

Comments NOP 5020 Draft Natural Resources and Biodiversity Conservation Guidance

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Re: Comments on the Draft Guidance Natural Resources and Biodiversity Conservation for Certified Operations (NOP 5020)

Accredited Certifying Agents, Certified Operations and Applicants for Organic Certification

Dear Ms. King,

Wild Farm Alliance and our partners welcome the opportunity to comment on the National Organic Program’s 5020 Draft Guidance Natural Resources and Biodiversity Conservation for Certified Operations. We created our comments with these guiding principles in mind:

- Assist organic farmers in benefiting from nature,
- Support natural, diverse ecosystems, and
- Protect organic integrity.

We look forward to continuing the conversation with the NOP as this guidance is finalized, and suggest that this could best occur with others in the organic community before or after one of the upcoming National Organic Standards Board meetings.

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Overview Comments

1. Acknowledging a Significant Step Forward

We are pleased that the NOP has taken a significant step forward with the release of this draft guidance to ensure that certifiers and operators are addressing natural resources and biodiversity conservation. Many more organic operators will benefit from and support nature, and the creditability of the organic seal will be upheld.

Specifically, we appreciate and agree that handling operations are included because §205.200 states “operators” must maintain or improve natural resources, and handlers are operators. We concur that inspectors must be qualified to assess compliance with conservation since §205.504 standard requires inspectors have knowledge in that which they inspect. Additionally, we appreciate and acknowledge the importance of including examples about the protection or mitigation of high conservation value areas, and no conversion of Highly Erodible Land or wetlands. Unless stated otherwise below in our comments, the rest of the text adequately addresses the issue and should be retained as is.

Underlining and strike-through text characterize additions and deletions made in the recommendations below, respectively.

Comments on Title of Guidance

2. Titling Guidance to Include ACAs, Operations, and Applicants of Operations

This guidance covers issues relevant to Accredited Certifying Agents, Certified Operations, and Applicants for Organic Certification. While the notice in the Federal Register makes it clear that this guidance is for all the above parties, the actual guidance only mentions Certified Operations.

Recommendation

In the title of the Guidance Document, the text should be modified so that it reads:

Natural Resources and Biodiversity Conservation for Accredited Certifying Agents, Certified Organic Operations, and Applicants for Organic Certification
Comments on Background Section

3. Emphasizing the Role of the NOP's Accreditation Division

NOP 5020 is oriented toward providing information to certifiers and organic operations about how biodiversity conservation will be addressed. The Background section states that the Guidance Document does not address the 4th point of the NOSB's recommendation on biodiversity. However, more detail should be provided in order to clarify how NOP assesses certifiers' operations with regard to implementation of measures to ensure operators are maintaining or improving biodiversity conservation. This is especially true since it has been only 2+ years since the natural resources standard was added to the NOP auditing checklists, so there may be many certifiers who have not gone through the re-accreditation process and are unfamiliar with this addition.

The role of the NOP's Accreditation Division is to ensure that the organic certifiers are inspecting and verifying operators' compliance with all parts of the NOP Regulations. This guidance document should emphasize that natural resources standards, which encompass assessment of biodiversity, are included on NOP's accreditation checklists, and that the NOP will verify those standards during each and every accreditation audit. The Guidance should also remind certification agents that its auditors will be placing special emphasis on observing how inspectors perform assessments of activities that operators use to maintain and improve natural resources and biodiversity during the Witness Inspection portion of the NOP's audit procedures. The Guidance should explain how the NOP has added §205.200 to these auditing checklists: 1) Accreditation Assessment Checklist, 2) Certification File Review Checklists, and 3) Witness Audit Checklist Review Checklists.

The NOP should revise its Review Checklist implemented in May 2014, so that it includes a reference to §205.200, since this is lacking in the document's current version, and add a specific mention of Biodiversity Conservation in all the above Checklists. In short, we urge the NOP to ensure that all of the audit checklists mentioned above, clearly document assessment and decision points for both natural resource and biodiversity conservation.

Recommendation

In the *Background* section of the Guidance Document, the text should be modified so that it reads:

...4) incorporation of biodiversity standards into the procedures for accreditation and certifier audits; and 5) use of materials evaluation criteria that foster consideration of

biodiversity conservation when adding or deleting materials from the National List of Allowed and Prohibited Substances.¹ The “Policy and Procedures” section of this guidance addresses the first three components of the NOSB’s recommendation. In regard to the fourth component, the NOP is assessing certifiers’ implementation measures to ensure that operators are maintaining or improving biodiversity conservation. This is being accomplished by the inclusion of §205.200 in NOP’s audit checklists: 1) Accreditation Assessment Checklist, 2) Certification File Review Checklists, and 3) Witness Audit Checklist Review Checklists. The NOP auditors of certification agents verify those standards during each and every accreditation audit. The NOP places special emphasis on observing how certification inspectors perform assessments of activities that operators use to maintain and improve natural resources and biodiversity during the Witness Inspection portion of the NOP’s audit procedures. The National Organic Standards Board addresses the fifth component of the NOSB’s recommendation on Biodiversity in the Board’s procedures for materials review.

