



Accredited Certifiers Association, Inc.

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October 16, 2012

Miles McEvoy
Deputy Administrator
National Organic Program
AMS, USDA

By email to miles.mcevoy@ams.usda.gov

RE: Request for modification of NOP Policy Memo 12-2

Dear Mr. McEvoy:

On behalf of the membership of the Accredited Certifiers Association, please accept this letter as a request to modify NOP Policy Memo 12-2 regarding the placement of the “Certified Organic by...” statement on organic product labels. The Policy Memo, as published on September 12, 2012, provides instruction on what is and is not acceptable placement of the COB statement and provides until January 1, 2014 for certifiers to work with operations to identify labels that do not meet the requirements and for those labels to be brought in to compliance. We respectfully request that the date of this deadline be modified to allow until January 1, 2016 for single use package labels and January 1, 2020 for reusable packaging (such as glass milk bottles).

We believe that our proposed extension of the deadline is appropriate for the following reasons:

- A. The current deadline is economically harmful to certified operations, particularly smaller operators
- B. There is no adverse impact on the organic community, including no issue of misrepresentation to consumers
- C. Certifiers and certified operations were acting in good faith based on instruction previously provided by NOP staff

Economic Harm to Certified Operations

Producing custom product labels is a very expensive proposition, and many operations print package labels in bulk in order to reduce printing costs. Operations may have thousands of labels in stock, and it may be three years or more until all the labels are used up. This is

particularly true of smaller operations with diversified production, where any one crop or product may be sold infrequently, or over a long period of time, such as dried fruit, nuts, wine or other items with a long shelf life.

Additionally, reusable packaging, such as glass milk bottles, is being used by certified operations. For a small dairy farm that has the COB statement on the glass, the cost of throwing out the entire inventory of glass bottles and repurchasing new ones could be economically devastating, as well as contrary to the organic principles of resource conservation.

As we as certifiers have begun communicating with our certified clients, the response we are hearing is that it would be economically harmful to some operations to have to throw out inventory of labels and have them reprinted. We believe that by extending the deadlines for single use package labels until 2016, the majority of single use package labels would be used up and the economic effect on operations, particularly smaller operations, would be minimized.

No Adverse Effect on Market

As described in the Policy Memo, the change to the instruction to certifiers is limited to only the placement of the COB statement relative to the name and contact information of the certified operation. Currently, certifiers are requiring that the COB placement appear on the label, but being flexible about the placement of this statement. There is no substantive difference to the consumer about the placement of this statement, and consumers are not being misled or defrauded in any way by the current application of the standards by certifiers.

By extending the deadline for package labels to have proper placement of the COB statement, organic consumers will not be negatively affected in any way and will continue to be able to identify the certifier of the operation.

Approvals in Good Faith

We are appreciative of the efforts of the National Organic Program in bringing clarity and consistency to the application of the USDA Organic Standards by certifiers. We are particularly glad to see issues like label approval be handled in a manner that is clear, direct and accessible to all certifiers. As noted in the Policy Memo, previous correspondence and training provided by the NOP to certifiers was different than the current instruction.

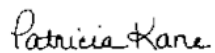
Certifiers have been approving labels in good faith based on this previous correspondence and training provided by the NOP, and operations have printed labels in good faith based on the approval of the certifier. To require such a wide reaching change within the industry in one year is causing frustration and anger on the part of affected certifier operations. In the case of the small dairy with glass milk bottles mentioned above, the operation purchased these bottles only a few months ago based on approval of the certifier. They do not understand why they are being told that this approval was incorrect and their entire inventory of brand new bottles must be destroyed. We are sympathetic to this response.

Summary

Because there is no harm to consumers or any other part of the organic industry in extending the deadline for full compliance, and there is economic and operational harm to certified operations in allowing only one year to use up labels, we believe that it is particularly appropriate to provide an extension of the deadline as we are proposing. We believe that allowing until January 1, 2016 for single use package labels and January 1, 2020 for reusable packaging (such as glass milk bottles) balances and protects the interests of organic producers and consumers alike.

Thank you for your time and attention to this matter. Please contact us if you have any questions.

Sincerely,



Patricia Kane, Coordinator and
Accredited Certifiers Association Board of Directors

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Robin Allan Foster

Jackie VonRuden

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