



# BEYOND PESTICIDES

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Ms. Michelle Arsenault  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Ave. SW.  
Room 2648-S, Mail Stop 0268  
Washington, DC 20250-0268

## **Re. CACS: Eliminating Incentives to Convert Native Lands to Organic Production**

These comments to the National Organic Standards Board (NOSB) on its Spring 2017 agenda are submitted on behalf of 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, Beyond Pesticides 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 the world.

As mentioned by the Certification, Accreditation and Compliance Subcommittee (CACS) in the Discussion Document on Eliminating the Incentive to Convert Native Ecosystems to Organic Production, the Organic Foods Production Act (OFPA) and implementing regulations and guidance issued by the National Organic Program (NOP) contain several provisions to increase biodiversity on organic farms. Biodiversity is essential to organic farming, but all farming reduces biodiversity from natural ecosystems. Those natural ecosystems contain ecological communities that are diverse and resilient because of their coevolution over millennia.

So, despite efforts of organic farmers to build and protect biodiversity, it is unlikely that the organic farm will achieve the same level of biodiversity and ecological resilience as the original ecosystem. On the other hand, the conversion of conventional agriculture to organic agriculture provides huge benefits to biodiversity through both the absence of toxic inputs and positive measures to increase biodiversity that are required by regulations. Therefore, Beyond Pesticides supports efforts by the NOSB to eliminate incentives to convert high value land to organic production, as well as to increase incentives to convert chemical-intensive farmland to organic production.

The questions posed by the CACS provide a helpful approach to this effort.

## **1. Please provide specific data on the occurrences of organic agricultural conversion of high value lands or fragile ecosystems.**

Beyond personal observations, we do not have specific data. Our personal experience is that farmers seek to expand acreage by converting native grasslands, forests, and wetlands to agricultural production. Some of these farmers may try to farm organically (and some may be successful), and some may sell their land to others (who may or may not farm organically). We are not aware of data that has been systematically collected in a way that answers this question, but do believe that experiential information can legitimately support action to prevent worst-case scenarios from occurring

## **2. What definition of high value conservation land or fragile ecosystem should be used?**

“High value conservation land” and “fragile ecosystem” are two separate concepts. Both classes of land should be protected.

**High value conservation land** is defined by its ecological benefits. To some extent, this depends on the context. One cannot discount lands that has been in the Conservation Reserve Program (CRP) or Wetlands Reserve Program (WRP) just because they are not undisturbed. We support the definition suggested by Wild Farm Alliance, which is modelled on definitions used by organic and ecolabels. High value conservation lands include:

- Lands or aquatic environments that are habitat for vulnerable, threatened or endangered plant, mammal, bird, amphibian, reptile, or other species identified by the International Union for Conservation of Nature (IUCN) Red List, including the federal and state lists and those compiled by NatureServe;
- Large landscape-level ecosystems which are significant at global, regional or national levels, and that contain viable populations of most of the naturally occurring species in natural patterns of distribution and abundance;
- Rare ecosystems as protected by local law or defined by the IUCN Red List of Ecosystems. In the U.S., refer to NatureServe’s Terrestrial Ecological Systems of the United States; and,
- Areas that provide critical ecosystem services (e.g. watershed protection or erosion control, and areas providing barriers to destructive fires).

CRP or WRP lands that meet one or more of these criteria should be considered high value conservation lands.

**Fragile ecosystems** are defined by their vulnerability to disturbance. They are particularly sensitive to environmental changes. Coral reefs are a well-known example –these unique communities are unable to respond to stresses of fluctuating temperatures, overfishing, and pollution. Fragile ecosystems that are directly vulnerable to disturbance from agriculture include riparian communities, wetlands, and soil food webs. Riparian communities are

vulnerable to disturbances such as erosion and runoff.<sup>1</sup> Turning forests into agricultural land may have irreversible impacts on the forest soil community.<sup>2</sup> Both plowing and draining of wetlands “exacerbate the emission of CO<sub>2</sub> from soil caused by decomposition of SOM [soil organic matter] or soil respiration.”<sup>3</sup>

### **3. How can high value land and fragile ecosystems best be protected under in USDA organic certification. Should the NOP issue Guidance on conversion of high value land, or fragile ecosystems? Should a Rule change, such as an addition to 7 CFR 205.202 be recommended in order to address conversion of high value lands or fragile ecosystems?**

High value conservation land and fragile ecosystems can be best protected by enforceable regulations that prohibit their conversion to organic cropland. (They could be included in the non-crop, non-pasture portion of the farm that provides for biodiversity conservation.) In view of the urgency of the threats to these systems and the length of time required to adopt regulations, however, NOP should immediately publish guidance. Such guidance would clarify both §205.202 and §205.203, particularly §205.203(a), which requires, “The producer must select and implement tillage and cultivation practices that maintain or improve the physical, chemical, and biological condition of soil and minimize soil erosion.” We do not believe that NOP is prohibited from applying this requirement to the initial certification of the land. In so doing, NOP will incentivize these practices to be followed prior to official certification.

### **4. What incentives, and/or disincentives could be implemented within current USDA organic regulations to prevent the conversion of high value land and fragile ecosystems?**

NOP could explain that conversion of high value conservation land or fragile ecosystems is not compliant with §205.203(a), which requires, “The producer must select and implement tillage and cultivation practices that maintain or improve the physical, chemical, and biological condition of soil and minimize soil erosion.”

USDA should provide incentives for transition to organic agriculture. These might include elimination of programs that support chemical-intensive agriculture, transfer of research money from research that supports chemical-intensive agriculture to research supporting organic agriculture.

NOP should encourage producers who want to become organic to apply for assistance through USDA Natural Resources Conservation Service’s Conservation Activity Plan 138 for

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<sup>1</sup> Patten, D.T., 1998. Riparian ecosystems of semi-arid North America: Diversity and human impacts. *Wetlands*, 18(4), pp.498-512.

<sup>2</sup> Dupouey, J.L., Dambrine, E., Laffite, J.D. and Moares, C., 2002. Irreversible impact of past land use on forest soils and biodiversity. *Ecology*, 83(11), pp.2978-2984.

<sup>3</sup> Lal, R., 2004. Soil carbon sequestration to mitigate climate change. *Geoderma*, 123(1), pp.1-22.

transitioning lands. Other transition resources should also be identified by NOP, such as the Organic Trade Association's USDA Certified Transitional Program.

**5. Should there be an extended waiting period for land seeking organic certification that has recently been converted from high value land or fragile ecosystems? If so, what duration should the waiting period be and why?**

We support a prohibition on conversion of high value conservation land or fragile ecosystems to organic production. However, the implementation of that prohibition may be difficult due to availability of information about historical land use. In practice, it may be necessary to set a time period for which data must be supplied. The provision will be effective only if the time period is significantly longer than three years. We believe that five years is a minimum.

**Conclusion**

We urge the NOSB to act quickly to recommend prohibition of converting high value conservation land or fragile ecosystems to organic production.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terry Shistar".

Terry Shistar, Ph.D.  
Board of Directors