

April 2, 2020

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington D.C. 20250

Dear Secretary Perdue:

We are writing to make recommendations about emergency actions that your agency can take to address the impact of the COVID-19 pandemic on the organic sector. We offer our recommendations with full understanding that all sectors of agriculture are now in crisis and that we must all work together to address these challenges.

We are deeply concerned about the impact of COVID-19 on organic farmers, farmworkers, businesses, certifiers and inspectors, and consumers. We are mindful of the need to protect the health and safety of all who are involved in organic agriculture, certification, and compliance. We also seek to advocate for responsible actions that will protect the integrity of the USDA organic seal during this difficult time.

Because of the annual organic certification process and the need to protect the integrity of the USDA organic seal during this time of extreme market disruption, some of our concerns and recommendations may be unique from those raised by other sectors of agriculture.

Support for Organic Farmers

The recently enacted CARES Act includes a \$9.5 billion emergency fund:

“to prevent, prepare for, and respond to coronavirus by providing support for agricultural producers impacted by coronavirus, including producers of specialty crops, producers that supply local food systems, including farmers markets, restaurants, and schools, and livestock producers, including dairy producers.”

As you make plans to implement this section of Act, we would like to point out that organic farmers represent a significant percentage of the farmers in each of the specialty crop, livestock and dairy, and local food supply categories prioritized by Congress. Therefore, it is critical that organic farmers be included in any emergency response actions taken to implement this provision of the Act. The following financial assistance recommendations would be extremely helpful for the organic sector:

- While it is certainly a blunt instrument, providing direct payments to farmers including organic farmers, to keep them solvent during this critical production season in the face of lost or disrupted marketing channels, may be the most direct way to bolster our nation's food supply. While the awful human health implications of the pandemic may peak and subside over the next couple of months, the long-term food security implications of a year of lost markets for U.S. farmers could have even longer lasting impacts on our society. In making direct payments, it is critical that the criteria used to distribute those payments be more fine-tuned to support the diversity and richness of U.S. agriculture than was reflected in the recent trade mitigation payments, and that more reasonable payment limitations govern those payments to ensure that more farmers get help with these funds.
- Most organic and small farms have not traditionally accessed food purchasing programs run by the agency using Commodity Credit Corporation funding. As you develop new purchasing programs to both aid farms and procure food for emergency feeding or other nutrition programs, we urge you to make the procurement process flexible enough to work for organic and small farms, not just large conventional operations. This should include purchases of a diverse set of crops, not just commodity crops.
- As farmers innovate to respond to the social distancing recommendations related to the pandemic, USDA should provide financial assistance for farms setting up virtual platforms to facilitate the sale of their products, as well as "on-farm" stands, curbside pickup, and other direct to consumer "no-touch" distribution channels that minimize interaction. In the same way as restaurants across the nation have shifted to take-out pick up options, farmers too are shifting to this model. But farmers need some financial assistance to facilitate this shift.
- Increase organic certification cost-share assistance for certified organic farms and handlers and provide immediate payment to organic operations. Consider making payments directly to organic certification agencies to cover their costs of certifying organic operations so that organic farmers and handlers do not have to bear that cost during these extreme times of market disruption.
- Dairy is one of the leading sectors of organic. Unfortunately, organic dairy farmers have been slow to embrace the new Dairy Margin Coverage (DMC) program because it is perceived as only being relevant to conventional dairy farmers. However, historically major declines in conventional dairy prices have resulted in downward pressure on organic dairy prices as well. Therefore, we urge you to re-open the 2020 sign-up period for the Dairy Margin Coverage (DMC) Program to allow new participants in the program. In addition, reopening the sign-up period would allow existing DMC participants to reconsider their coverage decisions for 2020 given the extraordinary and unforeseen dairy market collapse related to the pandemic.

Addressing the Challenges of Organic Certification in the Face of Social Distancing Requirements

As part of the organic certification process, organic operations must undergo an annual on-site inspection. This process has been challenging for organic farmers, handlers, certification agencies, and organic inspectors in the face of the social distancing requirements needed to slow the spread of COVID-19.

All organic stakeholders are seeking to protect human health, but also to maintain the integrity of the organic seal. The two goals may seem in conflict, but they don't need to be. Organic accredited certification agencies (ACAs) have been in communication with USDA's National Organic Program (NOP) to develop mechanisms to maintain the integrity of the organic certification process while also protecting the safety of farmers, handlers, certifiers, and inspectors. In some cases, this has involved performing the record review aspects of an organic inspection virtually. In other cases, the on-farm inspections have been delayed somewhat. In other cases, inspectors have performed on-site inspections in person, but using social distancing protocols, or have used virtual techniques to do some of the actual site inspections.

Therefore, we are urging you to provide technical and financial assistance to organic operations so they can maintain their certifications during the pandemic by providing required records to certification agencies through virtual platforms. Smaller organic ACAs could also benefit from financial assistance in this regard.

