



January 22, 2024

Comments to the National Organic Program:

Notice of Intent to Extend and Revise a Previously Approved Information Collection (2024)

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Vermont Organic Farmers LLC submits the following comments to request that as AMS requests an extension and revision of previously-approved information collection "National Organic Program" [OMB Control No 0581-0191], AMS additionally include a requirement that the National Organic Program collect information on hydroponic and aquaponic organic systems.

We agree with comments submitted by Jim Riddle that state:

As stated in the request for comments, the second purpose of the Organic Foods Production Act of 1990 (OFPA), is to "assure consumers that organically produced products meet a consistent standard."

At Section 6513(b)(1), the OFPA states, "An organic plan shall contain provisions designed to foster soil fertility, primarily through the management of the organic content of the soil through proper tillage, crop rotation, and manuring." Section 6513(g) states, "An organic plan shall not include any production or handling practices that are inconsistent with this chapter."

To comply with the second purpose of the OFPA, the National Organic Program (NOP) must begin collecting information from all certified organic crop producers and all accredited certifying agents on how certified organic crop production operations "foster soil fertility" to verify compliance with OFPA 6513(b).

At the present time, the NOP accredits certifying agents that certify soil-based crop producers who comply with the soil fertility requirements of OFPA Section 6513(b)(1) and with 7 CFR Part 205 Section 205.2, General Requirements for Natural Resource Protection; Section 205.203 Soil Fertility and Nutrient Management; and Section 205.205 Crop Rotation.

Simultaneously, the NOP accredits certifying agents that certify hydroponic, container, and other soilless crop production systems that do not comply with the soil fertility requirements of OFPA Section 6513(b)(1) or with 7 CFR Part 205 Section 205.2, General Requirements for Natural Resource Protection; Section 205.203 Soil Fertility and Nutrient Management; or Section 205.205 Crop Rotation.

Soil-based organic production systems sequester carbon, fix nitrogen, build soil health, increase the water-holding capacity of soils, prevent soil erosion, foster the cycling of resources, promote ecological balance, conserve biodiversity and provide numerous ecological services.

Hydroponic, aquaponic and other soilless container growing systems do not sequester carbon, fix nitrogen, increase the water-holding capacity of soils, recycle nutrients, prevent erosion, enhance biological diversity, or protect ecological balance, yet the USDA allows such operations to be certified "organic."

There are significant differences between soil-based and soilless crop production systems, but there is no data available to determine how much of the US organic market is comprised of the products from these two different production systems, since the products of both systems are labeled "organic" and allowed to carry the "USDA Organic" logo. Likewise, there is no data to research and compare the environmental and health impacts of these systems, since the products of both systems are labeled the same.

The NOP must begin collecting data on the type of production system used by certified organic crop producers to determine the number of soil-based vs soilless crop production operations and products, both foreign and domestic, that are being certified as "organic" under the National Organic Program.

Such data collection should begin by requiring accredited certifying agents to amend their organic system plans to ask specific questions to assess all crop operations' compliance with OFPA Section 6513(b)(1), since the law states that organic crop plans "shall contain provisions designed to foster soil fertility."

In order to "assure consumers that organically produced products meet a consistent standard," as mandated by OFPA, the NOP must require that accredited certifying agents who certify hydroponic, aquaponic and other soilless container systems provide publicly available data to the NOP on the number of such operations that they certify; the amount of acreage or square footage in soilless production; the types and quantities of crops produced using soilless production methods; the expected vs actual yields from soilless operations; the value of the crops produced using soilless production methods; the labels and brand names used on all such products; the countries of origin; and the markets where these products are sold.

Since the United States is the only country where hydroponic and other soilless crop production systems are being certified as "organic," collection of the information cited above is needed to verify compliance with trade agreements in international organic markets.

Because the USDA has issued no rules governing the soilless production of “organic” crops, it is incumbent on the USDA to collect accurate and detailed information on both soil-based and soilless crop production systems that are being certified as “organic,” in order to comply with OFPA Sections 6501(2), 6513(b), and 6513(g), and 7 CFR Part 205.2, 205.203, and 205.205.