

May 26, 2020

Dr. Jennifer Tucker
National Organic Program
U.S. Dept. of Agriculture Agricultural Marketing Service
1400 Independence Ave SW, Room 2642—So.
Ag Stop 0268
Washington, D.C. 20250-0268

Re: Docket No. AMS–NOP–20–0037; NOP–20–03—National Organic Program (NOP); Organic Livestock and Poultry Practices Economic Analysis Report

Dear Dr. Tucker:

We, the undersigned 40 organizations, represent a broad spectrum of the organic community, including millions of organic farmers, certifiers, retailers, and eaters. For decades, we have worked to promote organic food and farming as better for both our environment and our health, and fought to ensure the integrity of the organic label.

The Organic Livestock and Poultry Practices Rule (OLPP) is the most significant and most needed set of improvements to the organic standards in the last several years. The result of more than a decade of public participation, stakeholder input, and agency resources, OLPP provided specificity in the standards for organic livestock, especially poultry, to ensure that all producers are on an even playing field and uphold the letter and spirit of the Organic Foods Production Act (OFPA). USDA received thousands of comments in support of the rule during its development and tens of thousands more supporting its implementation in the face of the USDA's multiple delays and ultimate withdrawal of the rule.¹ For all the reasons already detailed for USDA in the various comment periods, USDA should immediately implement OLPP.

Now—three years after the Rule should have gone into effect—USDA seeks comment on its new Economic Analysis Report, summarizing the agency's further review of the Regulatory Impact Analysis (RIA) for both the OLPP and Withdrawal Rule, and its impact on the Withdrawal Rule.

The new Economic Analysis Report does not change anything; the OLPP remains a valid and necessary improvement to the organic standards for livestock. The Organic Program is a voluntary program founded on process-based standards and cost considerations should not impede its improvement to accurately and consistently reflect the specific social and ethical values of the organic community. And those values, especially consumer expectations for animal welfare and outdoor access, were not being consistently upheld pre-OLPP. While most producers are already abiding by the OLPP standards, and therefore have no costs to comply, a few large egg producers were abusing a loophole in the rules to essentially sell factory farm eggs under the organic label and with the organic price premiums. Thus, OLPP is needed to satisfy a main purpose of OFPA: "to assure consumers that organically produced products meet a consistent standard."² The organic label should not lose its integrity and meaning so that a few large producers can profit without fulfilling organic values.

¹ 82 Fed. Reg. 59988, AMS-NOP-15-0012; 82 Fed. Reg. 21742, AMS-NOP-17-0031.

² 7 U.S.C. § 6501(2); *E.g.*, Center for Food Safety, Comments Re: OLPP Withdrawal (Jan. 17, 2018), AMS-NOP-15-0012-123030.

However, if USDA is going to review the RIA for the original OLPP, it should correct the substantial *underestimate* of benefits from OLPP. While USDA recognized many of the qualitative benefits, it only quantitatively analyzed a subset of those benefits, resulting in a vast underestimation. This includes: the post-OLPP market that would make return to organic for producers who do not comply with the OLPP standards lucrative; an underestimation of consumer willingness-to-pay; complete omission of benefits regarding broiler chickens; and the consumer trust benefits of a consistent label.

Further, while organic consumers expect that animals are treated humanely, including given outdoor access,³ not all organic animal products are meeting this expectation. Organic farmers, including the members of the undersigned groups, are both unable to signal to their customers that they provide high levels of welfare using just the organic label, or to reap the benefit of their investments in providing those humane living conditions to their livestock. OLPP would have corrected this problem.

USDA does not need to waste any more time on further analysis. While the original OLPP RIA underestimated the benefits of OLPP, USDA's reasons for adopting OLPP were nonetheless valid, including meeting consumer expectations. As 99% of organic stakeholders and the National Organic Standards Board⁴ have urged for years now, USDA must immediately implement OLPP.

Sincerely,

Antibiotic Resistance Action Center, George Washington University
Beyond Pesticides
Center for Environmental Health
Center for Food Safety
Certified Naturally Grown
Cultivate Oregon
Dr. Bronner's
Food & Water Action
Food Animal Concerns Trust (FACT)
FoodChain ID
Frey Vineyards, Ltd.
Friends of the Earth
Humane Society Legislative Fund
Humane Society of the United States
Humane Society Veterinary Medical Association
IFOAM North America
Institute for Agriculture and Trade Policy
Lady Moon Farms
Maine Organic Farmers and Gardeners Association
Montana Organic Association
National Farmers Union

³ See Consumer Reports, Consumer Reports Survey Finds Consumers think its Important to Have High Animal Welfare Standards for Food Labeled Organic, https://www.consumerreports.org/media-room/press-releases/2017/04/consumer_reports_survey_finds_consumers_thin_its_important_to_have_high_animal_welfare_standards_for_food_labeled_organic/.

⁴ Statement adopted unanimously by the National Organic Standards Board, April 20, 2017 Meeting Transcript at 185:4-191:11

National Organic Coalition
National Sustainable Agriculture Coalition
Natural Grocers
Northeast Organic Farming Association-New Jersey (NOFA-NJ)
Northeast Organic Farming Association-Vermont (NOFA-VT)
Northeast Organic Dairy Producers Alliance
Northeast Organic Farming Association-New York (NOFA-NY)
Northeast Organic Farming Association-Interstate Council (NOFA-IC)
Northeast Organic Farming Association-Massachusetts (NOFA/Mass)
Organic Farmers Agency for Relationship Marketing (OFARM)
Ohio Ecological Food and Farm Association
Organic Farmers Association
Organic Planet LLC
PCC Community Markets
Straus Family Creamery
The Brice Institute, Inc.
The Cornucopia Institute
United Methodist Caretakers of God's Creation
Wild Farm Alliance