



National Organic Coalition

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Environmental Quality Incentives Program

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The National Organic Coalition, (NOC) is a national alliance of organizations representing farmers, environmentalists, other organic industry members, and consumers concerned about the integrity of national organic standards. The goal of the coalition is to assure that organic integrity is maintained, that consumers' confidence is preserved and that policies are fair, equitable and encourage diversity of participation and access

The National Organic Coalition welcomes the Organic Conversion Assistance option within the NRCS Environmental Quality Incentives Program, recently passed in the 2008 Farm Bill. This program was designed to assist farmers converting to organic farming systems and reward the conservation benefits of organic farming. However, the Interim Final rule for this program does not entirely meet the intent of the legislation.

Our comments below highlight some of the areas which need to be strengthened in order for the program to provide useful support for organic farmers around the country. We note that we have borrowed heavily from both Minnesota and Wisconsin recommendations – two states with experience in administering such a program.

I. Organic – A National Priority

- Acknowledge organic agriculture and forest management as new National Priorities for the Environmental Quality Incentives Program (EQIP), as mandated by Congress in the 2008 Farm Bill. The text of the Final Rule should be amended as described below, and the Chief of NRCS should issue a Directive to all State Conservationists reinforcing these changes.

II. A Nation-wide Program.

While several states initiated some form of organic conversion programs within their state NRCS/EQIP prior to this nationwide Farm Bill program, many others did not. This highlights the fact that organic is treated differently in each state, and therefore there is a clear need for national consistency in this new national program, to ensure the goal of nationwide participation. We support the following recommendations:

- Ensure that payments for conservation practices related to organic production or the transition to organic production are available in all 50 states and all territories, and that all eligible producers have the opportunity to participate in the program, regardless of where they reside.
- Establish a national target to set aside five percent of EQIP funds for Organic Conversion Support, similar to the set asides for socially disadvantaged and beginning farmers and ranchers.
- Ensure that Organic Conversion Support applications are ranked and processed as a separate sub-category in each state or territory. The Federal Register notice states, “Applications may be grouped within ranking pools, which may be created to address a specific resource concern, a specific geographic area, a specific type of agricultural operation, or a specific group of applications that complete conservation systems.” Due to the fact that most areas of the country have no experience administering an organic conversion support program, and many local officials may not understand the multiple benefits gained by converting farms to organic production, it is warranted that all eligible applicants for organic and transition to organic conservation payments be grouped together in order to be ranked on their relative merits.

III. Adding Organic to Existing EQIP

NRCS programs, including EQIP, have not previously addressed organic production. This new Organic Conversion program will require new information and services to inform NRCS personnel and ensure compliance with USDA organic provisions

- Establish Cooperative Agreements: Due to the lack of organic expertise at the NRCS, it will be critical for the success of the program for the NRCS to establish cooperative agreements with qualified organic experts, including State departments of agriculture, universities, non-government organizations, and private consultants, to provide technical assistance to organic producers and producers wanting to transition to organic production. Especially in the early years of the program, these organic experts may not be NRCS-certified technical assistance providers for other USDA products.

- Clarify that the \$80,000 cap for Organic Conversion Support contracts applies only to organic conversion activities, and does not cover all organic operations applying to EQIP. Also, clarify that the regular cap of \$300,000 applies to organic operators who are not seeking conversion support.
- Utilize the expertise of USDA-accredited organic certifying agents to assess an operation's compliance with organic certification requirements, for all producers who receive Organic Conversion Support payments.
- Allow Organic System Plans to be used in the EQIP application process, to avoid redundancy and minimize bureaucratic barriers. The Federal Register notice states that the NRCS will be required "to consider a plan developed in order to acquire a permit under a water or air quality regulatory program as equivalent to a plan of operations, if the plan contains elements equivalent to those required in a plan of operations." A similar requirement should be instituted to utilize Organic System Plans, which are written to demonstrate compliance with National Organic Program requirements, in the EQIP application process.
- Require each State Conservationist to designate a director of the organic conversion support program who has training and/or significant knowledge of organic practices and the requirements for organic certification.
- Encourage NRCS to establish cooperative agreements with appropriate State, university, or non-governmental entities to provide training on organic practices and certification requirements to NRCS staff who will be handling EQIP applications from organic farmers at both the state and local levels.

SPECIFIC COMMENTS:

Note additions in language as underlined text.

§1466.3 Definitions.

"Conservation practice": Add "organic system plans" and "transition to organic management plans" to the definition of "Conservation practice", to read:

"Conservation practice" means one or more conservation improvements and activities, including structural practices, land management practices, vegetative practices, forest management practices, and other improvements that achieve the program purposes, including such items as CNMPs, agricultural energy management plans, dryland transition plans, organic system plans, transition to organic management plans, forest management plans, integrated pest management, and other plans determined acceptable by the Chief.

§1466.3 Definitions.

“Technical assistance”: Add “organic planning” in the definition of “Technical assistance” to read:

“Technical assistance” means technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses. The term includes the following:

- (1) Technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, organic planning, technical consultation, and assistance with design and implementation of conservation practices; and
- (2) Technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.