Separate Non-Guidance Recommendation

While the NOP has included §205.200 in the 1) Accreditation Assessment Checklist, 2) Certification File Review Checklists, and 3) Witness Audit Checklist Review Checklists, it has neglected to include the term “biodiversity conservation” in them. The NOP’s Review Checklist, which was implemented in May 2014, is without either §205.200 or “biodiversity conservation.” The agency should add “biodiversity conservation” to all the above checklists, and §205.200 to the Review Checklist.

Comments on Policy and Procedures Section

4. Mentioning NRCS’ Conservation Stewardship Program

NRCS’ Conservation Stewardship Program (CSP) offers many activities (plans, practices, and enhancements) that benefit organic operations, therefore CSP should be mentioned in this Guidance, and whenever possible, the word “activities” should be used in place of “practices.”

Recommendations

In the section of the Guidance Document titled “*Role of Certified Organic Operations*,” the text in the 3rd, 4th and 6th bullets should be modified so that it reads:

- Certified operations can reference Appendix A to understand the types of production activities (plans, practices, and enhancements) that could be used to support natural resources conservation and biodiversity.
- For certified operations that also participate in USDA NRCS activities (e.g., conservation planning, ~~or~~ the Environmental Quality Incentives Program (EQIP) or the Conservation Stewardship Program (CSP)):
 - The operation can reference Appendix A to identify which activities practices may be supported through NRCS as part of its conservation programs.
 - The operation must implement and maintain the planned production activities

~~practices~~ as described in its OSP and maintain any records (e.g., activity logs for mowing, pest monitoring, limits on livestock access to waterways, reseeding areas, grazing rotations; water or soil testing results; visual observations; or conservation maps) that would support a certifier's ability to verify compliance.

In the section of the Guidance Document titled "*Role of Certifiers*," the text in these 2nd and 4th bullets should be modified so that it reads:

- Certifiers can refer to Appendix A for examples of activities (plans, practices, and enhancements) that may support compliance with 7 C.F.R. § 205.200.
- Certifiers must verify compliance with 7 C.F.R. § 205.200 by ensuring that certified organic operations are implementing their planned production activities ~~practices~~ to conserve natural resources and biodiversity. As part of the onsite inspection, certifiers should ensure that inspectors observe the conservation activities ~~practices~~ put in place, or review records that support implementation of conservation activities ~~practices~~.

In the section of the Guidance Document titled "*Role of Inspectors*," the text in this bullet should be modified so that it reads:

- During the onsite inspection, inspectors must verify the accuracy and implementation of the operation's production activities (plans, practices, and enhancements) and monitoring approach that support the general natural resources conservation and biodiversity requirement, as described by the operation in its OSP. Inspectors may also confirm that any activities ~~practices~~ planned by NRCS are effectively implemented to support the USDA organic regulations.

5. Clarifying How Benefits from Conservation Activities on Adjacent Land Can Be Accrued

Both the operations and certifiers sections mention the concept of a certified operation accruing benefits from conservation activities that take place on adjacent land. Unfortunately, the concept is explained differently in each of these sections, leading to a lack of clarity for both operators and certifiers. Therefore, we suggest the following information be reflected in both sections that address this topic.

If an operation is to obtain credit for activities on adjacent land, four criteria must be satisfied: 1) the operation must be active in implementing the activities; 2) the certified land must receive direct benefit from the conservation activities on the adjacent land; 3) the adjacent land must be accessible for announced and unannounced certification inspections; and 4) the adjacent land must not be negatively impacted by the certified land.

We support this concept that conservation activities on adjacent land can help to meet certification requirements when there is direct benefit to the certified land because some

organic operations only certify their crop or pasture fields instead of their whole farm, and those operations should be allowed to obtain credit for activities on their non-certified land, if the activities directly benefit the certified land.

The operations must actively implement activities that maintain or improve biodiversity and natural resources. Conservation activities executed by others not under the control of, or in partnership with the operations, should not be listed on the OSP because organic standards require organic operators to “maintain or improve” natural resources and biodiversity, a concept that implies active management by the manager of a certified operation.

When the operation is adjacent to land that is not under its control, and conservation activities on this land benefit the organic operation, the operations should not be expected to duplicate them on the certified land. Rather the operations should focus on complementary activities that benefit the certified land.

A point that is not mentioned is the process of verifying conservation benefits on adjacent land. For such benefits to be considered, the adjacent land must be accessible to the certification inspectors. Examples of this might be: land with public access or written agreements with neighboring landowners.

