October 1, 2026

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

Docket: AMS-NOP-26-0892

RE: CACS Proposal – Residue Testing for a Global Supply Chain (§ 205.670 & UREC)

Dear NOSB Certification, Accreditation, and Compliance Subcommittee:

Strengthening Organic Systems (SOS), LLC appreciates the opportunity to provide comments on the Fall 2026 proposal, *Residue Testing for a Global Supply Chain: Regulation Review (§ 205.670 & UREC).* SOS has engaged extensively on this topic over several NOSB cycles, and we appreciate the Subcommittee's continued work and its responsiveness to stakeholder input.

SOS strongly supports the overall direction of the Fall 2026 proposal. In particular, we support the recommendation to incorporate both risk-based and random selection into the minimum 5% testing requirement, the continued advancement of NOP 2613 guidance addressing unavoidable contamination and drift, and the more focused approach to downstream communication of confirmed organic integrity concerns.

As this work advances, however, we encourage NOSB, NOP, certifiers, and the organic sector as a whole to keep sight of a larger picture:

Residue testing can—and should—tell us whether the organic control system is working.

Organic certification is fundamentally process-based. Certification verifies that an operation has established an Organic System Plan, implemented required practices, maintained records, and established controls designed to prevent the use of prohibited substances and protect organic integrity. Residue testing provides something different. It provides an opportunity to independently test the outcome of those systems.

Used thoughtfully and at sufficient scale, testing can help answer questions that certification records alone cannot: Are preventive controls working? Are there commodities, regions, production systems, or supply chains where residues occur more frequently? Are particular prohibited substances emerging? Are certifier risk assessments successfully identifying areas

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warranting greater scrutiny? Are contamination-prevention systems working as intended? And, over time, are changes in oversight improving outcomes?

This is why SOS continues to believe that residue testing should be viewed not simply as an individual compliance activity, but as a **system-level verification, monitoring, and deterrence tool**.

1. Risk-Based and Random Testing: SOS Strongly Supports the Proposed Approach

SOS strongly supports the Subcommittee's recommendation that the mandated 5% of operations tested annually include operations selected through both **risk-based criteria and random selection**.

The Fall proposal appropriately recognizes that these approaches serve different but complementary purposes. Risk-based selection directs limited testing resources toward operations, commodities, and circumstances where testing is most likely to identify a problem. Random testing preserves unpredictability and reinforces the expectation throughout the certified community that any operation may be tested.

This is consistent with SOS's previous comments. We have cautioned against a strictly risk-based system because predictability can diminish the deterrent value of testing. At the same time, a testing program that is predominantly random may fail to direct sufficient resources toward known or emerging areas of vulnerability. The value is in the combination.

We also agree with the Subcommittee's decision not to prescribe a fixed percentage of the 5% that must be risk-based. A certifier overseeing numerous higher-risk operations or responding to credible complaints or investigations should reasonably have a different testing profile than a certifier whose client base presents fewer identified risks. The objective should be a defensible testing strategy - not simply compliance with a numerical allocation.

However, the effectiveness of this approach ultimately depends upon what happens after samples are collected**.** A risk-based testing program should generate information that improves the next risk assessment, rather than operate as a series of disconnected testing events. Results should feed back into certification oversight, inform future sampling decisions, identify emerging patterns, and improve our understanding of where vulnerabilities exist. The feedback loop is essential to transforming a testing requirement into an effective organic control tool.

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2. The 5% Requirement as a Floor, not the Definition of an Effective Testing Program

SOS continues to support maintaining the minimum 5% testing requirement. As the Subcommittee notes, the requirement was established following an Office of Inspector General finding that certifiers were not consistently conducting periodic residue testing. The minimum therefore serves an important baseline function across accredited certifiers.

But **5% should be understood as a minimum requirement, not as the measure of whether a testing program is adequate.**

The more important question is whether testing is being conducted at a scale and in a manner capable of identifying meaningful risk. If testing repeatedly produces few or no actionable findings, that result should not automatically be interpreted as evidence that the system is working perfectly. It should also prompt questions about sampling design: What operations are being selected? What commodities are being tested? What analytes are included? When and where are samples collected? Are known areas of vulnerability being adequately represented?

The Fall proposal itself recognizes this concern, observing that low rates of positive findings may be related to the operations selected and the types of tests being performed. This is precisely why testing activity must be evaluated collectively rather than as a series of individual events. **SOS strongly believes the measure of an effective testing program is not simply whether testing occurred, but what the results, taken together, can tell us about risk, vulnerabilities, and where oversight should be focused next.**

3. Data Is the Missing Infrastructure

SOS strongly supports the Subcommittee's continued attention to centralized residue-testing data. We appreciate CACS's encouragement for industry partners to continue developing a centralized database and for certifiers to participate. Valuable testing information is already being generated across certifiers, laboratories, commodities, regions, and supply chains, but the organic program needs a more systematic approach to aggregating and using it. Viewed individually, a result may tell us something about a particular operation. Aggregated, those same results can tell us something about the organic system, helping identify recurring contaminants and emerging patterns, compare trends across commodities or regions, evaluate risk-based sampling strategies, and determine whether changes in oversight are producing better outcomes.

