



October 11th, 2017

Dear Sir or Madam:

Re: **AMS-NOP-17-0024-0001 – Comments on Organic Container Production**

United Fresh Produce Association appreciates the opportunity to submit comments to the National Organic Standards Board (NOSB) on containers in organic production and for consideration by NOSB Members as they create recommendations for the Secretary of Agriculture. We appreciate the time and effort by the Crop Subcommittee to develop unique requirements for container growing, but do not support their formal recommendations as we believe these proposals would limit the means of production by farmers and hurt the rising consumer demand for organic produce.

United Fresh represents growers, shippers, processors and sellers across the country of a broad spectrum of fresh fruits and vegetables. As the demand for organic fresh fruits and vegetables grows, so must our members adapt to consumer demands. Having a voice in organic standards and certification is essential to our members' ability to operate and provide Americans with an abundant supply of nutritious organic fresh produce. We urge the NOSB and USDA to continue allowing produce grown in containers to be certified organic. In particular we support the following recommendations.

1. Regulations governing organics should continue to allow flexibility to growers to best utilize the spaces, environments, and resources they have available at their business.

Due to the broad industry diversity of farm sizes, types, geographic regions, crops, and producers we oppose the proposed restrictions on container, hydroponic, aeroponic, and aquaponics growing methods for organics. Container growing methods such as hydroponics, aquaponics, and areoponics can help meet these challenges presented to growers while still maintaining the integrity of organic production. We believe that organics must continue to embrace diversity of farm sizes, farm types, climates, crops, and growers. The proposed restrictions on container, hydroponic and aquaponic methods call for all growers to use a one-size fits all production methodology that is suited for only certain types of crops in certain climates. The proposal gives the appearance of using the NOSB to pick winners and losers among the organic community by artificially limiting organic production

2. The Crop Subcommittee's proposals to limit the use of alternative growing methods such as hydroponics, aquaponics, and aeroponics stand contrary to the USDA's own reports on organic container systems.

USDA's own reports have shown that there is enough biologic transfer in these methods and therefore USDA should continue to allow the certification of these growing systems. In particular, the Hydroponic and Aquaponic Task Force Report gave a clear and succinct description of how an organic container or hydroponic system can demonstrate enough biology. "A commonly asked question is how to demonstrate that a bioponic system has enough microorganisms and/or if they are diverse enough to create a true soil-plant ecology intrinsic to organic farming. The answer is, in fact, very simple; it involves observing the system inputs and the final crop health. If the inputs used are in such a form that require microbial breakdown and the grower is able to achieve a healthy final crop, then it must be true that there is sufficient biology and biological diversity in the system, otherwise the nutrients would not have been fully microbially processed and the crop would show signs of deficiencies. As with any organic farming operation, the farmer is directly punished or rewarded with the quality of his/her crop based on the quality of the microbiological activity and organic content in their growing system."

3. Proposed exemptions need clarification and more detailed definitions.

If the NOSB were to pass the four proposals, uncertainty will remain over what products are exempted or allowed. The proposal states that transplants, ornamentals, herbs, sprouts, fodder, and aquatic plants are exempted from these requirements, but lacks adequate definitions for all categories.

The justification given for transplants are that they spend most of their time in the soil, so the first part of the plant's life is deemed to be irrelevant. However, many crops such as lettuce spend close to half of their life in a container before being transferred to the field. When is a transplant considered a transplant and when is it a plant held to an excessive maturity level? The proposal does not answer these basic questions.

Similarly, no justification nor definition is given for exempting ornamentals. Is an edible flower growing in a pot an ornamental or should it be classified like lettuce? The delineation of when a plant is a sprout, a microgreen, an herb or a non-exempt green is not defined. Many sprouts such as radish sprouts are grown in substrate, so are only sprouts grown only in pure water still sprouts? When does a sprout become a microgreen? Are microgreens still exempt as if they were a sprout or an herb? Is spinach used in a sauce rather than a primary ingredient an herb or a non-exempt vegetable?

If NOSB is intent on creating a list of exemptions, it should do so with clear definitions in place that reduces the burdens placed on inspectors and certifiers. Instead, this proposal would only increase confusion and chaos.

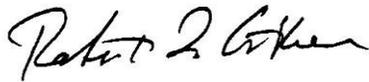
4. Structural Challenges with NOSB Process

While this may not be in the purview of the subcommittee and the current docket, United Fresh would like to submit for the record the concerns our members are expressing about challenges with the organic standards setting process. For one, the NOSB does not reflect an industry that has beyond a "niche" market in the eyes of the consumers to a critical part of the food and agriculture fabric of this country. However, the board does not reflect that growth and is severely underrepresented in terms of regulated entities and depth of operations.

In addition, the procedures of the NOSB are not transparent to the impacted community. First, a number of proposals that have required public input have not been given adequate opportunity for review and comment. Finally, the Board limited meetings (twice a year) and lack of opportunity to interact with the Board (three minute public comment) has not allowed for sufficient interaction with the Board.

United Fresh appreciates the opportunity to comment on this crucial matter. With consumer demand for organics increasing to more than \$50 billion annually, we stand by ready to work with the NOSB and USDA to ensure the integrity of organic production is maintained, while not arbitrarily eliminating important and sustainable means of organic production already supported by USDA.

Sincerely,



Robert Guenther
Senior Vice President
Public Policy
United Fresh Produce Association