



October 11, 2017

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National Organic Standards Board
USDA-AMS-NOP
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Submitted via www.regulations.gov

RE: Document # AMS-NOP-17-0024

**[NOSB Certification, Accreditation, and Compliance Subcommittee Proposal:
Eliminating the Incentive to Convert Native Ecosystems to Organic Production](#)**

Dear NOSB members:

Thank you for the opportunity to provide comments on the proposal regarding eliminating the incentive to convert native ecosystems to organic production. MOSA certifies approximately 2000 organic operations throughout the United States, including over 1700 that are certified for crop production. Many of those operations are located in ecologically sensitive or high value conservation areas.

We support the basic principle of the proposal; a rule change noting that conversion of a native ecosystem site for agricultural purposes requires a 10-year waiting period before the land can be used for organic production. However, we think the proposal could include some additional development, and we also would like to see more emphasis on incentives, to complement the 10-year wait period disincentive.

We offered comments on this topic in response to the discussion document prepared for the spring 2017 NOSB meeting. These comments included discussion on organic principles and values, whether eliminating the incentive to convert native ecosystems is best approached through regulation or education, and we commented on definitions, appropriate sanctions for undesirable conversion scenarios, and waiting periods. But now, this proposal has changed our thinking on some of what we discussed previously. The proposed regulatory change is fairly simple, seems that it could be reasonably practical to verify, and provides what seems to be a reasonable disincentive without categorically preventing organic production as an improvement when native ecosystem land has already been converted for agricultural use.

However, the proposal could be strengthened with some additional development. For example, we still need a definition for what constitutes a *native ecosystem*. Without a definition, a rule change seems premature. Some qualitative measures or gradients for classifying the value of

various types of land would help in determining what types of land need additional protections. The Wild Farm Alliance has provided you with some good thinking on this subject, including a suggested addition to standards section 205.2 to define Native Ecosystems, and suggestions for categorizing vegetation, in the field, in order to determine what sites should be treated as a native ecosystem. For sound enforceability, we need consistent and reliable measures. And if we desire to protect high value land, this should include an assessment of current land value, not simply making a judgment based on whether or not it's been used for grazing or cultivation at some point, perhaps even in the distant past. For example, land that was previously used for agriculture a long time ago may have recovered to a point where it has ecological importance on a par with land that's never been farmed. This type of land should be protected from conversion to organic use as well. To this point, we suggest striking the qualifier that a site not be previously grazed or cultivated. So, (showing the strike) the proposed language would just read, "*A native ecosystem site ~~that has not been previously grazed or cultivated~~ cannot be certified as organic as provided for under this regulation for a period of 10 years from the date of conversion to crop or livestock production.*"

We have some unresolved concerns about suggested verification tools, such as satellite images, old photographs, or assessment of FSA or NRCS records. We're not exactly sure where this type of information can be found, or for how far back, and we question the practicality of this kind of verification. The proposed rule change and discussion also could be improved by assessing methods for verification, and promoting the importance of adequate training. Training and accessibility of resources will be necessary in order for certifier enforcement to be consistent. We'd like thoughtful guidance regarding when this historical assessment is needed. Always? When we have indicators that native ecosystem land has been converted? We're willing to learn how to use new review tools, but these are not currently a part of our certifier toolbox.

We also think the proposal could be strengthened by suggesting ways not just to eliminate the incentive for converting, as by the 10-year waiting period disincentive, but also by emphasizing new incentives or alternatives to conversion. We'd like to see more robust education for organic operators about the value of retaining native ecosystems, emphasizing native ecosystems positive impact on biodiversity and their alignment with deep organic values. Such information is out there, but more promotion for this would be an incentive for doing what's right. And, we'd like to see more meaningful incentives for transitioning conventional agricultural acreage to organic use. If transition burdens could be eased, not unlike what was proposed recently with regard to a national transitional certification, to ease the transition period and to help bring domestic organic production in line with demand, then we would be more successful with a secondary intent. Our ultimate goal is not only to prevent loss of lands with important habitats, but also to encourage more organic production, especially as a replacement to conventional agriculture. Perhaps creating an appropriate incentive for transitioning to organic should stay outside of the scope of this proposal. But, most of the time, certification enforcement works best through a combination of incentives and disincentives. Both incentives and disincentives are noted in the introduction to the proposal, but the proposal as written mostly focuses on the 10 year wait period as a disincentive.

The proposal also asks for certifier input on possible economic impact this rulemaking would have on our certified operations. To this point in time, we have not proactively looked at

conversion of native ecosystems as a part of our certification review process, so unfortunately, we are not able to provide any reliable data. However, rather anecdotally, while we do see some conversion of wooded land for agricultural production, this is rather limited, and may be low value scrub woods anyway. We would not expect that this proposal would have a great economic impact. That said, we understand the value of such economic data when promulgating new rules. At this point, such data might best be obtained through producer surveys.

We thank you for your work on this issue. Eliminating the incentive for converting native ecosystems will be another improvement to our organic standards.

Respectfully submitted,

The MOSA Certification Team