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USDA-National Organic Program Recommendations for Obama Administration and the USDA

The Cornucopia Institute is a farm policy research group, headquartered in Wisconsin, and acts as an organic industry watchdog. Most of our members are organic family farmers. We respectfully offer the following points for consideration by the new USDA Secretary and his team regarding the National Organic Program (NOP):

A Crisis in Confidence

The NOP is dysfunctional. There has been a long-standing adversarial relationship with the majority of organic farmers and consumers and the groups that represent them. We cannot speak for the Organic Trade Association, which primarily represents agribusiness investment in the rapidly growing \$20 billion organic industry.

Senior management, with oversight of the NOP, has treated industry stakeholders arrogantly and disrespectfully, on many occasions, and has overridden NOP career staff when their findings might have been unfavorable to corporations with interests in the organic industry (ascertained through FOIA documents).

We would strongly recommend, as many public corporations do when trying to regain shareholder and Wall Street confidence, that the Department bring in a highly respected and skilled individual from the outside to run this program. **Currently, there are no staff members with experience in organic production agriculture or policy**. This is disrespectful to the industry that it is mandated to regulate.

In addition to bringing in new top management, overseeing the NOP, we support staffing a position in the Secretary's office to integrate organic programs throughout the diverse subdivisions of the Department.

Respecting the Intent of Congress

There are dozens of policy resolutions promulgated by the National Organic Standards Board (NOSB), the expert citizen advisory that Congress required the Secretary to consult, that the Department has failed to act on. It is highly disrespectful for the NOSB to have engaged with the public in crafting rulemaking and guidance recommendations and have a large percentage of these languishing and ignored for years.

Audits prepared by the American National Standards Institute (ANSI) and the Inspector General's office were damning in their criticism of the program's **failure to respect the NOSB's**

Congressionally mandated purview over policy and the program's failure to carry out its most fundamental responsibility—oversight and accreditation of the nation's network of independent organic certifiers.

The USDA has **failed to establish the Congressionally mandated Peer Review Panel** of experts to provide oversight of the NOP accreditation responsibilities.

The USDA has **failed to fund Technical Advisory Panels** (TAP) to evaluate materials for use in organic production. The diversified NOSB is unqualified and handicapped in fulfilling their responsibilities without this resource.

Furthermore, Congress specifically set aside **seats on the NOSB** to assure a diverse representation by all stakeholders in the industry (farmers, certifiers, consumers, retailers, manufacturers, environmentalists, etc.). **The will of Congress has been grossly disregarded** by the USDA Secretary in making these appointments and there should be a renewed commitment by the incoming administration to respect the letter and spirit of the law requiring disciplinary diversity and a collaborative relationship with this body.

Transparency

The program has **operated in secret** concerning certification documents, enforcement actions and fulfilling FOIA requests. This has led to lawsuits. The new Administration must radically change the character of the program to regain public confidence.

Protecting the Integrity of the Organic Label

It's been eight years since the NOSB passed the first of five separate regulatory or guidance recommendations to rein-in livestock abuses on giant industrial-scale dairies, each milking thousands of cows, and labeling milk as organic.

Pasture Controversy—This past fall the USDA finally published a draft rule, far eclipsing anything that the NOSB had recommended to require grazing on organic dairies. Not surprisingly it garnered wide concern from many other sectors in the organic livestock industry. In essence, they **completely rewrote the livestock provisions of the federal standards without NOSB or industry input**. This mess must be immediately cleaned up by the new Administration. Inaction by the Department has squeezed profit margins for ethical family-scale organic dairy farms and many now face financial ruin.

Controversy over Conventional Animals on Organic Dairy Farms/Beef Production—The Department needs to engage in immediate rulemaking to close loopholes allowing "conventional" replacement cattle to be brought onto organic dairy farms on a continual basis. There is an immediate need to close loopholes allowing feedlot production of organic meat animals, bypassing the expectation of consumers who assume that organic animals are raised on pasture not depending on exclusive confinement.

We thank you for your consideration of these points. We want to emphasize that we have taken into consideration, and support, the comments of the National Organic Coalition. For further information please contact: Mark A. Kastel, Senior Farm Policy Analyst, Kastel "at" cornucopia.org