



## **NOFA-NY Comments to the National Organic Program:**

### **Notice of Intent to Extend and Revise a Previously Approved Information Collection (2024)**

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**January 22, 2024**

The Northeast Organic Farming Association of New York (NOFA-NY) submits the following comments to request that as AMS requests an extension and revision of previously-approved information collection “National Organic Program” [OMB Control No 0581-0191], AMS additionally include a requirement that the National Organic Program collect information on hydroponic and aquaponic organic systems.

NOFA-NY strongly believes that organic is a soil-based agricultural production system, and that the exclusion of soil from organic production of normally terrestrial, vascular plants violates the intent of the regulations.

As stated in the request for comments, the second purpose of the Organic Foods Production Act of 1990 (OFPA), is to “assure consumers that organically produced products meet a consistent standard.” Because the National Organic Program (NOP) allows for the certification of certain hydroponic operations, NOP must require that accredited certifying agents obtain, and NOP must annually publish the following information:

1. The number of each of these operations that they certify:
  - A. hydroponic,
  - B. aquaponic, and
  - C. other soilless container system operations;
2. The amount of land in soilless production that they certify;
3. The countries where soilless products come from, detailing: Hydroponic, aquaponic, and other
4. The types and quantities of crops produced using soilless production methods;
5. The value of the crops produced using soilless production methods;
6. The labels and brand names used on all such products; and
7. The markets where these products are sold.

At present, the NOP accredits certifying agents that certify soil-based crop producers who comply with the soil fertility requirements of OFPA Section 6513(b)(1) and with 7 CFR Part 205 Section 205.2, General

Requirements for Natural Resource Protection; Section 205.203 Soil Fertility and Nutrient Management; and Section 205.205 Crop Rotation.

Simultaneously, the NOP accredits certifying agents that certify hydroponic and other soilless crop producers who do not necessarily comply with the soil fertility requirements of OFPA Section 6513(b)(1) or with 7 CFR Part 205 Section 205.2, General Requirements for Natural Resource Protection; Section 205.203 Soil Fertility and Nutrient Management; or Section 205.205 Crop Rotation.

At section 6513(b)(1), the OFPA states, “An organic plan shall contain provisions designed to foster soil fertility, primarily through the management of the organic content of the soil through proper tillage, crop rotation, and manuring.”

To comply with the second purpose of the OFPA, the National Organic Program (NOP) must collect information from all certified organic crop producers and all accredited certifying agents on how they “foster soil fertility” to comply with OFPA 6513(b).

Soil-based organic production systems sequester carbon, fix nitrogen, build soil health, increase the water-holding capacity of soils, prevent soil erosion, foster the cycling of resources, promote ecological balance, conserve biodiversity, and provide numerous ecological services.

There are significant differences between soil-based and soilless crop production systems, but there is no data available to determine how much of the US organic market is comprised of the products from these two different production systems since the products of both systems are labeled “organic.” Likewise, there is no data to research and compare the environmental and health impacts of these systems, since both systems are certified as “organic.”

The NOP must begin collecting data on the type of production system used by certified organic crop producers to determine the amount of soil-based and soilless products sold as “organic” in the United States. As well, Accredited certifying agents must be able to assess a crop operation’s compliance with OFPA Section 6513(b)(1), since the law states that organic crop plans “shall contain provisions designed to foster soil fertility.”

Therefore, NOFA-NY requests that the NOP be required to gather from Accredited Certifying Agents and be required to annually publish the afore-referenced data on hydroponic, aquaponic, and other soilless container operations that are certified organic.

*Founded in 1983, the Northeast Organic Farming Association of New York (NOFA-NY) is a member-based, statewide organization dedicated to growing a strong, regenerative organic agriculture movement. NOFA-NY provides education and assistance to local organic and agroecological farmers; connects consumers with local farmers; advocates policies that support a sustainable and fair food and farm system at both the state and federal levels; and is the largest USDA-accredited organic certifier in New York certifying nearly 1,100 organic operations in the state.*