



# BEYOND PESTICIDES

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National Organic Standards Board  
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San Antonio, TX

## **Re. CACS: Retail Certification Proposal**

These comments are submitted on behalf of Beyond Pesticides. Beyond Pesticides, founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to bridge the interests of consumers, farmers and farmworkers, advances improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and groups around the world.

We are confused by the CACS's recommendation, which "requests that the NOP provide clear general education and guidance on organic compliance to the retail sector, and clarify several specific sections of the Rule as it applies to retail operations." Why is the CACS asking the NOP to provide clarification and guidance instead of recommending the clarification and guidance that it believes the NOP should adopt?

As the CACS points out,

In 2009, the NOSB approved a CACS Guidance Recommendation entitled "Clarification of Marketing for Voluntary Retail Certification." This recommendation presented general background on the exemptions allowed for retailers, and described a need for clearer guidance around the use of the USDA seal and the "organic" claim in the marketing of organic retail stores. The recommendation acknowledged that the phrase "Certified Organic Retailer" may be challenging to a consumer, and identified a need for clearer guidance around the use of this term.

The 2009 recommendation then identifies a number of specific certification areas where the NOP should provide clearer guidance in order to facilitate consistency and clarity among retail operators:

- Guidance on the use of the USDA seal in marketing certified retail operations.
- Clear and consistent guidelines for deli and bakery operations, identifying precisely under what conditions certification is required.
- Additional guidance on the ACAs' role in managing voluntary retail certification programs.
- Clarity on retailers' role in improving the marketing of voluntary retailer organic certification.

The CACS also says that a number of the 2009 recommendations remain unaddressed by the NOP. But instead of proposing clear guidance that the Subcommittee believes NOP should adopt, as is required of the NOSB by OFPA, the CACS appears to be deferring on the issue to the NOP.

If this were simply a matter of enforcement or better education of existing law and regulations, then it might be appropriate for the CACS to urge better enforcement and education. And, in fact, that may be a component of what needs to happen. The CACS seems to conclude in the current recommendation before the NOSB that “education and outreach to the retail sector will help improve compliance:”

In conclusion, we ask that the NOP develop clear and actionable guidance for retailers on the points noted above and in the earlier discussion document. The development of such guidance should include the consultation of retailers and ACAs. We believe that focused education and outreach to the retail sector will help improve compliance with the regulation, foster consistency across certified and non-certified operations, and promote consumer confidence in the USDA Organic label. Retailers represent the final interface with consumers in the organic supply chain, and it is crucial that organic integrity in merchandising, handling and marketing be vigilantly maintained.

However, the documents seem to clearly suggest that the issues go beyond improved compliance to issues of clarification in the rule, required labeling and signage and disclosure to consumers, and quality control in mixed operations. As we said in our previous comments on the CACS discussion document,

Beyond Pesticides agrees with the Subcommittee that there is a need for clarification and we look forward to seeing input regarding areas of the rule that are unclear. Where the retail operation is certified and has a mixed operation, it must be made clearer than it is now that there is product sold and produced or processed on the premises that does not meet organic certification standards. It is not uncommon for people to think that everything sold or processed in a certified organic retail store is organic. It is critical that certifiers make a determination on the adequacy of the labeling and store signage. Guidance is needed to ensure that labeling and signage are adequate.

We recommend that the NOSB send this proposal back to the CACS and ask it to come back with a substantive proposal in the fall based on the comments and discussion with certifiers, consumer organizations, and regulators.

We would like to reiterate that it is not uncommon for people to think that everything sold, processed, or prepared in a certified organic retail store is made with product labeled organic or prepared in accordance with organic practices. It is critical that certifiers make a determination on the adequacy of the labeling and store signage and that the rules in place specifically define how that should be done. Rules are needed to ensure that retailer labeling and signage are clear, uniform, and enforceable, which is currently not the case.

We appreciate the work of the CACS in recognizing the importance of this issue, especially as it pertains to consumer confidence and trust in the certification of retail operations and the use of the word “organic.” We urge the NOSB to develop, based on the work of the CACS, a clear set of recommendations and specific substantive proposals for changes in the standards utilized for organic certified retailers, in addition to drawing attention to the need for education and enforcement on existing rules and regulations. Because most consumers interface with organic products at their local retailer, this work and the need for specific recommendations takes on a high level of importance.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Terry Shistar, Ph.D.  
Board of Directors