

October 11, 2017

Ms. Michelle Arsenault  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independent Ave., SW  
Room 2648-S, Mail Stop 0268  
Washington, D.C. 20250-0268  
Re: FR Doc. # 2017-10987

Docket # AMS-NOP-17-0024

Dear National Organic Standards Board Members:

The following comments are submitted to you on behalf of The Cornucopia Institute, whose mission is to support economic justice for family-scale farming.

#### **CERTIFICATION, ACCREDITATION AND COMPLIANCE SUBCOMMITTEE**

#### **Proposal: Eliminating the Incentive to Convert Native Ecosystems to Organic Production**

#### **COMMENT**

**We are happy to see the National Organic Standards Board (NOSB) taking direct action on this essential issue.** Adding regulatory language to the organic standards is an important step in protecting the native lands in question.

However, **there are some potential loopholes and concerns** Cornucopia has about the language put forth by the NOSB. In particular, we share concerns expressed by the Wild Farm Alliance (WFA).

The Cornucopia Institute agrees with WFA that supporting conservation practices, addressing natural resource issues, and supporting biodiversity conservation within agriculture is essential. The conversion of native and fragile ecosystems, in particular, is a serious problem that must be dealt with in a timely manner. As the NOSB acknowledges in their current proposal, the perverse incentive to convert pristine organic lands into organic agriculture conflicts with the basic intent and purpose of the organic standards.

**In summary, we support the WFA's comprehensive comments on this issue. Consistent with WFA's requests, we recommend the following changes be made to the proposed language:**

- 1) The term "native ecosystems" must be defined in the regulations.** Without a clear definition of the type of land that the regulation seeks to protect, the wording

allows for confusion and potential loopholes. Cornucopia's analysis of this issue supports WFA's recommendation for how "Native Ecosystems" should be defined.

A broader definition, which takes into account the current characteristics of the land (e.g., the presence of native species over invasive species), should be the focus in identifying qualifying lands. For example, previously cultivated land that has become "overgrown" would not qualify as a native ecosystem unless it has returned to its native character (and has value as such). We also agree with the WFA that future NOP guidance will be helpful for certifiers when attempting to classify an ecosystem type.

**2) Delete the phrase "grazed or cultivated" from the suggested language.** As noted in WFA's comprehensive comments, the addition of these words only confuses the issue and intent of these protections.

**3) The date of "conversion" should not be tied to "crop or livestock production."** As the proposed addition to §205.200 currently reads, if the conversion doesn't directly occur because of agricultural production, it will not be a factor in organic certification. Any activity that destroys the character of the aforementioned "native ecosystems" should count as "conversion."

**4) Delete "crop or livestock", use the phrase "organic production" Instead.** Keeping the language broad in this instance reflects the intent to preserve these lands more fully.

**5) Cornucopia supports WFA's suggested language for the rule change in Section §205.200, which reads as follows:**

*"A site supporting a native ecosystem cannot be certified for organic production as provided for under this regulation for a period of 10 years from the date of conversion."*

As to the NOSB's question regarding how many operations would have been impacted if this rule had been in place in 2016, the value of the lands in question cannot be balanced against the need to put more organic acres into operation. These lands are needed to support sensitive species and global biodiversity. Human overpopulation and climate change will only increase pressures on these imperiled ecosystems. Instead, organic producers should be invested in converting conventionally farmed land to organic production—and the regulations should reflect that.

Cornucopia previously submitted comprehensive comments on this issue. In the spring of 2017, Cornucopia's comments included suggestions for terminology and definitions that may be helpful to the NOSB at this time. In particular, the suggestions surrounding the definition of "high conservation value areas" and/or "native ecosystems" are applicable to this current comment.