



CCOF

Organic Certification Trade Association Education & Outreach Political Advocacy

July 27, 2010

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Agricultural Marketing Specialist
National Organic Program
AMS/USDA
1400 Independence Avenue SW Room 2646-So., Ag Stop 0268
Washington, DC 02050-0268

Docket No. AMS-NOP-10-0046; NOP-10-02
Request for Extension of Currently Approved Information Collection

Dear Ms. Strother,

CCOF is pleased to submit our comments on the above-referenced docket. CCOF is a nonprofit organization founded in 1973 and is one of the oldest and largest organic certification agencies in North America. We serve as a trade association for more than 2100 certified organic operations as well as 350 supporting members, in 35 states and in 3 other countries.

The California Institute for Rural Studies (CIRS) report titled *"Factors Associated with Deregistration Among Organic Farmers in California"* (Sierra, et al, March 2008) found that 63% of the organic practitioners they surveyed cited "regulatory issues related to organic production" as their primary reason for dropping out of the organic certification program. We hope that the work put into this process – of reviewing and perhaps revising some of the regulatory requirements – will lead to fewer organic practitioners dropping out of the system.

The docket requests comments on four issues related to the collection of information and the burden on affected parties under the National Organic Program (NOP) regulations 7 CFR Part 205. We will attempt to address each issue identified by the USDA independently.

1. Is the proposed collection of information necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

CCOF believes that since the implementation of the NOP in 2002, the focus of organic compliance and certification has narrowed so much that the paperwork is more important than the practice. Many producers and handlers are skeptical of or deterred from organic certification due to the paperwork burdens. The information collection currently used by NOP is not necessary to the proper performance of the agency, and does not have practical utility.

Some of the recordkeeping and information collection requirements in the US are unique to the NOP, such as the requirement for the creation of an Organic System Plan by the certified operation that is both kept current and updated annually. The creation and maintenance of this paper document creates a significant amount of work for both the certified operation and for the certification agency. The certified operation and the certification agency are supposed to retain duplicate copies of this paperwork on site and ensure that both copies are kept current and identical. CCOF is moving towards a paperless certification system and runs into barriers because of the NOP requirements and AMS auditors' expectations that prevent this transition from being successful.

Other organic certification systems, such as that of the European Union, rely much more heavily on inspector recommendation and analysis based on-site observation of activities to document compliance than the system

under the NOP does. Under the NOP, the inspector's job is to verify whether the Organic System Plan is being implemented, instead of verifying compliance with the regulations. For instance, in the US, if a certified operation's Organic System Plan said that they used irrigation water from a municipal source, but during the course of the year, they dug a well and began using that well water for irrigation, the certified operation would be out of compliance with the NOP regulations for changing the source of their irrigation water without updating their plan. Similarly, CCOF finds itself requesting evidence from non-organic ingredient suppliers demonstrating that mined materials such as sodium bicarbonate (baking soda) are produced without GMO technology or sewage sludge, in order to comply with the letter of the NOP. Under other certification systems, like the EU's, as long as the production practices are compliant, the operation is compliant. CCOF recommends the NOP consider moving towards this approach, of certifying to the compliance with the standards, as opposed to the current focus on the OSP being updated.

It is true, as stated in the docket that: "Reporting and recordkeeping are essential to the integrity of the organic certification system. They create a paper trail that is a critical element in carrying out the mandate of OFPA and NOP". However, the focus on the "paper" part of the "paper trail" is limiting certifiers' and certified operations' progress forward with technology and away from paperwork. The NOP creates a system that is dependent on the collection of paperwork, rather than information. We encourage the USDA, and the NOP, to consider alternatives to paperwork and to encourage the use of more advanced technologies, such as electronic records that do not need to be printed out.

Additionally, the NOP allows for the creation of State Organic Programs to relieve the burden of compliance and enforcement from the NOP in states that choose to pursue this approval. Currently only California has an approved and functioning State Organic Program. This program, currently mandated by statutory requirements, includes a vast amount of duplicative paperwork and information collection on the part of certified operations within the state of California. While the issue of additional requirements from the State Organic Program is distinct from the information collection system that is being discussed for re-approval in this case, CCOF believes it is important to note the increased burden that is a factor for certified operations under this system as described in the NOP.

2. What is the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used.

CCOF believes that the recordkeeping and reporting time and fee burdens are significantly underestimated. According to the docket, it is estimated that the annual burden for accredited certifying agents to submit our annual update to the NOP is 11 hours. CCOF's Quality Manager, who also works with many other Accredited Certification Agencies (ACA's), estimates that the annual burden of the annual update ranges from 25 hours for small certifiers to 40 hours for large certifiers such as CCOF. Therefore, we believe it is likely that the USDA has underestimated the time for this task by at least 100%.

We believe that the burden on producers and handlers to be even more egregiously under-estimated. The current estimated recordkeeping burden is noted to be 5 hours per year plus one hour per label making an organic claim. CCOF works with organic producers and handlers of all sizes, and we do not believe that even the smallest, simplest operation could successfully meet the NOP organic regulations recordkeeping and document retention requirements in only five hours per year. Large producers and handlers often employ one or more full time employees in order to comply with the requirements.

3. Ways to enhance the quality, utility and clarity of the information to be collected.

As we noted above, there is a large burden on both certified operations and certification agencies to perform record keeping, annual updating and document retention activities under the NOP that we do not believe is

useful. However, we do believe that there is quite a lot of information collection that is **not** occurring that would provide much more utility to the industry and organic community. Instead of burdening certified operations with the requirements for an Organic System Plan, we would prefer to see reporting and recordkeeping that allowed for:

- One centralized, frequently updated, database or list of all operations certified to NOP standards.
- One centralized, frequently updated, database or list of all operations who have had their certification or accreditation revoked or suspended.
- One centralized, frequently updated, database or list of all inputs allowed for use in organic production.

4. Ways to minimize the burden of the collection of information on those who are to respond, including the appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Following the EU model of certification based on inspection verification of compliance rather than paperwork verification of compliance would certainly minimize the burden of collection of information. For example, livestock producers are beginning to move to electronic herd identification systems. However, auditors still expect to see printed copies of herd lists updated annually as part of the Organic System Plan, even though an up to date electronic herd list is available at any time. Clear communication to AMS auditors that electronic records are an acceptable alternative to paper documents would help change the expectations during audits.

In conclusion, we again thank the NOP for allowing us to comment on the “request for extension of currently approved information collection.” We welcome your questions and encourage you to seriously consider revamping the NOP information collection system.

Sincerely,



Robin Allan
Director of Grower and Livestock Certification



Jody Biergiel
Director of Handler Certification