

**Public Comment, 2020 Fall NOSB meeting
October 22, 2020**

My name is Marie Burcham and I am an attorney and the Policy Director for The Cornucopia Institute.

The stated purpose of OFPA is to *establish uniform standards* that will then be used govern the marketing of organic products, assure consumers that organic products meet a *consistent standard*, and to *facilitate commerce* in organic food.

OFPA requires an organic plan, which for crops must include provisions designed to *foster soil fertility* (The rule mentions this should be done primarily through the management of the organic content of the soil through proper tillage, crop rotation, and manuring [§ 6513]). How are large-scale hydroponic operations meeting these requirements, especially when many build on top of bare soil, effectively preventing the improvement of natural resources and cycling of nutrients?

In addition, it is still entirely unclear how hydroponics operations can meet any of the other, *numerous*, baseline requirements of both OFPA and the regulations.

If the requirements for soil written into the law *do not apply to these systems*, then what *does* apply to these operations? OFPA's purpose is not being fulfilled: organic products DO NOT meet a *consistent standard*.

The NOSB has never voted to allow hydroponic and aquaponic production. To continue to allow certification before the NOSB has fully reviewed these systems and made recommendations to the NOP goes against OFPA's foundational principles.

Let's be clear: Cornucopia does not think hydroponics is compatible with the organic law. However, if the NOSB deems certain hydroponic systems appropriate for organic certification, the systems should STILL not be permitted unless and until standards are established.

Right now this production practice is completely untethered from what is expected of organic produce. Clarity is needed not only for consumers but for certifiers who are being left to interpret and apply rules in a vacuum.

As already stated, OFPA dictates broad authority to the agency to enact regulations and establish uniform standards. However, in recent years the USDA has denied that they have the power to create regulations to this end. This is an incorrect interpretation of the law.

There are several examples of failures to enact rules that have fulfilled the purpose of OFPA. Foremost on my mind is the [withdrawal](#) of the Organic Livestock and Poultry Practices rule [2017]. Other rulemaking that would ensure that organic products meet consistent standards are the "[origin of livestock](#)" rulemaking, and the badly needed rulemaking on the conservation of native ecosystems.

I ask that the NOSB keep the pressure on the NOP to move forward with regulations and comprehensive guidelines that protect the integrity and consistent standards of the organic label.

Thank you for your time and attention.