

**Wild Farm Alliance and Partner Comments on the NOSB's August 29, 2017
Proposal About Eliminating the Incentive to Convert Native Ecosystems to Organic
Production**

October 11, 2017

National Organic Standards Board (NOSB)
USDA-AMS-NOP
1400 Independence Ave., SW
Room 2648-S, Mail Stop 0268
Washington, DC 20250-0268

Dear NOSB,

We greatly appreciate your time and effort put into the issue of **Eliminating the Incentive to Convert Native Ecosystems to Organic Production**. Real progress has been made on this critical issue. Your leadership means the USDA organic label will stay credible, and millions of wildlife, and the habitat they depend on, will stay intact now and be present in the future.

While we recognize the worth of the NOSB wanting to submit exact wording for the NOP to adopt, it is quite possible that the government regulation writers will need to edit the text. Therefore, it is most important to clearly state the intent – ***to incentivize the transition to organic production of farms that have had prohibited materials applied, while minimizing the loss of lands with important habitats from conversion. These lands will be necessary to support declining and rare species today and a hundred years from now, when there will be much less available due to increased human populations and climate change.***

Lands that support a) declining, rare, threatened and endangered species, b) migratory stopovers, and c) wildlife corridors should be protected. This is true now, and as the planet warms will become even more evident in the future. Wildlife populations dropped by 58 percent between 1970 and 2012. Without substantial effort from all aspects of human industry, including organic agriculture, to protect the ecosystems of which these animals are part, the precipitous decline will not only continue, but be accelerated by climate change. Depending on how much the planet warms, predictions are for the world to lose between 1 in every 20 plant and animal species for a 2-degree rise, to 1 in every 6 species for a 4.3-degree rise.

There are so few “pristine” areas left. The three types of wildlife land uses (a-c) do not occur solely in pristine ecosystems that have never been influenced by humans. There are many declining, rare and protected species that exist on lands that have been farmed in the past, as are there many migratory stopovers and corridors that have been historically grazed or cropped. Wildlife should not lose the use of these recovered lands.

To make sure the intent of the NOSB is truly addressed, we suggest changes related to four points in the proposed NOSB §205.200 language, which are noted below.

A native ecosystem¹ site that has not been previously grazed or cultivated² cannot be certified as organic as provided for under this regulation for a period of 10 years from the date of conversion³ to crop or livestock⁴ production.

1. **Native Ecosystems.**

Suggestion for NOP §205.2: Define “Native Ecosystems”

Native Ecosystems: These sites retain dominant and characteristic species. The composition of species reflects spontaneous natural processes, such as biogeography (e.g. dispersal of plants and animals), the geophysical constraints (e.g. soil type), and natural disturbance regimes (e.g. wind, fire, and water flow). On land with natural vegetation, any past human influences are not readily recognized in the field. For semi-natural vegetation, past human influences may have significantly altered vegetation composition or structure over 50-100 years ago but these have recovered. Sites will tend to have not been previously cultivated, cleared, drained or otherwise irrevocably altered.

Justification:

Since Native Ecosystems are at the heart of the main proposed standard, they must be defined. The best way to do that is by using a description of the species present. For areas on land, vegetation types are assessed, and in aquatic systems animals are used. This definition helps the organic community understand that natural and semi-natural vegetation types tend not to be on severely changed lands (cultivated, cleared, drained or otherwise irrevocably altered), although depending on the type of ecosystem it may or may not recover quickly. For instance, it may take a lightly disturbed prairie 10 years to recover, and a peat bog mined for its peat hundreds of years.

Suggestion for NOP Guidance: In order verify what Native Ecosystems are in the field, further explain and use these four categories of vegetation in NOP Guidance: “Natural,” “Semi-natural,” “Ruderal,” and “Cultural.” Sites dominated by vegetation classified within the first two categories of “Natural” and “Semi-Natural” should be treated as “Native Ecosystems.”

