STRENGTHENING ORGANIC SYSTEMS, LLC

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 Discussion Doc: Consistency in Organic Seed Use

Dear NOSB Certification, Accreditation, & Compliance Subcommittee (CACS),

Strengthening Organic Systems (SOS) appreciates the continued work of the CACS on organic seed use. We are encouraged that the Fall 2026 Discussion Document recognizes both the need for more robust commercial availability searches and the importance of continued progress toward increased organic seed use.

SOS continues to believe that **organic seed is foundational to organic agriculture and that the long-term goal of the organic standards should be increasing the use of organic seed and planting stock.**

We support many of the proposed improvements to NOP Guidance 5029, particularly clearer documentation of commercial availability determinations, forward-looking sourcing strategies, and stronger certifier evaluation of an operation's progress. However, we believe one fundamental issue must remain at the center of this work: **Guidance cannot substitute for a clear regulatory requirement for continuous improvement.**

<u>SOS Supports the OTA Seed Task Force Comments</u>

SOS is an active member of the Organic Trade Association Seed Task Force and strongly supports the Task Force comments submitted for the Fall 2026 meeting. The Task Force brings together seed producers, breeders, growers, certifiers, and other organic stakeholders working collaboratively to increase the availability and use of organic seed and planting stock.

We particularly support the Task Force's central message that **organic agriculture starts with organic seed, organic seed farmers are organic farmers, and increasing organic seed usage is a sector-wide challenge that requires a system-wide solution.**

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SOS also strongly supports the Task Force's emphasis on the need for better, independent and verifiable data on both organic seed availability and demand. The lack of reliable information limits the ability of growers to identify organic options, certifiers to consistently evaluate commercial availability, seed producers to make informed production and investment decisions, and policymakers to understand where opportunities and constraints exist.

For these reasons, SOS supports the Task Force's work to develop a blueprint for an organic seed database, including evaluation of its viability, governance and funding; development of trusted and time-stamped availability information; simplification of sourcing and compliance documentation; and generation of better data to inform policy and investment.

We see this work as highly complementary to the regulatory and certification improvements discussed below. Better data can help identify where organic seed is available and where genuine commercial availability constraints remain. A stronger regulatory framework can create the demand signal necessary to expand that availability. And effective certification and accreditation oversight can ensure that the commercial availability exception is being applied as intended.

Together, these pieces can move the organic sector from documenting the continued use of nonorganic seed toward systematically identifying and addressing the barriers that prevent greater organic seed use.

Organic seed strengthens organic systems

Organic seed is more than a compliant production input. A strong organic seed sector creates the opportunity for varieties to be bred, selected, trialed, and produced within the organic systems in which they ultimately need to perform. Organic production presents distinct agronomic conditions and challenges, and varieties developed and evaluated under organic conditions can be selected for characteristics that support successful performance in those systems.

There is, in this sense, a kind of agronomic memory built through the continued development of seed within organic systems - generation after generation of breeding, selection, trialing, and production informed by the conditions organic farmers actually face. Organic seed producers and breeders are not simply supplying an input; they are developing and maintaining genetic resources specifically relevant to organic agriculture.

This is why the Task Force's reminder that **organic seed farmers are organic farmers** is so important. Supporting organic seed use strengthens the farmers, breeders, seed companies, research, knowledge, and genetic resources upon which resilient organic production depends.

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It is also why demand matters. Without a reliable market for organic seed, there is less incentive and fewer resources to breed, trial, produce, and maintain varieties for organic systems. The commercial availability exception should accommodate legitimate gaps in availability; it should not become a permanent substitute for building the organic seed supply the organic sector needs. A clear expectation of continuous improvement provides an essential demand signal for that development.

Continuous improvement requires a regulatory foundation

SOS continues to strongly support the 2018 NOSB recommendation to amend § 205.204 to require certified crop producers to demonstrate improvement in the searching, sourcing, and use of organic seed and planting stock over time, with the goal of maximizing organic seed use.

The Fall 2026 Discussion Document appropriately recognizes that progress may not follow a perfectly linear path. Crop rotations change. Varieties change. Pest and disease pressures emerge. Markets change. An operation may therefore increase organic seed use one year and encounter legitimate commercial availability constraints the next. Additionally, farms need the flexibility to understand their supply chain, agronomic conditions, and specific business needs and apply them within the framework of continuous improvement.