The adjacent land must not be negatively impacted by the operation. For instance, a grassland or forest must not receive air pollution composed of drifting organic pesticides, water pollution from recently manured fields, or excess channeled water from poorly constructed roads.

The guidance should, wherever possible, equally mention soil, water, wetlands, woodlands, wildlife, and biodiversity, since there has been confusion in the past on whether only soil and water issues were required for natural resources compliance.

Recommendations

In the section of the Guidance Document titled *Role of Certified Organic Operations*, the text in the fifth major bullet, and its minor bullet, should be modified so that it reads:

- The operation can also describe in its OSP: 1) the activities practices-it has implemented to maintain or improve natural resources or biodiversity on a portion of land that is *adjacent* to the certified land; 2) if these activities this practices-is likely to directly benefit the certified land, 3) if the adjacent land is accessible to certification inspectors; and 4) if the adjacent land is not negatively impacted by the operation.
 - For example, an operation may install grassed waterways or riparian woodland habitat strips at locations adjacent to its certified crops. When successfully implemented and maintained, both these features would support the operation’s overall water, ~~and~~ soil quality, wildlife, and biodiversity. The operation could include a description of these activities in its OSP.

In the section of the Guidance Document titled *Role of Certifiers*, the text in the fifth bullet should be modified so that it reads:

- If a certified operation is: 1) implementing activities practices to conserve natural resources or biodiversity on a portion of land that is adjacent to the certified land; 2), and this these activities practices directly benefits the certified land; 3) the adjacent land is accessible to certification inspectors; and 4) the operation does not negatively impact the adjacent land; then the inspector and certifier may consider such activities practices in the assessment of whether a producer meets the requirements.

6. Eliminating the Incentive to Convert Natural Ecosystems into Organic Production

Conservation is a foundational principle of organic agriculture. Accordingly, the National Organic Program should have barriers that discourage the conversion of intact, biodiverse ecosystems to agricultural cropland within five years from the date of application for certification. Under the NOP, established diverse ecosystems such as, but not limited to, forests, woodlands, shrublands, grasslands, riparian habitats, or wetland areas should not be subjected to clearing, burning, draining, cultivating, or otherwise irrevocably altering these landscapes. Alternatively, this restriction does not include harvested wild crops or production systems that sustain the diversity and abundance found in these ecosystems, such as mechanical collection of native seeds or low impact grazing.

In addition, organic certification must not convert ecologically at risk ecosystems to organic agricultural production. At risk ecosystems¹ are those that are at risk of extinction due to rarity and/or declines, including vulnerable, imperiled, critically imperiled, and possibly or presumed eliminated. These highly valuable and at risk ecosystems should not be converted for agricultural use under the NOP's credible environmental label.

The most productive lands have already been converted years ago. At this point in human history, agriculture has expanded on privately-owned lands to include most available areas except for lands that are marginal, highly erodible, rocky, and/or prone to flooding. NOP requires that, in order to transition to organic certification, lands must be free from pesticides for three years. Unfortunately, despite often being highly erodible, land that has not been plowed or previously planted is an easy target for those looking to quickly overcome NOP's three-year waiting period.

NOP's three-year waiting period for transitioning to organic production serves a critical purpose and it should be retained. However, we urge NOP to recognize that the conversion of native ecosystems to organic production is an unintended consequence of the requirement, and to develop regulatory or guidance language to discourage such conversion.

¹ Global Conservation Status from NatureServe: <http://explorer.natureserve.org/servlet/NatureServe#> (at risk status) and <http://explorer.natureserve.org/granks.htm> (definitions).

Conversion is occurring in native scrublands, grasslands, woodlands, and other high conservation value areas throughout the U.S. and the world. In 2012 alone, nearly 400,000 acres of grasslands and other newly broken land were converted to cropland.² A case in point: Mother Jones magazine³ reported thousands of acres of old-growth forest in Paraguay were cut down; soon after, this newly-cleared land was producing sugar under the USDA organic seal. While the NOP had followed up over the farm's soil erosion issues, the bigger issue of biodiversity destruction was not addressed. High Country News reported⁴ another instance of the effect of NOP incentive to convert natural ecosystems:

Yet, despite their good stewardship, the Millers' farm comes with an ecological cost. To plant their organic crops, they could have converted conventional farmland, but that would have been expensive and time-consuming, requiring at least three years for farm-chemical residues to subside and for the soil's fertility to recover. So instead, the Millers plowed up native prairie.