Natural Vegetation: **Plant species composition of the area reflects spontaneous natural processes**, such as biogeography (e.g. dispersal of plants and animals), the geophysical constraints (e.g. soil type), and natural disturbance regimes (e.g. wind, fire and water flow). Any past human influences (while they may have occurred) are not readily recognized in the field.*

Semi-natural Vegetation: Past human influences significantly altered vegetation composition or structure, **but did not eliminate dominant plant species composition or spontaneous natural processes. These sites tend to be directly analogous to Natural Vegetation.** Some result from prior alteration to natural disturbance processes, such as where wildfire has been suppressed and species composition shifts to be similar to other areas with naturally infrequent wildfire. Time is also factor. For example, some New England forests are recovering from historic farming that occurred more than 100 years ago, and while they are relatively species-poor, they still have the dominant species and functioning processes.*

Ruderal Vegetation:** Past human influences resulted in composition and structure and **are not directly analogous to Natural Vegetation**. Common examples are “old fields” from abandoned agricultural lands. They may have previously been forests or grasslands that were cleared and plowed, and then abandoned. Spontaneous processes are now functioning, but often since their surrounding landscape was also converted, **spontaneous dispersal and recolonization by native species is quite limited**. Non-native / invasive species may now dominate the site.

Cultural Vegetation:** Plant species composition is determined by human influence, both in its establishment and maintenance. Natural or spontaneous processes are controlled in order to advance human objectives for site productivity.

* treat as Native Ecosystem

** do not treat as Native Ecosystem

Justification:

Further explanations are necessary in NOP Guidance. With them, verification is possible using vegetation present on the land. There is sufficient experience in vegetation classification¹ to provide assistance in learning how plants are commonly used to classify and describe an ecosystem type.² It is easy to distinguish between Natural and Cultural Vegetation with a quick look. The vegetation analysis comes in when it is necessary to differentiate between Semi-Natural and Ruderal Vegetation. Even so, not all lands in these vegetation classes would be considered because public lands are not available to be farmed, and much other land is not suitable (soil/slope/drainage) for farming. Parallels to this can be developed for aquatic environments where aquaculture could be involved.

Online tools are readily available for qualified inspectors to make the distinction between ecosystems that should be conserved and those lands that can be converted. According to the NOP Natural Resources and Biodiversity Conservation Guidance, inspectors must be able to recognize and evaluate areas where natural resources and biodiversity are already conserved. Specific details about the tools can be included in the future NOP guidance on conversion.

There are online high resolution maps for all ecosystem types in much of the Americas (see e.g. USGS’ map for the US)³, Europe and Australia that can quickly help determine if the land can be converted or not. These maps are tied to descriptions that distinguish the vegetation classes. If a site assessment is required, dichotomous keys may be used. These keys identify plants based on a series of choices between alternative characters. For instance, the user determines whether they are in a forest or a grassland. If forest is chosen, they are asked if it is

¹ See e.g., Faber-Langendoen, D., T. Keeler-Wolf, D. Meidinger, D. Tart, C. Josse, G. Navarro, B. Hoagland, S. Ponomarenko, J-P. Saucier, A. Weakley, and P. Comer. 2014. EcoVeg: a new approach to vegetation description and classification. *Ecological Monographs* 84(4):533-561.

² See e.g., <http://explorer.natureserve.org/> for descriptions of types mapped across the United States.

³ https://gis1.usgs.gov/csas/gap/viewer/land_cover/Map.aspx For example, to determine what type of ecosystem is on a hectare of land in California, chose “California” in the LLC button under “Select a Land Cover Area” on the left. Next select “Ecological System” under “Select NVC Level or Land Use,” then zoom into the map and a message will pop up describing the Native Ecosystem.

a hardwood or softwood forest, and so on, in order to determine what dominant plants are present. Further down in the key will also be an assessment of whether invasive species are present to help in part determine if it is a ruderal site or not. Webinars can be given and recorded to specifically train inspectors, certification reviewers and farmers on how to use these tools for verification.

Additionally, the online tool Global Forest Watch, gives real time information on forests that have been converted to other uses. Aerial photos from the National Agriculture Imagery Program (NAIP)⁴ can be accessed and interpreted to see if a particular parcel in the US was not obviously converted 10 years prior. NAIP focuses on agricultural regions of the country, and many agricultural extension people are familiar with it. And as the NOSB's CAC Subcommittee proposal says, other ecolabels "verify their standards using a variety of methods, including satellite images, Google Earth, and old photographs of ecosystems. Aerial images help to show intact forests and grasslands versus row crops. Ground-truthing is required, and some accept affidavits from disinterested parties that have been submitted by the producer."

2. Grazed or cultivated.

Suggestion for §205.200: Delete "grazed or cultivated."

