



# BEYOND PESTICIDES

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September 23, 2024

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

**Docket ID # AMS-NOP-24-0023**

## **Re. CACS: Residue testing**

These comments to the National Organic Standards Board (NOSB) on its Fall 2024 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 eliminate a reliance on pesticides. Our membership and network span the 50 states and the world.

We refer the CACS to comments by Nature's Path, Ohio Ecological Food and Farming Association, and National Organic Coalition on detailed aspects of this discussion document. Here we address some general principles.

Beyond Pesticides supports the use of residue testing in processed and handled products as an enforcement tool, while keeping in mind that organic certification is a practice-based standard in which testing is used to ensure that practices in an organic systems plan are being used properly.

With increased sampling and the complexity of sampling in the processing/handling environment, there also needs to be a discussion of who bears the cost of this sampling. Currently, certifiers calculate the cost of crop residue sampling into their cost of doing business and incorporate those costs into certification fees, resulting in a tension between cost of ensuring organic integrity and the ability of certified entities to pay those fees—and hence, remain certified. Testing for processing and handling could be quite expensive, and we should be aware of who will pay those costs. This is an issue that deserves specific attention. On the

other hand, we agree that the scope of testing should be expanded to a broader list of prohibited substances.

There must be clarity concerning how to assign responsibility if a sample tests positive for a prohibited material. The CACS must clarify the role of a facility's fraud prevention plan in enforcement and provide guidance ensuring that certifiers are consistent in their requirements for a fraud prevention plan.

Given the costs of testing, guidance on testing and fraud prevention should address the issue of where testing will have the greatest impact and ensure organic integrity.

The discussion document acknowledges the role of the Accredited Certifiers Association (ACA) in working toward certifier consistency. However, if ACA guidance is to be incorporated in enforcement, it should be encoded in the NOP guidance and handbook updates after public discussion of the contents.

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