Discouraging the conversion of natural ecosystems into agriculture is nothing new for many ecolabels (see Attachment 1 below or at: http://www.wildfarmalliance.org/resources/A.1_Ecolabels.pdf). International Federation of Organic Movements (IFOAM) states "Clearing or destruction of High Conservation Value Areas is prohibited. Farming areas installed on land that has been obtained by clearing of High Conservation Value Areas in the preceding 5 years shall not be considered compliant with this standard." Others that discourage conversion of "High Conservation Value Areas" include Forest Stewardship Council, Bonsucro, Fairtrade International, Roundtable on Sustainable Palm, Roundtable on Sustainable Soy, and Global Roundtable on Sustainable Beef. The Rainforest Alliance and the Better Cotton Initiative discourage the conversion of "natural areas" or "natural habitat," respectively; and the Roundtable of Sustainable Biomaterials Standards and Linking Environment and Farming ecolabels discourage conversion of biologically diverse areas. Additional information, such as what is required by the ecolabels and how they are verified, is also presented in Attachment 1.

Twenty USDA NOP Accredited Certification bodies, which verify using non-USDA Standards that conversion of important conservation areas has not occurred, are listed in Attachment 2 below and at: http://www.wildfarmalliance.org/resources/A.2_USDA_ACAs.pdf. Hence there are already qualified inspectors who could start tomorrow to verify whether conversion has occurred or not in many parts of the world. Together, these two attachments show the NOP that it is possible nationally and internationally to stop incentivizing the conversion of natural ecosystems. The loophole that gives operators an incentive to compete in the organic market at the expense of biological diversity needs to change.

² From Center for Rural Affairs website <http://www.cfra.org/news/131025/sodsaver-provision-farm-bill-would-help-address-major-loss-grassland>. Accessed 2/4/15.

³ Rogers, H. 2010. Sweet and low down: Would you like some deforestation with your organic sugar. Mother Jones. May/June issue.

⁴ Garrett-Davis, J. The Greening of the Plains. High Country News. August 2004.

Recommendations

In the “Role of Certified Organic Operations” section, these new bullets should be added:

- Certified operations should not have cleared, burned, drained, cultivated, or otherwise irrevocably altered established, diverse and abundant ecosystems such as, but not limited to, forests, woodlands, shrublands, grasslands, riparian habitats, or wetland areas, for organic agricultural crop production, in the five years preceding the date of application for certification of a parcel (for parcels coming out of Conservation Reserve Program, see comment #7 below). This restriction does not stop operations from harvesting wild crops or from managing production systems that sustain the diversity and abundance found in these ecosystems, such as mechanical collection of native seeds or low impact grazing. Organic operations must not convert ecologically at risk ecosystems to organic agricultural production.
 - The operation should use aerial photographs, satellite images, Google Maps, old photographs of the ecosystem, Farm Service Agency records, Natural Resources Conservation Service records, and/or records showing the land is not protected or does not contain protected plants and animals as attached documentation.

In the “Role of Certifiers” section, this new bullet should be added:

- Certifiers must ensure that an operation has not cleared, burned, drained, cultivated, or otherwise irrevocably altered established, diverse and abundant ecosystems such as, but not limited to, forests, woodlands, shrublands, grasslands, riparian habitats, or wetland areas, for organic agricultural crop production in the five years preceding the date of application for certification of a parcel (for a parcel coming out of Conservation Reserve Program, see comment #7 below). This restriction does not stop operations from harvesting wild crops or from managing production systems that sustain the diversity and abundance found in these ecosystems, such as mechanical collection of native seeds or low impact grazing. Organic operations must not convert ecologically at risk ecosystems to organic agricultural production.
 - The certifiers’ OSP forms must collect sufficient information for the certifier to assess the conservation value of each parcel covered by the certification application. If the assessment does determine that there are concerns about negative impacts to natural resources or the biodiversity of native species and ecosystem processes, the certifier must investigate the land use history of the affected parcels by collecting and reviewing baseline information about changes to land use using information such as aerial photographs, satellite images, Google Maps, old photographs of the ecosystem, Farm Service Agency records, Natural Resources Conservation Service records, and/or records showing the land’s status under programs that protect land, plants and/or animals.
 - Satellite images can help to discern differences between row crops

- and un-cropped land, and between forests and pastures.
- Walking the land can ground-check the images and photographs, and help to determine differences between wetlands and drained fields.
- If affidavits from disinterested parties have been submitted by the operator as a method for documenting land history, certifiers may need to interview the parties who submitted affidavits in order to verify their claims.

7. Ensuring that Best Use Alternatives are Considered Before Lands Coming Out of the Conservation Reserve Program are Put into Organic Production

The Conservation Reserve Program (CRP) is a cost-share and rental payment program under the United States Department of Agriculture (USDA), and is administered by the USDA Farm Service Agency. The CRP encourages farmers to convert highly erodible cropland or other environmentally sensitive agricultural acreage to vegetative cover that provides habitat for diverse wildlife, such as cultivated or native grasslands, wildlife and pollinator food and shelter plantings, hedgerows and windbreaks, filter strips, grassed waterways and riparian buffer plantings.

For the purposes of this discussion, CRP lands are not considered to contain natural ecosystems because of their agriculture history, even though to the eye they may look like intact, biodiverse ecosystems.