The Fall proposal recognizes this opportunity, noting that while the number of tests conducted by an individual certifier may be relatively small, aggregation across certifiers could produce meaningful data and learning capable of continuously improving testing programs. **SOS believes this point is fundamental.** We therefore continue to recommend that residue-testing activity

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and results be reported in a consistent, structured manner that allows aggregation and program-level analysis.

This does not mean that every element of every laboratory report should be made publicly available without context. Residue findings may reflect drift, unavoidable environmental contamination, or other circumstances that do not demonstrate prohibited use or operator misconduct. Public presentation must provide sufficient context to distinguish a detection from a compliance determination. Those legitimate concerns should shape how data are collected, governed, interpreted, and presented—not whether the organic system learns from the data at all.

At minimum, the system should be capable of evaluating questions such as:

- What is being tested, where, and why?
- What substances are being detected and at what levels?
- What commodities, regions, or supply-chain structures are associated with recurring findings?
- What proportion of findings are ultimately attributed to prohibited use, inadequate prevention, drift, UREC, or other causes?
- Are risk-based samples producing different information than randomly selected samples?
- Are testing strategies changing in response to what the data reveal?
- Are those changes producing measurable improvements over time?

Without the ability to answer questions like these, we are collecting samples without fully using the information they provide.

4. UREC and NOP 2613

SOS strongly supports CACS's continued recommendation that NOP implement the Board's previous recommendation to improve NOP 2613 rather than attempting to solve these issues solely through changes to the regulatory definition of unavoidable residual environmental contamination.

The Fall proposal appropriately recognizes the need for clearer guidance where residues are detected without an established EPA tolerance or FDA action level and where contamination appears to result from indirect, unintentional circumstances rather than intentional application or failure to follow an Organic System Plan.

This issue illustrates an important principle: **a laboratory detection is information; it is not, standing alone, a determination of cause or culpability.**

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Testing should trigger appropriate evaluation. The certifier must then consider the result in the context of the Organic System Plan, contamination-prevention practices, surrounding land uses, potential drift pathways, records, inspection findings, and other relevant evidence.

Clear, science-based guidance is therefore essential both to protect organic integrity and to protect compliant producers from inappropriate adverse consequences resulting from contamination outside their control.

SOS supports maintaining rigorous expectations for contamination prevention. At the same time, operators who have implemented appropriate prevention measures should not be treated as though an unavoidable environmental detection is equivalent to intentional prohibited-substance use.

A robust testing system must be capable of making that distinction.

5. Downstream Communication: The Fall Approach Is a Meaningful Improvement

SOS appreciates the Subcommittee's refinement of the discussion around downstream notification. In previous comments, we expressed concern that a broad downstream-notification requirement could become administratively burdensome, create unintended consequences, and divert resources from more effective compliance activities.

The Fall proposal takes a more targeted approach. It focuses on information-sharing in limited circumstances involving confirmed fraud, willful violations, or significant noncompliance and clearly distinguishes such communication from a recall, stop-sale order, mandatory reporting system, or product-disposition program. SOS supports this direction.

Information about confirmed organic integrity concerns can be highly valuable to downstream operations conducting supplier oversight, traceability reviews, risk assessments, testing, and fraud-prevention activities. The key is ensuring that communication is appropriately focused on **confirmed and meaningful integrity concerns** and does not transform unresolved findings, trace detections, or UREC events into unnecessary supply-chain disruption.

Closing: Testing the System, Not Just the Product

SOS appreciates the significant progress reflected in this proposal and strongly supports its continued advancement. We encourage the organic sector to think beyond residue testing as a requirement applied to 5% of certified operations and recognize its larger potential as a tool to **verify the effectiveness of the organic control system itself**. Organic certification tells us whether required systems and controls are in place; residue testing provides an independent

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means of evaluating whether those systems and controls are producing the outcomes we expect.

A mature testing program should create a continuous feedback loop:

risk informs testing → testing generates data → data identifies patterns → patterns improve risk assessment → improved risk assessment strengthens oversight.

The organic sector is generating information every year through mandatory testing. We should be learning from it. When results are aggregated and analyzed appropriately, they can help NOP and certifiers identify vulnerabilities, evaluate whether preventive controls are effective, target limited oversight resources, recognize emerging risks, distinguish systemic problems from isolated events, and measure whether interventions are actually working.

This is particularly important as organic supply chains become increasingly complex and global. A process-based certification system remains the foundation of organic integrity, but process verification is strengthened when it is paired with independent information capable of testing whether those processes are delivering the expected result.

Residue testing should therefore be understood not only as a tool for finding prohibited substances, but as a tool for measuring, learning from, and continually strengthening the organic control system.

We appreciate the Subcommittee's thoughtful work and the opportunity to continue contributing to this important effort.

With gratitude,

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