§1466.3 Definitions.

“Technical Service Provider” (TSP) :Add “or operating under a cooperative agreement with NRCS” to the definition of “Technical Service Provider” to read:

“Technical Service Provider” (TSP) means an individual, private-sector entity, or public agency certified by NRCS or operating under a cooperative agreement with NRCS to provide technical services to program participants, in lieu of or on behalf of NRCS.

§1466.4 National priorities.

As identified as purposes of EQIP by Congress, add “forest management” and “organic transition” to the National Priorities, to read:

(a) The following national priorities, consistent with statutory resource concerns that include soil, water, wildlife, air quality, and related resource concerns, will be used in EQIP implementation:

- (1) Reductions of nonpoint source pollution, such as nutrients, sediment, pesticides, or excess salinity in impaired watersheds consistent with total maximum daily loads (TMDLs) where available; the reduction of surface and groundwater contamination; and the reduction of contamination from agricultural point sources, such as concentrated animal feeding operations;
- (2) Conservation of ground and surface water resources;
- (3) Reduction of emissions, such as particulate matter, nitrogen oxides, volatile organic compounds, and ozone precursors and

depleters that contribute to air quality impairment violations of National Ambient Air Quality Standards;

(4) Reduction in soil erosion and sedimentation from unacceptable levels on agricultural land;

(5) Forest management;

(6) Organic transition; and

(7) Promotion of at-risk species habitat conservation.

§1466.8 Program requirements.

Add “an Organic System Plan, a Transition to Organic Plan, or” to read:

(b) To be eligible to participate in EQIP, an applicant must:

(4) Submit an EQIP plan of operations, an Organic System Plan, a Transition to Organic Plan, or a plan developed for the purposes of acquiring an air or water quality permit, provided these plans contain elements equivalent to those elements required by an EQIP plan of operations and are acceptable to the State Conservationist as being consistent with the purposes of the program;

§1466.8 Program requirements.

Add “and an additional five percent of EQIP funds for organic conversion support” to read:

(e) NRCS will establish a national target to set aside five percent of EQIP funds for socially disadvantaged farmers or ranchers and an additional five percent of EQIP funds for beginning farmers or ranchers and an additional five percent of EQIP funds for organic conversion support.

§1466.11 Technical services provided by qualified personnel not affiliated with USDA.

Add “or operating under a cooperative agreement with NRCS” to read:

(a) NRCS may use the services of qualified TSPs or operating under a cooperative agreement with NRCS in performing its responsibilities for technical assistance.

(b) Participants may use technical services from qualified personnel of other Federal, State, and local agencies, Indian Tribes, or individuals who are certified as TSPs by NRCS or operating under a cooperative agreement with NRCS.

§1466.11 Technical services provided by qualified personnel not affiliated with USDA.

Add “organic planning;” to read:

(c) Technical services provided by qualified personnel not affiliated with USDA may include, but are not limited to: conservation planning; organic planning; conservation practice

survey, layout, design, installation, and certification; and information; education; and training for producers.

§1466.20 Application for contracts and selecting applications.

Add “, and those transitioning to organic production,” to read:

(2) The State Conservationist, to the greatest extent practicable, will group applications of similar crop, forestry, and livestock operations, and those transitioning to organic production, for evaluation purposes.

(3) The State Conservationist will evaluate applications within each established grouping.

§1466.21 Contract requirements.

Add new subsection (vi) to read:

“(vi) Implement an Organic System Plan or a Transition to Organic Plan when the EQIP plan of operations addresses organic production or transition to organic production;”

§1466.23 Payment rates.

Add a new subsection (H) to read:

“(H) Transition to organic production.”

§1466.26 Contract violations and terminations.

(f) The State Conservationist, in consultation with the State Technical Committee, may terminate a contract whereby a producer is receiving payments for conservation practices related to organic production, if the designated conservationist determines that the producer is not pursuing organic certification, or has been decertified.

In order to be consistent with terminology in the National Organic Program Final Rule, 7 CFR Part 205, change “or has been decertified” to “or if the organic certificate has been surrendered by the operation or suspended or revoked by the certifying agent” to read:

(f) The State Conservationist, in consultation with the State Technical Committee, may terminate a contract whereby a producer is receiving payments for conservation practices related to organic production, if the designated conservationist determines that the producer is not pursuing organic certification, or if the organic certificate has been surrendered by the operation or suspended or revoked by the certifying agent.

The National Organic Coalition appreciates the opportunity to comment on this Interim Final Rule, and awaits the timely revision of this Rule to further the participation of organic producers in this new USDA program.

Sincerely,

Liana Hoodes (Policy Organizer), on behalf of the

National Organic Coalition:

Beyond Pesticides

Center for Food Safety

Equal Exchange

Food & Water Watch

Maine Organic Farmers and Gardeners Association

Midwest Organic and Sustainable Education Services

National Cooperative Grocers Association

Northeast Organic Dairy Producers Alliance

Northeast Organic Farming Association, Interstate Council

Rural Advancement Foundation International USA

Union of Concerned Scientists