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Submitted electronically via <http://www.regulation.gov>

Re: Comments on the Draft Guidance Natural Resources and Biodiversity Conservation for Certified Operations (NOP 5020), Docket ID AMS-NOP-14-0062

Dear Stacy Jones King:

The undersigned groups, representing millions of people across the country, thank you for the opportunity to provide comments on the National Organic Program's Draft Guidance on Natural Resources and Biodiversity Conservation for Certified Operations. We appreciate that the draft guidance takes a significant step forward in ensuring that organic operators and certifiers are addressing natural resource and biodiversity issues. We offer the following recommendations for strengthening the guidance and ensuring that organic operations enhance biodiversity and natural resources:

(1) Eliminating the Incentive to Convert Natural Landscapes:

The National Organic Program (NOP) places a clear value on the conservation of biodiversity. As such, it is critical that organic certification does not incentivize, either intentionally or unintentionally, the conversion of natural ecosystems into agricultural production. Unfortunately, NOP's three year waiting period for transitioning to organic production has the unintended consequence of potentially incentivizing the conversion of native ecosystems to organic production, as converting native prairies, forests, or other natural areas that have not had pesticide applications offer a way to bypass the waiting period. Native prairies in the U.S. are disappearing at an alarming rate, along with the wildlife that are dependent on them. Grassland birds, for example, are considered the fastest declining group of bird species in North America. Thus, it is critical that steps be taken quickly to close this loophole.

We recommend that the following language be added into the section "Role of Certified Organic Operations":

In the five years preceding the date of application for certification for organic production, certified operations must not have cleared, burned, drained, cultivated, or otherwise irrevocably altered lands that have no cropping history.

Farm Service Agency (FSA) and other USDA records, aerial imagery, and or farm records can be used to demonstrate previous cropping history of lands.

The "Role of Certifiers" section should similarly be updated to make clear that it is the role of certifiers to ensure that operations are not converting lands.

(2) Guidance for Transition from Conservation Reserve Program:

The Conservation Reserve Program (CRP) is a keystone soil, water, and wildlife conservation program. CRP encourages farmers to plant highly erodible cropland or other environmentally sensitive agricultural acreage to vegetative cover that provides habitat for diverse wildlife. Because of their cropping history, these lands are not considered natural ecosystems, although they provide biodiversity benefits. As acres come out of CRP, transition to organic production may in many cases be beneficial for natural resources and biodiversity. However, because much of CRP land is highly erodible and/or provides unique wildlife benefits, conversion to cropland, even organic cropland, could potentially have negative impacts on biodiversity.

We therefore recommend that the following text be added to the “Role of Certified Organic Operations” section:

- *“Since all CRP parcels were initially enrolled because of conservation and natural resource concerns, operators should recognize that the best management of the parcels coming out of CRP may not necessarily be plowing them for organic production, and consider a range of options for the management of such parcels. In many cases, grass-based organic rotational grazing may in fact be an optimal way to safeguard the soils and some of the ecological benefits on appropriate lands that were in CRP.*
- *“A comprehensive conservation plan should be developed and implemented by operations for land coming out of CRP. This plan should address soil, water, and wildlife- the three purposes of CRP.*

In the “Role of Certifiers” section, add the following text:

- *“Certifiers must verify that a comprehensive conservation plan was conducted for land coming out of CRP.”*

(3) Mentioning NRCS’ Conservation Stewardship Program

Throughout the draft Guidance, NOP uses the term “conservation practices” and refers to the Environmental Quality Incentives Program (EQIP). However, NRCS’s Conservation Stewardship Program (CSP) also offers many activities (plans, practices, and enhancements) that can enhance biodiversity and natural resources on organic operations.

We therefore recommend that CSP should be mentioned alongside EQIP in this Guidance, and whenever possible, the word “activities” should be used in place of “practices.”

For example, under “Role of Certified Organic Operations,” the text in these 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)).*

(4) Clarifying Benefits from Conservation Activities on Adjacent Land:

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 the operators and the certifiers. We support the 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.

In order to obtain credit, it is important that the operations must actively implement activities that maintain or improve biodiversity and natural resources. Conservation activities executed by others and not under the control of the operations should not count. 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 focus on complementary activities that benefit the certified land. Likewise, the adjacent land must not be negatively impacted by the operation.

Finally, we recommend that 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 resource compliance.

We thank you for the opportunity to provide comments on this draft guidance.

Signed,

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