



April 1, 2022

Ms. Michelle Arsenault, Advisory Committee Specialist  
National Organic Standards Board  
USDA–AMS–NOP  
1400 Independence Ave., SW.,  
Room 2642-S., Mail Stop 0268  
Washington, DC 20250–0268

Submitted via [Regulations.gov](https://www.regulations.gov).

**RE: Docket # AMS-NOP-21-0087**

**NOSB Certification, Accreditation and Compliance Subcommittee (CACS) Proposal  
on Discussion on Oversight Improvements to Deter Fraud: Modernization of  
Supply Chain Traceability**

Dear NOSB Members:

Thank you for the opportunity to provide comments on Modernization of Supply Chain Traceability. MOSA certifies over 2,000 organic operations throughout the United States, including approximately 730 livestock operations, 1,750 crop operations, and 325 handling operations. MOSA-certified operations are diverse in size, and many represent what consumers might view as quintessential organic farms. We recognize how eliminating fraud helps these operations to survive, and we also recognize that various recordkeeping requirements have the potential to unevenly burden different types of operations.

We support the CACS's efforts to find some low-burden steps to aid in supply-chain traceability and fraud deterrence, and agree that acreage reporting on certificates and requiring consistent data points on transaction documents from grower to buyer/aggregator seem achievable and possibly valuable. However, we would like some clarity on expectations regarding how crops and acreages would be identified on certificates, and we have some doubts about its practical usage.

Acreage reporting taxonomy can vary between certifiers, and certifiers aim to issue certificates that balance practicality for certified operations with value in serving the organic marketplace. The value of acreage reporting may depend on certifiers agreeing on a taxonomy for how such acreages are recorded. Such agreement may be a challenge to achieve, particularly as it may aim for more specificity. We support the concept, but would like more information regarding specific reporting expectations. In our experience, some flexibility in how products are listed on certificates enables better service to the organic community.

Additionally, we have some concerns regarding the accuracy of acreage information. While Organic System Plan information and inspections provide and verify acreage (and yield) information, it is not uncommon for this to change over the course of a season, for example, when rotations may change due to unpredictable weather conditions. While information would *mostly* be accurate, there could be discrepancies, and consideration should be given to inadvertently introducing risk if information is not fully accurate.

Regarding acreage reporting, the discussion document says that inspectors viewing purchase records where acres per crop is disclosed on organic certificates can identify *any* inconsistencies

between sales levels and production capacity. We agree that readily available, and sufficiently reliable, acreage information could help with traceability, but note that it may not address all inconsistencies. The ease of traceability may be improved, but still could be affected by the number of buyers or sellers interfacing with the operation being inspected.

MOSA does gather organic acreage information and this data could be reportable. However, we have not put such information on public-facing organic certification documentation, because we have interpreted that such acreage information is not among required organic certificate elements and it also seems to be protected confidential business information. We could go along if this public comment process and the NOP found that acreage reporting on certificates should be mandatory. In our comments on the Fall 2021 CACS discussion document on “Modernization of Organic Traceability Infrastructure,” we noted challenges in balancing protection of confidential business information with making such data adequately accessible for traceability and fraud detection purposes.

Currently at MOSA, acreage information is recorded on an addendum to the organic certificate. The addendum is not intended to be public facing, but can be provided by the certified operator to their buyer as they deem appropriate and necessary. This “Certified Organic Products and Services” form has enabled some efficiency and practicality, as information on that form is updated at least annually, whereas certificates may show all crop types that are part of an operation’s rotation, some of which may not be grown in a particular year. This discussion should also consider that crops may not be sold in the year that they’re grown, so the most current certificate information (including certificate addenda) may not coincide with what’s sold.

Below are our responses to questions in the current discussion document.

- 1. Should acreage by crop be included on organic certificates? And,*
- 2. In addition to total certified acres should acres per crop also be included on the organic certificate and be public-facing in the Organic Integrity Database?*

For both of these questions, we think providing the data should be achievable and may help with improving supply chain traceability, but there are limits to the usefulness of such information. We can support inclusion of crop-specific acreage on certificates and in the Organic Integrity Database, with a couple of provisions:

- The organic community must find that the potential benefits of such inclusion and its public availability outweigh confidential business information protection concerns, and,
- taxonomy and timing/accuracy expectations, as discussed above, must be reasonable and not unduly burdensome.

- 3. How can the community better educate inspectors and certified operators on what is sufficiently auditable record-keeping? (e.g., organic learning center, etc. )*

Sufficiently auditable record keeping, and sufficient verification of such recordkeeping, was an area of focus during recent accreditation audit activities. We have been challenged to respond adequately to expectations without placing undue burden on ourselves and the operations we certify. We would appreciate further technical assistance from the National Organic Program on expectations, including a spectrum of examples to show sufficiency, compared to insufficiency, and how that might be informed by an operation’s relative risk of impacting trust in the organic label. For example, some records may show a summary of field activities over a period of time, while other records may be more granular. If the summary records are sufficient, then perhaps some operations need not have more granular records which may be more burdensome to maintain.

*4. What opportunities are there for stakeholders to collaborate in creating additional resources (e.g., forms, etc.) for use by organic operations that incorporate key data elements?*

In our experience, the certification and inspection communities have usually been highly collaborative in sharing resources and forms used to address various certification needs. MOSA is an active participant in Accredited Certifiers Association (ACA) working groups, and we've found a lot of value in recent annual training collaborations between the ACA and the International Organic Inspectors Association (IOIA). We think this kind of regulatory community demonstration of collaboration over competition could continue via an ACA/IOIA working group finding consensus on best practices for standardized bill of lading data points.

*5. How can the NOP assist certifiers in issuing non-compliances for insufficient record keeping?*

Similar to our answer to 3. above, we would appreciate additional technical assistance from the NOP on recordkeeping expectations, with examples, and including risk assessment considerations. In our experience, many organic operations have what appear to be minor, non-systemic gaps in records. Sometimes, missing records are provided soon after the inspection. The standards justify issuing a noncompliance for missing records that should be available at inspection, but in many cases, these may also be adequately and efficiently addressed with communications not elevated to the point of a noncompliance. On the other hand, we also recognize that inadequate recordkeeping can be a means of covering fraud, not just a missed detail. We would appreciate further guidance on how to suss out the differences, appropriate use of regulatory discretion, and enabling certifiers to defend how and why our decisions may vary based on the particular circumstances of an organic operation under our review.

Thank you for your work to find an effective and appropriate balancing point in this oversight improvement issue.

Respectfully submitted,

The MOSA Certification Team