For that reason, SOS supports a requirement for **demonstrable continuous improvement annually, or over another appropriate timeframe based on the operation and crop**, rather than a rigid requirement for a year-over-year numerical increase.

But flexibility in measuring progress should not be confused with an absence of obligation.

The regulation should establish the expectation that certified operations continually work toward greater organic seed use. Guidance can then explain how operations demonstrate that progress through proactive sourcing, earlier searches, contracting, trials, evaluation of alternative varieties, and other appropriate strategies.

This distinction is important. The history of this issue demonstrates that guidance cannot independently establish a continuous-improvement requirement where the regulation does not provide that foundation. SOS therefore encourages NOSB to continue improving Guidance 5029 **while simultaneously reaffirming its 2018 recommendation and urging NOP to initiate rulemaking to amend § 205.204.**

Proactive sourcing should be the objective

SOS supports CACS's proposal that operations using nonorganic seed develop a plan for increasing organic seed use in the future. The proposed examples - advance contracting, earlier seed searches, and variety trials - move commercial availability in the right direction: away from

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a documentation exercise conducted after a purchasing decision and toward **proactive sourcing intended to increase the likelihood that organic seed can actually be obtained.** A regulatory continuous-improvement requirement provides the necessary foundation for this approach.

The question should increasingly become not simply, *"Did the operation contact three sources?"* but rather, *"What reasonable steps is the operation taking to improve its ability to source and use organic seed?"*

That is a more meaningful measure of compliance and a stronger market signal to organic seed producers.

Apply risk-based certification to organic seed oversight

SOS also encourages NOSB and NOP to consider organic seed commercial availability within the broader movement toward **risk-based certification and accreditation oversight.** This approach. is critical because not every certified operation presents the same compliance concern, and certifier resources should not be expended equally on every seed search.

Certifiers should use available information to identify operations warranting greater scrutiny. Relevant indicators could include:

- extensive or repeated use of nonorganic seed;
- a high proportion of nonorganic seed relative to the operation's overall seed use;
- repeated reliance on the same commercial availability justification;
- inadequate or poorly documented search efforts;
- failure to implement previously identified sourcing strategies; or
- previous noncompliances related to organic seed sourcing or commercial availability.

For operations demonstrating high organic seed usage, strong sourcing practices, and a history of compliance, review can appropriately be less intensive. Conversely, operations with significant reliance on nonorganic seed or a history of inadequate sourcing efforts should receive a more robust evaluation during inspection and certification review.

This is not about increasing paperwork across the board. It is about directing certification resources where stronger oversight is most likely to improve compliance and organic seed use.

NOP could apply the same risk-based principle to accreditation

Risk-based oversight should extend one level higher. NOP could evaluate how accredited certifying agents are implementing the organic seed and commercial availability requirements and focus accreditation scrutiny where data or audit findings indicate inconsistent or insufficient oversight.

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Accreditation review could evaluate, for example, whether a certifier:

- has established meaningful criteria for evaluating an adequate commercial availability search;
- consistently evaluates the form, quality, and quantity justification provided by operations;
- considers an operation's historical organic seed usage and sourcing efforts;
- follows up when operations repeatedly rely on nonorganic seed; and
- appropriately identifies and escalates inadequate commercial availability searches.

This creates an important accountability chain:

⇒ **Operations demonstrate proactive sourcing and progress. Certifiers evaluate those efforts based on risk. NOP evaluates whether certifiers are applying the requirement consistently and effectively.**

A regulatory requirement for continuous improvement provides the anchor for that entire system.

Keep the regulatory signal clear

SOS appreciates the substantial work reflected in the proposed revisions to Guidance 5029. We support continued refinement of that guidance and efforts to improve organic seed data, sourcing tools, research, and marketplace transparency. Those tools are complementary, however, and should not replace the regulatory action that has been pending since the NOSB's unanimous 2018 recommendation.

The organic regulation should clearly establish the destination:

⇒ **Continuous progress toward maximizing the use of organic seed and planting stock**

Guidance should provide the roadmap for getting there, allowing appropriate flexibility for crops, regions, markets, and individual operations. Risk-based certification and accreditation oversight can then ensure that resources are directed toward the places where progress is not occurring and stronger scrutiny is warranted.

Together, these approaches can create a system that is more effective without simply becoming more burdensome. Most importantly, can send the consistent demand signal needed to support a thriving organic seed sector.

We appreciate the Board's continued work on this issue and the opportunity to contribute to its development.

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