Justification: The standard should rely on readily observed vegetation in the field. Prior land uses, some of which may have occurred over 100 years ago, can be difficult or impossible to detect. The inclusion of these words in the standard will therefore lead to confusion and disagreement. Around the world wherever there has been domesticated livestock, most of the land that could be grazed has been grazed at one time or another throughout human history. If "grazed" is not deleted, this rule will arguably only apply to barren lands in extreme environments. Satellite images rarely show the effects of grazing. Additionally, the presence of livestock in a landscape does not necessarily diminish the conservation value of these areas. For instance, Yosemite and Sequoia National parks were historically grazed, and grazing is currently allowed in some wilderness areas. Similarly, "cultivated" land may or may not be that easy to recognize, depending on the area involved, the intensity of that prior cultivation, and the time since abandonment. While parts of the East Coast were farmed 300 years ago, and other parts of the world thousands of years ago, some of this land has recovered enough to support at-risk species.

3. Date of conversion to crop or livestock production.

Suggestion for §205.200: Date of conversion should not be tied to "crop or livestock production."

Justification: Whether the conversion of natural ecosystems was directly because of agriculture or some other reason such as development, the time period between conversion and organic certification should still apply. For example, if a native ecosystem is converted for a housing development and then soon sold to a farmer, the clock should start ticking when the conversion occurred. The issue is when the land was converted **from** a native ecosystem, not when it is converted **to** agricultural production. The way it reads now, if the conversion doesn't directly occur because of agricultural production, it is not a factor in certification.

⁴ <https://www.fsa.usda.gov/programs-and-services/aerial-photography/imagery-programs/naip-imagery/index>

4. Crop or livestock production.

Suggestion for §205.200: Delete “crop or livestock” and just say “organic production.”

Justification: While conversion will predominately be to crops and livestock production, this rule should not omit other types of operations.

Summary of Suggested Text for the NOP Rule

We offer the following text as a working version of additions to §205.200 but recognize that writers of government regulations may substitute other language that supports the NOSB’s intent.

A site supporting a native ecosystem cannot be certified for organic production as provided for under this regulation for a period of 10 years from the date of conversion.

We also suggest the following text be added to definitions in §205.2.

Native Ecosystems: These sites retain dominant and characteristic species. The composition of species reflects spontaneous natural processes, such as biogeography (e.g. dispersal of plants and animals), the geophysical constraints (e.g. soil type), and natural disturbance regimes (e.g. wind, fire, and water flow). On land with natural vegetation, any past human influences are not readily recognized in the field. For semi-natural vegetation, past human influences may have significantly altered vegetation composition or structure over 50-100 years ago but these have recovered. Sites will tend to have not been previously cultivated, cleared, drained or otherwise irrevocably altered.

Next Steps

We believe the NOSB’s subcommittee needs to undertake additional work on their proposal in order to address our concerns. We plan on continuing to collaborate with a broad-base of organic and conservation organizations to help the NOSB get the rule language correct, and to develop guidance that further explains this new rule.

Protecting Native Ecosystems for the Future

Let’s focus on transitioning to organic production the 99% of land where prohibited materials have been applied, and protect habitat for endangered, threatened, and at-risk species of all types by conserving native ecosystems and using vegetation analysis to verify that. An ecolabel like organic must protect these Native Ecosystems for the future—the NOSB should not do anything less. Wild Farm Alliance is committed to partnering with the NOSB in getting this right.

Sincerely,

- Jo Ann Baumgartner, Executive Director, Wild Farm Alliance (WFA), CA
- Shelly Connor, Assistant Director, WFA, MN
- AppleSeed Permaculture, NY
- Barry Flamm, Biodiversity Conservation, Organic Farming, & Environmental Consulting Services, Polson, MT
- Beyond Pesticides, DC
- Catherine Badgley, Associate Professor, University of Michigan, Chelsea, MI
- Eddy Foundation, NY
- Food & Water Watch, DC
- Food Freedom Radio - AM950, MN
- Galaxy Farm, CA
- Jan Nelson, farmer, OR
- National Organic Coalition, MA
- Organically Grown Company, OR
- Paicines Ranch, CA
- Poppy Hill Farm, CA
- Resilience Foundation, NY
- T&D Willey Farms, CA
- Texas Pollinator PowWow, TX
- The Farmer and The Cook/Ojai Center for Regenerative Agriculture Rancho Del Pueblo, CA
- The Greenhorns, NY
- The Nature Conservancy, VA
- Tony Fleming, Former Organic Inspector, IN
- Veritable Vegetable, CA
- Woodleaf Farm, OR
- Xerces Society, OR