CRP conservation activities and protections only last through the length of the contract. CRP land has earned the operator money for years, and once it comes out of CRP, the land is often expected to continue producing revenue. Tens of thousands of acres are coming out of CRP in the next few years because of decreased Farm Bill funding and that land could go into organic production, if sensitive ecological benefits are retained.

Without this special consideration, it is possible for organic certification to be a mechanism that reduces, instead of improves conservation activities. An example of this was seen at Montana Organic Association's 2009 conference, where a workshop titled *Converting CRP Acres* explored how best to bring that land into organic production. The predominate perspective was that organic production is the best use of the land, even though concern was voiced about impacts to biodiversity. Later it was seen that some of the land was highly erodible and should never have been cropped again.

Continual improvement is a tenet of organic agriculture. Therefore, we propose parcels subject to the CRP require special consideration with regard to organic certification procedures. If the operation is considering bringing parcels designated as CRP back to agricultural production, a comprehensive conservation plan should be drafted that examines all the alternatives, keeping as many environmental benefits as possible.

While there is no contractual agreement to conserve sensitive areas after CRP has expired, the organic program is voluntary, and so an operator can choose to apply for

organic certification or not. By requiring special procedures for CRP land, the difference between the need for biodiversity conservation is balanced with the recognition that environmental stewardship would be better addressed by organic than conventional agriculture.

In comparing and contrasting our comments in #6 about natural ecosystems with our comments in #7 about CRP, in #6 the organically induced incentive to convert natural ecosystems is discouraged, and if an ecosystem is converted, a comprehensive conservation plan is not required because it is too late to save the environmental values. Whereas here in #7, a decision-making process is encouraged that results in conservation benefits to working land that has already been in agriculture.

Technical and financial conservation assistance may be available through NRCS' Conservation Stewardship Program (CSP) or Environmental Quality Incentive Program (EQIP) to assist an operator in achieving this goal. If part or all of the CRP land is sensitive, the operation may enroll it in FSA's Continuous Conservation Reserve Program (CCRP), which pays operations to install partial field conservation activities. Operations may enroll such land at any time rather than waiting for specific sign-up periods. Unlike general sign-ups, there is no bidding and ranking; the land is enrolled automatically if it meets the eligibility criteria. CCRP eligible activities include riparian buffers, wildlife habitat buffers, wetland buffers, filter strips, wetland restoration, grass waterways, shelterbelts, windbreaks, living snow fences, contour grass strips, salt tolerant vegetation, and shallow water areas for wildlife.

Recommendations

In the Role of Certified Organic Operations section, these new bullets should be added:

- Since all CRP parcels were initially enrolled because of conservation concerns, operators should first recognize that the best management of the parcels coming out of CRP may not be plowing them for organic production, and second, consider a range of options for management of such parcels.
 - A comprehensive conservation plan must be developed and implemented by the operation for parcels coming out of CRP. This plan should address the topics listed in Appendix A, including soil composition, soil stability and water quality, water quantity, wildlife benefits, co-existing and supporting wildlife, native species and natural areas of the operation, invasive plants and animals, as well as crop and livestock diversity.
 - For an operation that obtains assistance from NRCS' Conservation Stewardship Program (CSP) (especially those enhancements that are tailored for land that was in CRP) or Environmental Quality Incentive Program (EQIP) when converting CRP land, the operation may reference or provide evidence of a conservation plan developed in conjunction with NRCS instead of developing a separate OSP section for the conversion, provided that the plan comprehensively addresses all the topics in Appendix A.

In the Role of Certifiers section, this new bullet should be added:

- Certifiers must verify that a comprehensive conservation plan, or if applicable a NRCS conservation plan, was conducted for land coming out of CRP. This plan must address all the topics listed in Appendix A, including soil composition, soil stability and water quality, water quantity, wildlife benefits, co-existing and supporting wildlife, native species and natural areas of the operation, invasive plants and animals, as well as crop and livestock diversity.

8. Documenting Conservation Activities and Monitoring Systems

Certifiers should list or describe (as opposed to address) a range of activities that can comprehensively maintain or improve conservation of natural resources and biodiversity in their OSP template in order to elicit more detailed responses from operators about all these aspects of their management systems. In turn, certifiers can use this increased level of detail during the inspection and decision making processes.

Either of the following information sources are recommended for providing additional detail on OSP templates: a) a list of the §205.200 Natural Resources definition (soil, water, wetlands, woodlands, wildlife), and biodiversity, or b) the topics described in Appendix A (soil composition, soil stability and water quality, water quantity, wildlife, native species and natural areas of the operation, invasive plants and animals, crop and livestock diversity).

