farms as sensitive areas, as well as with the Federal Energy Regulatory Commission for use in the Environmental Impact Analysis process.

The ability of the organic program to take action to mitigate harms to organic producers, while demonstrating proactive engagement on issues of environmental concern is imperative for consumer confidence in the label and program.

F. Certifier Alignment

PCC consumers are not satisfied with an organic label lacking meaningful standards, but more importantly, consumers expect that when they purchase a product with the organic seal, it signals that what they are purchasing is produced with consistent standards. As a retailer we also depend on consistency and need to be able to rely on a label that upholds these consumer expectations across the board. Increasingly, there appear to be issues of certifier inconsistency. We recognize that many of the issues outlined above that stem from inconsistent certification standards have been addressed by the NOSB or the NOSB has been prevented from addressing.

We would remind the NOP that one of the fundamental reasons that a national standard and organic label were established was to unify the patchwork of organic programs that had developed state-by-state. Consistency was the goal. Unfortunately, more and more we are seeing an erosion of this consistency with relaxed and misaligned standards. PCC encourages the NOP to move forward with many of the recommendations of the NOSB on these problematic issues and to place more emphasis on certifier training, developing clear guidance where rulemaking is delayed, and, most importantly, adhering to the strongest organic standards.

G. Packaging and Plastics

The prohibitions against synthetic pesticides and materials in organic, such as sewage sludge, stems from the underlying premise that what goes into food is as much about its surrounding and contact with that surrounding as the food itself.

In 2014 the NOP initiated the topic of Bisphenol-A (BPA) in food packaging on the NOSB work agenda, however, this issue has been removed. We believe it is part of a broader discussion that should be taking place about toxic inputs in packaging, including BPA, per- and polyfluoroalkyl substances (PFAS), and other contaminants.

III. Subcommittee Agenda Topics

A. Excluded methods

PCC supports identification of excluded methods within organic and defers to the specific comments of NOC on the specific proposals and discussion findings. PCC would like to add that, now more than ever, the organic program's ability to identify and prohibit newly emerging excluded methods is a critical component of organic integrity.

With the implementation of the National Bioengineered Foods Disclosure Standard (NBFDS), this has become even more critical because of the NBFDS's exclusion of many of these methods from the definition of "bioengineered" foods. USDA Organic was the only certification and label to be given outright statutory and regulatory authority to support a determination not to label certain foods as bioengineered.

Consumers and retailers will increasingly be looking to USDA Organic for assurances on genetically-engineered contaminants and this should instruct a precautionary principle in the considerations of the NOSB concerning excluded methods.

B. Marine materials in organic crop production and 2021 Sunset Materials: Various Seaweeds (§205.606)

PCC supports the NOSB's thorough analysis of the issue of marine materials in organic crop production and encourages the NOSB to remain strong in its position that "[o]rganic agriculture is about more than simply limiting the use of synthetic ingredients" and that "[f]armers and consumers rely on the NOSB and the NOP to affirm the environmental integrity of organic production, including inputs used."

PCC agrees that a comprehensive alignment of all products and inputs to the wild crop-harvest standard set forth in the organic regulations is the best path forward on all marine materials fronts.

We also support and encourage the development of additional guidance and regulations further defining organic certification standards for the harvest and growth of marine materials for crop inputs and ingredients.

In this regard, we do differ from NOC in our position in that we do not believe that requiring organic certification of marine material inputs would create the universal expectation that all crop inputs, such as manure and mulches, be certified organic (although we do believe there should be improved standards concerning those inputs). As consumers do not eat mulch or manure directly, we believe a more apt comparison of “input” would be corn used for animal feed—which is required to be certified organic.



The reason for this distinction is related to the picture of the popular seaweed snacks. As this picture demonstrates, certified organic seaweed is already a prominent feature in the organic marketplace.

While we understand that this product differs from crop inputs in its ultimate use, and even that of the non-organic seaweeds on the National List allowed in or on processed products, to allow certification of some seaweed products as organic without fully defined and consistent standards and then exclude other marine

materials entirely, opens the door to potential erosion of consumer confidence and an undermining of the organic principles.

The concerns surrounding the harvest of seaweed, impacts to the aquatic environment, and its potential contaminants apply equally whether the product is a certified organic seaweed snack, crop input, or National List ingredient. Guidance and regulations for organic production of all marine materials should be developed as soon as possible.

C. [Assessing cleaning and sanitation materials used in organic crop, livestock and handling](#)

PCC supports the efforts to ensure that organic producers and handlers have a diverse set of tools with which to address sanitation and food safety standards.

We encourage a stringent review of potential tools against the national list review criteria. However, we also would note that farmers and retailers alike must balance the complex food safety requirements against these criteria. Whatever can be done to ensure that alignment of these regulatory requirements is contemplated in the review and approval of organic sanitation tools would be greatly appreciated.



IV. Conclusion

PCC reiterates that for positions on individual proposals, discussion documents, and material review, we refer to the NOC comments.

We also would like to reiterate our gratitude towards the NOSB and the NOP for many of its efforts to ensure that the organic label remains one of the strongest certifications that consumers and retailers can rely on for verified health and environmental protections, but encourage a renewed dedication to the foundational principles and effort to align all organic products and pieces of the production system with these principles.

Sincerely,

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