Relaxing USDA Nutrition Program Rules to Give Low Income Consumers Greater Access to Nutritious Food During the Pandemic

- Allow Supplemental Nutrition Assistance Program (SNAP) payments to be made online directly to farms and CSAs.
- Provide waivers and direction to States to broaden their WIC-approved food lists to allow WIC participants to purchase organic foods.
- Issue an emergency waiver to all States to allow food banks to skip the normal paperwork and recordkeeping requirements for gathering information from each customer. These paperwork procedures are greatly slowing down the food distribution process at already overburdened food banks, making it difficult to maintain social distancing protocols.
- Support the ability of food banks and other emergency feeding programs to purchase organic products directly from farmers at market prices.

Move Critical Rulemaking Forward to Protect Organic Integrity

Two rulemakings that are critical to the organic sector are in the final stages of clearance. In your communications with the Office of Management and Budget, we urge you to underscore the importance of moving these Congressionally mandated rulemakings along without delay.

- The rulemaking to improve organic enforcement, both domestically and internationally, (aka the “strengthening organic enforcement” rule) is critical for the economic viability of the U.S. organic sector. The 2018 Farm Bill required USDA to complete the rulemaking by December 19, 2019, but the proposed rule is still under review by OMB. This rulemaking must move forward.
- The final rule on Origin of Livestock (OOL), to close loopholes with regards to the organic standards related to the transitioning of conventional dairy cows into organic dairy operations, is another critical regulation for the organic sector. Through the Fiscal Year 2020 appropriations process, Congress mandated that USDA complete OOL final rule by June 17, 2020.

We acknowledge that some of the following recommendations overlap with policy issues in other federal agencies, as well as the White House. As the chief advocate for U.S. agriculture in the Administration, we want to make you aware of our multi-faceted concerns and to urge your inter-agency advocacy on these matters.

Farms, Farmers Markets, Farm Stands, and Community Support Agriculture (CSA) Operations Should be Deemed as Essential

Our country’s ability to produce food for its citizens has not been in question anytime in recent history. But the decision by some States to deem traditional retail grocery stores as essential, but to declare non-traditional food marketing venues as non-essential undermines thousands of farmers who market through those channels. As consumers turn more to local sources of food during the pandemic crisis, it is critical that these marketing channels be deemed essential. For many parts of the country spring and summer are critical marketing seasons for farmers who serve local markets, and for consumer desiring the fresh and healthy produce. To cut off consumers from these markets, by allowing local and state governments to deem them as non-essential, is counterproductive. Of course, these marketing venues should be required to institute social distancing protocols, just as retail grocery stores are doing. In fact, farmers markets across the country have already established these procedures and are sharing best practices with each other.

We realize that at the Department of Homeland Security has issued some general recommendations about what should be considered essential industries and that food and agriculture are on that list. However, we are concerned that that DHS advisory does not explicitly include local marketing venues, such as farmers markets, farm stands, and community supported agriculture (CSA) operations. As a result, many local and state governments are shutting down those venue. We urge you to advocate for a revision to the DHS recommendation with your colleagues at the DHS. In addition, we urge you to advocate with the President, to urge that the federal declarations of essentiality of all food production and marketing venues be enforced with more rigor.

Farm Labor Accommodations Are Critical to Continuing Production of Organic Food During the Pandemic

- Establish a program to provide relief workers for sick farmers and farmworkers.
- In order to ensure uninterrupted food, crop, and commodity production, recognize all H-2A, as well as any other non-immigrant visa petitions involving an agricultural worker, visa consular processing functions as “essential” and direct the U.S. Consulates to treat all agricultural worker appointments as emergency visa services.
- Provide farmworkers who are currently employed on a farm with the same payments as any other workers without questions about their status as citizens, and make farmworkers eligible for paid sick leave, SNAP, health coverage, childcare, and workmen's compensation.

The New Emergency Response Program Administered by the Small Business Administration (SBA) Should Include Farmers and Agricultural and Food Cooperatives

- The Small Business Administration (SBA) is maintaining that farms and agricultural businesses are ineligible for emergency Economic Injury Disaster Loan (EIDL) programs. They are maintaining that only aquaculture enterprises, agricultural cooperatives, and nurseries are eligible for SBA disaster assistance. It is imperative that farmers be able to access SBA disaster assistance as these programs can help fill the void that many farm businesses are currently feeling due to COVID-19.
- In addition, the SBA should clarify that agricultural cooperatives and consumer food cooperatives are eligible for the Paycheck Protection Program (PPP) during the pandemic emergency. Many of these cooperatives are under a great deal of economic stress as result of the pandemic and short-term access to the PPP will allow these cooperatives to maintain their staff so that they are able to serve their farmer and consumer owners during the emergency.

We thank you in advance for your efforts to respond quickly to the needs of organic farmers and businesses in light of the COVID-19 pandemic.

Sincerely,

Abby Youngblood, Executive Director, National Organic Coalition
Kate Mendenhall, Executive Director, Organic Farmers Association
Brise Tencer, Executive Director, Organic Farming Research Foundation