Such “prompts” provide inspectors and certifiers a firm starting point for comprehensively assessing multiple aspect of biodiversity conservation. For example, in verifying the information provided by the operator in response to these prompts, an inspector might ask questions of the operation such as “What do you do to increase beneficial insects?” or “What do you do to protect wildlife on the farm?” This allows the operator to explain the often complex management activities used to support conservation efforts in more detail than might be reasonably included in a small segment of an OSP form. Additionally, the inspection offers the important opportunity for the farmer to show the inspector the conservation measures that have been taken and their impacts.

The OSP should be written in a way that stimulates the operators to think, not just fill in checkboxes. It should also trigger inspectors to verify each aspect of the natural environment. Adding the further suggestions of monitoring approaches, such as satellite images for land use history, are also helpful.

Recommendation

In the *Role of Certified Organic Operations* section of the Guidance Document, the text the text in the second bullet should be modified so that it reads:

- In the OSP, the operation must describe or list ~~address~~ how it will conserve biodiversity by comprehensively “maintain[ing] or improve[ing] all natural resources, including soil, ~~and~~ water quality, wetlands, woodlands, and wildlife,”

as required by § 205.200 and § 205.2 of the regulations. ~~In many cases, t~~ The certifier ~~will~~ should provide the operation with an OSP template with a designated section for the operation to describe its activities and its biodiversity monitoring approach (e.g., visual assessment of soil erosion, species counts for biodiversity, satellite images for land use history, or testing for water quality).

In the *Role of Certifiers* section of the Guidance Document, the text in the first bullet should be modified so that it reads:

- Certifiers must ensure that an operation’s OSP or, if applicable, NRCS conservation plan describes or lists ~~addresses~~ the operation’s monitoring plan and ~~activities practices~~ to comprehensively maintain or improve support natural resources (soil, water, wetlands, woodlands and wildlife) and biodiversity, or (soil composition, soil stability and water quality, water quantity, wildlife, native species and natural areas of the operation, invasive plants and animals, crop and livestock diversity), pursuant to § 205.200 of the regulations.

Comments on Appendix A

9. Noting NRCS’ Conservation Stewardship Program

As mentioned in our above comments to the policy and procedure section, NRCS’ Conservation Stewardship Program (CSP) offers many activities (plans, practices, and enhancements) that benefit organic operations. To make sure that program is adequately covered in the Appendix, the word “activities” should replace “practices” in the title of the appendix. Likewise, the text in the right hand column of the table (Examples of Practices) should be edited, and the footnote should mention NRCS’ CSP.

Recommendation

In the *Appendix A* section of the Guidance Document, the title should be modified so that it reads:

Examples of Activities (Plans, Practices, and Enhancements) that May Maintain or Improve Natural Resources and Biodiversity

In the *Appendix A* section of the Guidance Document, the following text in the right hand column of the table, and in the footnote should be modified so that it reads:

Example of Activities Practices³

Footnote - ³ While NRCS publishes national Environmental Quality Incentives Program Conservation Practice Standards and Conservation Stewardship Program Enhancements (<http://1.usa.gov/1n8fcHG>), each State has its own technical specifications, which can be accessed electronically through the NRCS Field Office Technical Guide (<http://efotg.sc.egov.usda.gov/>) or by contacting your local USDA Service Center (<http://1.usa.gov/1kwzgz0>).

10. Improving Understanding that Appendix A Provides a Limited Set of Examples

The inclusion of an introductory paragraph to Appendix A should emphasize that a limited set of examples, which maintain or improve natural resources and biodiversity, are presented. Due to ecological variations in landscapes, there are many activities not listed in the examples in Appendix A that operators can use to reach biodiversity compliance. Including a statement to this effect ensures operators use creative approaches and develop solutions that are appropriate for their particular situation.

Recommendation

In the *Appendix A* section of the Guidance Document, the following text should be added under the title to read:

Throughout the U.S. and the world, topography, climate, soils, and biodiversity vary widely. The following examples outline beneficial activities within certain ecological contexts that organic operations may use to maintain or improve biodiversity in their operations. This list is by no means exhaustive; there are many other activities in varied ecological settings that operations can use to reach the same compliance goal.

11. Using the Best Descriptive Ecosystem Terms, and Clarifying the Meaning of Technical Terms

In the examples that describe the various ecosystems, “forests,” “shrublands” should be included, and “prairies” should be changed to “grasslands” since this term is more commonly used throughout the world. Additionally, “ecologically at risk ecosystems” should be mentioned as an example, and a website link should be included, similar to the treatment of “NRCS PLANTS.”

There are several words and terms used in this guidance that could be unclear or be misunderstood without further explanation. Since the NOP did not include definitions of “riparian areas,” “high conservation value areas,” “biodiversity,” and “invasive species” in its regulation or in the Policy Section of NOP 5020, the definitions of these words should be used in the footnotes of Appendix A, similar to the treatment of the terms “highly erodible land” and “wetlands.” Additionally, this is the correct term: “high conservation value areas,” as opposed to “high value conservation areas,” which is used in the guidance.

