



Accredited Certifiers Association

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Jennifer Tucker
Deputy Administrator
National Organic Program
USDA-AMS-NOP
1400 Independence Ave. SW
Room 2642-So., Ag Stop 0268
Washington, DC 20250-0268

April 15, 2021

RE: June 3, 2019 Memo - Certification of Organic Crop Container Systems

Dear Dr. Tucker,

The ACA formed a working group to address the inconsistent interpretation of the June 3, 2019, NOP Memo - Certification of Organic Crop Container Systems. The working group was unable to come to agreement on an interpretation of the memo. The working group consisted of 22 members from 18 accredited certifiers: CCOF Certification Services, Quality Assurance International, OneCert Inc., Organic Certifiers, Oregon Tilth Certified Organic, OEFFA Certification Services, MOSA Certified Organic, Natural Food Certifiers, Quality Certification Services, ETKO, Natures International Certification Services, Washington State Department of Agriculture, CCPB Srl, IMOCert, Pennsylvania Certified Organic, NOFA-VT, Monterey County Certified Organic, and Global Organic Alliance. The working group met six times for an hour each time. Meetings included presentations from Gwendolyn Wyard at the Organic Trade Association and Sandra Fischbein from the Vegetable Nursery Transplant Association to gain further insight on the background of the memo and its impact on the industry. From August to September, in collaboration with the National Organic Coalition and Organic Farming Association, we surveyed USDA NOP accredited certifiers (both members and non-members of the ACA) regarding the circumstances under which they require a three-year transition period after the application of a prohibited substance. The survey confirmed that there are major inconsistencies and high levels of variation between certifiers in how they interpret this memo.

The working group agrees that the memo only clarified that it is prohibited to spray prohibited substances to the land, lay landscape fabric down, put containers on the plastic, and certify the production system as organic. However, the group identified many other aspects of the certification of container production that need to be clarified. Those aspects that need clarification are generally the same as the provisions that the NOSB has recommended for greenhouse and container growing standards.

The NOSB drafted greenhouse regulations 20 years ago and container-specific standards 10 years ago. Without greenhouse-specific standards, inconsistent interpretations and the ambiguity of the June 3, 2019 memo will continue. The [preamble](#) stated the intention to create greenhouse specific standards. Specificity is needed to ensure consistent implementation and maintain integrity of the organic seal. Inconsistent interpretation of this memo is leading to operations certifier shopping. Certifiers need specific definitions for container systems, land-based systems, greenhouses and what structures are included in “built and maintained on land.” The NOP must provide more clarity regarding requirements for greenhouse related crop and transplant seedling production which may include indoor production, and container systems, including the parameters for a three-year transition for crop production in greenhouses and facilities after the application of a prohibited substance.

This needed clarity and specificity cannot adequately be achieved through certifier consensus or additional NOP guidance. Numerous ACAs have invested a substantial amount of time and effort to come to a consensus about a consistent interpretation of this memo, but the ACA is unable to do so alone. These areas of inconsistency and related concerns need to be addressed through the formal public rule-making process and the publication of greenhouse and container production standards in the USDA organic regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Meagan Collins". The signature is fluid and cursive, with the first name "Meagan" being more prominent than the last name "Collins".

Meagan Collins
ACA Coordinator

[Addendum attached](#) (summarizing issues identified by the working group)