



December 30, 2025

Docket Number: AMS-NOP-25-0034

These comments, made on behalf of OrganicEye and our members around the country, are submitted for consideration by the National Organic Standards Board (NOSB) members in preparation for their deliberations during the January 2025 meeting.

OrganicEye is a tax-exempt public charity engaged in research and educational activities benefiting all organic stakeholders (farmers, ethical businesspeople, and consumers). OrganicEye is best known as an organic industry watchdog.

### **Mandatory Certification Disclaimer in E-Commerce**

First, please allow me to thank the NOP for their determination that OrganicEye's petition for rulemaking was meritorious.

I want to emphasize to NOSB members that the impetus behind making this request was the numerous examples of misleading marketing, or outright fraud, that we either observed ourselves as organic consumers, or that were brought to our attention by our members and followers.

There are plenty of cases where marketers are representing products as organic that, simply, are not. Without a clear requirement to identify the certifier, this type of fraud is much easier to perpetrate and harder to identify.

In some cases, websites are designed to show all sides of packaging in a scale where the required certification identifier is visible (just as it would be in a brick-and-mortar store when a consumer is holding a product in their hand). Where that isn't the case, we are strongly suggesting that the board require a clear identification of the certifier to be conspicuously placed near the product image.

### **Biodegradable Plastic in Compost**

It is our opinion that this descriptor is a misnomer. Although the industry depends on material, in essence, disappearing, they're not using a microscope.

The fact that numerous studies suggest different synthetic materials, as well as naturally occurring metals, are easily uptaken by plants, incorporating material into their tissues, is enough for us to concur with the decision of the crops subcommittee.

We complement the subcommittee on appropriately applying the “precautionary principle.”

### **Oxytocin**

Again, we support the position taken by the subcommittee. As someone who has monitored dairy policy for over 35 years, first for the Farmers Union, primarily related to conventional agriculture, and then in the organic arena, I want to emphasize that there are always farmers who abuse this drug as a production tool. That would be a betrayal of organic consumer trust and the underlying philosophy represented in OFPA and the existing regulations.

### **Risk-Based Testing**

There are two inherent weaknesses in the current proposal.

First, the widespread trust in the current certification system and accreditation oversight is, to some degree, unwarranted. We need to develop oversight that is not left up to the discretion of the certifier scrutinizing their paid “clients.” After all, in the US system, farmers and agribusinesses choose their own regulators.

All the money being invested by the USDA and NGO’s to recruit and train organic farmers, and to help raise the abysmal level of domestic production, will continue to be for naught without aggressive enforcement of the tidal wave of imports reaching our shores.

QUESTION: Do you trust the copious amounts of Nigerian “organic” soybeans coming into the US, certified by an Indian-based certifier, accredited under the Canadian Organic Scheme as being “equivalent” to commodities produced in the US, certified by a domestic certifier accredited by the USDA?

Do you trust Chinese-grown commodities transshipped through Turkey?

### **Mandating Universal Testing for Imports**

Our second point, based on past experiences with wholesale fraud of large shipments of imported commodities, is that every single bulk organic shipment should be tested based on a predetermined minimum tonnage (or a dollar amount for high-value crops), and aggressive spot testing should be more liberally applied to smaller imported shipments (far above the 5% now required).

When we petitioned for rulemaking in this regard a few years ago (without a response from the NOP), an official with one of the Midwest-based organic grain cooperatives estimated that one bulk shipment of organic grain coming in from countries such as Turkey could easily be equal to the annual output of 50 average US farms.

Universal testing could have a profound impact on preventing US producers from facing unfair competition and organic consumers from being subject to fraud.

The cost to test all organic food being imported would be infinitesimal compared to the billions in commerce that are hitting our shores and the millions in fees US farmers are paying for certification.

Test it all!

That being said, domestically produced, high-risk commodities should be more aggressively tested based on volumes at any specific farm or aggregator.

Depending on adequately red-flagging high-risk shipments will fail.

But if the NOSB continues to pursue a framework for partial testing, the definition has to include high-risk countries like Turkey, China, and India, not just crop types.

### **Risk-based Certification**

It's imperative that we do more than just reduce the cost and burden on the lowest risk producers. We need to focus on freeing up funds for much more aggressive unannounced inspections and testing.

Many legacy certifiers are violating the law preventing conflicts of interest. We can't depend on their judgment in terms of what is "high risk."

We have previously made the proposal to move inspections to once every five years for qualified low-risk farms and handlers with exemplary histories of compliance. That would free up a material amount of certification funds, in aggregate, to hire seasoned professionals with backgrounds in agronomy, animal husbandry, and forensic accounting.

Along with the shortage of inspectors, there is **a woeful inadequacy in terms of professional background enabling inspections to be meaningful enough to ferret out fraud**. Currently, most major fraud is identified through outside sources unrelated to certification or annual inspection.

By shifting to less frequent inspections, significant funds would be freed up for a more aggressive testing and unannounced inspection program that might actually have teeth.

I've asked livestock farmers in this country the rhetorical question, "Are your milk, meat, and eggs organic if the feed you are providing your animals is conventional?" More effective inspection is needed to ensure that feed — as well as the ingredients in the foods we eat — is truly organic.

**Requirement to Fully Identify Vested Interests When Testifying Before the NOSB**

Once again we are lobbying for a requirement that stakeholders testifying at NOSB meetings must fully identify themselves. But that has been only partially accomplished.

When lawyers, lobbyists, or scientists appear, they should be required to disclose more than just their professional affiliation or their employer. If applicable, they also need to identify any and all business interests that are compensating them for appearing before the board or underwriting any of their expenses.

As an example, a dairy farmer once made numerous appearances before the board and collected many thousands of dollars from Dean Foods, a \$12 billion a year business enterprise at the time, when it owned the Horizon and Silk labels. That was never publicly disclosed.

We should know as much as is practicable about the testimony being given.

Respectfully submitted,

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