Recommendations

In the table of Appendix A, in the *Examples Relevant to All Types of Organic Certification* section, under *Soil Composition* the text should be modified so that it reads:

- Conserving and restoring forests, woodlands, shrublands, grasslands, ~~prairies~~, riparian habitats⁴ and wetland areas, which sequester carbon in soils and aid in cycling soil nutrients.

Footnote - ⁴ Riparian areas are plant communities contiguous to and affected by surface and subsurface

hydrologic features of perennial or intermittent lotic and lentic [moving and standing] water bodies (rivers, streams, lakes, or drainage ways). Riparian areas have one or both of the following characteristics: 1) distinctly different vegetative species than adjacent areas, and 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are usually transitional between wetland and upland. Definition from USFWS. A System for Mapping Riparian Areas In The Western United States. Nov 2009.

In the table of Appendix A, in the *Examples Relevant to All Types of Organic Certification* section, under *Soil Stability and Water Quality* the text should be modified so that it reads:

- Creating, conserving, and restoring vegetative covers (forests, woodlands, shrublands, grasslands, ~~prairies~~, riparian habitat, and wetland areas) that control erosion and filter nutrient, pesticide, and pathogen pollutants.
- Using no-till or permanent cover, conservation tillage, terracing, contour farming, micro-irrigation, windbreaks, cover crops; no conversion of Highly Erodible Land or wetlands.^{4 5}

Footnote – ⁴⁵The Farm Service Agency and NRCS Fact Sheet on Highly Erodible Land Conservation and Wetland Conservation Compliance (<http://1.usa.gov/1xH45sT>) defines highly erodible land and wetlands and provides information on the regulations that apply to each type of land.

In the table of Appendix A, in the *Examples Relevant to All Types of Organic Certification* section, under *Water Quantity* the text should be modified so that it reads:

- Forests, ~~W~~woodlands, shrublands, grasslands, riparian habitat, and wetland areas that act as sponges to hold water for long periods are conserved and restored as part of a healthy water cycling process.

In the table of Appendix A, in the *Examples Relevant to All Types of Organic Certification* section, under *Native Species and Natural Areas of the Operation* the text should be modified so that it reads:

- Conserving high-~~value~~ conservation value areas⁶ that have outstanding biodiversity⁷ importance, or mitigating/restoring these areas elsewhere on the farm.

Footnote - ⁶High conservation value area has a biological, ecological, social or cultural value of outstanding significance or critical importance. Definition from HCV Resource Network. <https://www.hcvnetwork.org/>

Footnote - ⁷Biodiversity, or biological diversity, is the diversity of life existing at three levels: genetic, species, and ecosystem. Therefore, biological diversity (biodiversity) includes variety in all forms of life, from bacteria and fungi to grasses, ferns, trees, insects, and mammals. It encompasses the diversity found at all levels of organization, from genetic differences between individuals and populations (groups of related individuals) to the types of natural communities (groups of interacting species) found in a particular area. Biodiversity also includes the full range of natural processes upon which life depends, such as nutrient cycling, carbon and nitrogen fixation, predation, symbiosis and natural succession. Definition from the May 2009 NOSB recommendation.

- Conserving and restoring wildlife and native plant communities specific to the site (forests, woodlands, shrublands, grasslands, ~~prairies~~, riparian habitat, and

wetland areas).

- Documenting rare, threatened, and endangered terrestrial and aquatic plants and animals,⁸ and ecologically at risk ecosystems,⁹ and taking steps to protect them.⁵

Footnote – ⁸ The NatureServe database (~~www.natureserve.org~~-<http://explorer.natureserve.org/>) and the U.S. Fish and Wildlife Service database (<http://endangered.fws.gov/wildlife.html#Species>) provide information on the conservation status of area plants and animals in the U.S. and Canada, and the IUCN Red List of Threatened Species and Key Biodiversity Areas, as indicated in the IBAT for Business Tool (<https://portals.iucn.org/library/efiles/documents/2014-004.pdf>) provides information on the conservation status of plants, animals, and areas internationally.

Footnote – ⁹ The NatureServe webpages (<http://explorer.natureserve.org/servlet/NatureServe#>) and (<http://explorer.natureserve.org/granks.htm>) provide tools for defining “at risk” ecosystems, and learning about ecosystems in general (<http://explorer.natureserve.org/index.htm>), but do not have a function to track locations of “at risk” ecosystems. The best available conservation tracking tools are for those for tracking species.

- Allowing degraded forests, riparian areas, shrublands, grasslands, prairies, and wetlands to be recolonized through natural processes.

