

Lutton, Sara

From: Snyder, Angie
Sent: Tuesday, June 29, 2004 9:31 AM
To: Organic Assessment
Subject: FW: Comments on PY-02-006



tmp.htm (8 KB)

-----Original Message-----

From: Brise Tencer [mailto:brise@ofrf.org]
Sent: Monday, June 28, 2004 2:56 PM
To: Snyder, Angie
Subject: RE: Comments on PY-02-006

Angie,

Please me know if you have any trouble with this version of the email. My comments are below in the body of the email, not as an attachment. Thank you,

Brise Tencer

June 25, 2004

Angela C Snyder

Office of the Deputy
Poultry Programs, Agricultural Marketing Service U.S. Department of Agriculture 1400
Independence Avenue, SW STOP 0256, Room 3932 - South Washington D.C. 20250

RE: 7 CFR Parts 1150, 1160, 1205, 1207, 1209, 1210, 1215, 1216, 1218, 1219, 1220, 1230, 1240, 1250, 1260, and 1280 [Docket Number PY-02-006] Proposed Rule to Exempt Organic Producers From Assessments by Research and Promotion Programs, April 26, 2004 (Volume 69, No. 80), page 22690.

Dear Angela C. Snyder;

These comments on the Proposed Rule to Exempt Organic Producers From Assessments by Research and Promotion Programs are submitted by the Organic Farming Research Foundation (OFRF). The Organic Farming Research Foundation is a non-profit whose mission is to sponsor research related to organic farming practices, to disseminate research results to organic farmers and to growers interested in adopting organic production systems, and to educate the public and decision-makers about organic farming issues.

First, OFRF thanks USDA Agricultural Marketing Service for the opportunity to comment. We strongly support exempting organic producers from paying assessments by Research and Promotion Programs. We think the proposed rule generally reflects the intent of the legislation, although we see several areas where additional clarifications are required.

In general, our comments are as follows:

. Because the law clearly exempts organic farmers from paying assessments by Research and Promotion Programs, organic farmers should not have to "apply"

for such an exemption. Specifically, section 10607 of the Farm Security and Rural Investment Act of 2002 amended Section 501 of the Federal Agriculture Improvement and Reform Act of 1996 to exempt any person that produces and markets solely 100% organic products from paying assessments under a commodity promotion law. The final rule should clarify that a person meeting the requirements of the application is presumed to be exempt, and should further clarify the circumstances under which an applicant could be denied exemption.

. The term "produces 100% organic" should refer only to the commodity being assessed by the Research and Promotion Program. The Department's interpretation of the 100% organic requirement referring to the entire farm rather than to the commodity being assessed is particularly problematic because many organic producers are diversified and because the status of other crops not being is irrelevant to the Research and Promotion Programs.

Secondly, page 22691 (column 2, par 2) states that to be exempt "the farm or handling operation meets the requirement of 100% organic as defined in section 2103 of the Organic Foods Production Act (OFPA) of 1990 (7 U.S.C. 6502)." Section 2103 of OFPA defines "certified organic farm" to be a farm, or portion of a farm, or site where agricultural products or livestock are produced, that is certified by the certifying agent under this title as utilizing a system of organic farming as described by this title. Therefore, a 100% certified organic farm refers only to the farm or portion of the farm that is certified by the certifying agent. The examples should be changed to reflect this distinction.

. If proof of certification or an application are required, it should not be required that information must be resubmitted annually. Rather, the proof or certification or application should only be submitted when and if there are changes to the farm operation that would affect an operations status for exemption.

. Organic growers who produce less than \$5,000 annually (and therefore do not need to be certified) should qualify for an exemption from assessments by research and promotion programs. (Page 22693 column 1 mentions that fluid milk and egg programs exempt smaller entities from assessments.)

Thank you for your consideration of our comments
Sincerely,

Brise Tencer
Legislative Coordinator

Brise Tencer
Legislative Coordinator
Organic Farming Research Foundation
P.O. Box 440, Santa Cruz, CA 95062
831-426-6606, 831-426-6670 fax
<http://www.ofrf.org>

-----Original Message-----
From: Snyder, Angie [mailto:Angie.Snyder@usda.gov]
Sent: Monday, June 28, 2004 2:35 PM
To: brise@ofrf.org
Subject: Comments on PY-02-006

We received a comment from you in the organicassessment@usda.gov mailbox, but we were