In the table of Appendix A, in the *Examples Relevant to All Types of Organic Certification* section, the text should be modified so that it reads:

Invasive Plants and Animals^{10, 11}

Footnote - ¹⁰ Invasive plants and animals are non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive species introductions. Definition from the National Invasive Species Information Center www.invasivespeciesinfo.gov/

Footnote - ¹¹ The National Invasive Species Information Center website (<http://www.invasivespeciesinfo.gov/>) provides information on invasive species in each state of the U.S., and the Global Invasive Species Database (www.issg.org/) provides information on invasive species internationally.

12. Adding a Conservation Reserve Program (CRP) Example

The addition of an example about the CRP helps to show another best management decision-making activity.

In the table of Appendix A, in the *Examples Relevant to All Types of Organic Certification* section, under *Native Species and Natural Areas of the Operation* a new row of text should be added:

- For parcels coming out of the Conservation Reserve Program (CRP), a comprehensive conservation plan that addresses all the topics in this appendix is first developed before deciding on whether the a parcel could be managed as organic cropland, or whether the land can be certified only if other management strategies are implemented in order to retain conservation benefits.

13. Expanding Examples that Address Climate Change Mitigations and

Adaption

Recommendations

In the table of Appendix A, in *Examples Relevant to All Types of Organic Certification* under *Soil Composition*, the text should be modified so that it reads:

- Adding organic matter to the soil to increase the diversity of soil organisms and to improve nutrient cycling, competitive exclusion of pathogens, improved water penetration and retention, long-term storage of soil carbon, and adaption to extreme climatic conditions, such as flooding.

In the table of Appendix A, in *Examples Relevant to All Types of Organic Certification* under *Soil Stability and Water Quality*, the text should be modified so that it reads:

- Using water conservation techniques that save water for crops, livestock, wildlife, and riparian ecosystems, and reduce greenhouse gas emissions linked to energy use for water pumping.

In the table of Appendix A, in *Examples Specific to Crop Operations* under *Soil Stability and Water Quality*, the text should be modified so that it reads:

- Using nutrient budgets to protect water quality and to reduce greenhouse gases by taking into consideration the amount of nutrients already present in the soil and those needed for the crop.

In the table of Appendix A, in *Examples Specific to Crop Operations* under *Crop Diversity*, the text should be modified so that it reads:

- Growing a variety of crop types, heirloom crops, or several genetic strains of the same crop helps cropping systems respond more positively to extreme weather events.

In the table of Appendix A, in *Examples Specific to Livestock Operations*, under *Soil Stability and Water Quality*, the text should be modified so that it reads:

- Managing the frequency, intensity, and timing of grazing and forage harvests to protect soil and water quality and to optimize carbon storage.

In the table of Appendix A, in *Examples Specific to Livestock Operations*, under *Livestock Diversity*, the text should be modified so that it reads:

- Raising a variety of livestock, including heirlooms, or several breeds of the same livestock helps livestock systems respond more positively to extreme weather events.

Sincerely,

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Attachment 2: USDA NOP Accredited Certification Bodies Which Verify Using Non-USDA Standards That Conversion of Important Conservation Areas Has Not Occurred

Verifies Conversion of High Conservation Value Lands Has Not Occurred	Country
Using IFOAM Standards	
ARGENCERT S.A.	Argentina
AsureQuality Limited	New Zealand
Australian Certified Organic	Australia
Bioagricert srl	Italy
Biocert International PVT Ltd.	India
BIOGRO NEW ZEALAND LTD	New Zealand
IBD Certifications Ltd.	Brazil
International Certification Services Inc.	USA
Japan Organic & Natural Foods Association	Japan
LETIS S.A.	Argentina
NASAA Certified Organic Pty. Ltd.	Australia
Organic Food Development & Certification Center of China	P.R.China
Organizacion Internacional Agropecuaria S.A.	Argentina
Using Bonsucro Standards	
Control Union Certifications	Worldwide
Organización Internacional Agropecuaria (OIA)	Argentina
SCS Global Services	USA
Using Roundtable on Sustainable Palm Standards	
Intertek Certification	India
Istituto per la Certificazione Etica e Ambientale	Italy
Verifies Conversion of High Conservation Value Lands Has Not Occurred	
Using Forest Stewardship Council Standards	
Control Union Certifications	Worldwide
IBD Certifications Ltd.	Brazil
Organización Internacional Agropecuaria	Argentina
SCS Global Services	USA
Verifies Conversion of Natural Ecosystems Has Not Occurred	
Using Rainforest Alliance Standards	
CERES Certification of Environmental Standards GmbH	Germany
IBD Certifications Ltd.	Brazil
IMO Control Private Limited (IMO India)	India
Verifies Conversion of of Virgin Forest and Other Conservation Areas Has Not Occurred	
Using Demeter Standards	
Demeter	USA
Verifies "No-Go" and "No-Conversion" Areas	
Using Roundtable on Sustainable Biomaterials Standards	
SCS Global Services	USA