



Florida Certified Organic Growers & Consumers, Inc.  
P.O. Box 12311 Gainesville, FL 32604  
352-377-6345 phone, 352-377-8363 fax  
fog@foginfo.org  
www.foginfo.org

Comment on Docket Number NRCS-IR-08005  
Environmental Quality Incentives Program

April 16, 2009

Financial Assistance Programs Division  
U.S. Department of Agriculture  
Natural Resources Conservation Service  
1400 Independence Avenue, SW.  
Room 5237S  
Washington, DC 20250-2890

Dear NRCS:

Thank you for the opportunity to comment on the Interim Final Rule (IFR) for the Environmental Quality Incentives Program (EQIP). Florida Certified Organic Growers and Consumers, Inc. (FOG) submits the following.

FOG is a 501(c)(3) not-for-profit corporation committed to promoting organic and sustainable agriculture and just food systems through educational outreach and collaboration with producers and consumers, schools and community stakeholders, universities, allied non-profits, government agencies and policymakers.

FOG staff conduct, coordinate, and participate in educational events in a diversity of areas relating to organic agriculture at local, state, regional, national, and international venues. FOG staff administer a wide range of programs including public policy analysis and development, local food systems development, organic and sustainable agriculture educational outreach, agricultural social justice, and an organic certification program. To meet the demands of the rapidly growing organic industry, FOG operates Quality Certification Services (QCS), one of the country's leading organic certification programs that provides verification of the organic integrity of organic farming and processing systems, providing agricultural operators a valuable means for differentiating their products in the marketplace.

The following comments are based on three areas of EQIP that Congress, in the 2008 Farm Bill, directed NRCS to modify. First, organic agriculture should be included as a nationwide program priority. Second, eligibility requirements should include organic and transition to organic programs. Third, EQIP should provide technical and financial support to producers transitioning to organic production.

**General Comments:**

- In recognition of the conservation benefits of organic systems, NRCS should acknowledge organic agriculture's new nationwide program priority status and issue a directive to state conservationists to support these changes. In addition to organic farming and ranching systems and to further the stated conservation goals of the new administration, the following should also be restored to EQIP's list of national priorities: Energy Conservation, Conservation Practices and Habitat for Native and Managed Pollinators, and Sustainable Grazing Management Systems.
- All eligible organic and transition to organic producers should have the opportunity to participate in

EQIP, regardless of where they reside.

- In reference to the ranking pools to address specific concerns, Organic Conversion Support applicants should be considered in a separate sub-category. These applicants should be grouped and ranked on their relative merits.
- Organic Conversion Support should be funded from separate funds, with a recommended set aside of five percent of EQIP funds, as is set aside for socially disadvantaged and beginning farmers and ranchers.
- The Final Rule should clarify that the \$80,000 cap (\$20,000 per year) applies specifically and only to Organic Conversion Assistance and that the regular \$300,000 cap applies to all other organic producers not applying for the Organic Conversion Assistance.
- Just as NRCS will consider, as the Federal Register states, “a plan developed in order to acquire a permit under a water or air quality regulatory program as equivalent to a plan of operations, if the plan contains elements equivalent to those required in a plan of operations”, NRCS should also allow Organic System Plans, written in compliance with the National Organic Program, in the EQIP application process.
- To expand NRCS’s organic expertise and to ensure the success of the program, NRCS should, as granted in the Federal Register, enter into cooperative agreements or contracts with other federal, state, or local entities, non-governmental organizations and private consultants. For example, to avoid redundancy and maximize bureaucratic efficiency, USDA-accredited organic certifying agents should be utilized to assess an Organic Conversion Support recipient’s compliance.

### Specific Comments:

#### §1466.3 Definitions.

- To the definition of “Conservation practice”, add “*organic system plans*” and “*transition to organic management plans*”.
- To the definition of “Technical Assistance”, add “*organic planning*” to read:
  - (1) Technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, *organic planning*, technical consultation, and assistance with design and implementation of conservation practices.
- To the definition of “Technical Service Provider”, add “*or operating under a cooperative agreement with NRCS*”, to read:
  - “Technical Service Provider” (TSP) means an individual, private-sector entity or public agency certified by NRCS *or operating under a cooperative agreement with NRCS* to provide technical services to program participants, in lieu of or on behalf of NRCS.

#### §1466.8 Program requirements.

- Subsection (b)(4): add “*an Organic System Plan, a Transition to Organic Plan, or*” to read:
  - Submit an EQIP plan of operations, *an Organic System Plan, a Transition to Organic Plan, or* a plan developed for the purposes of acquiring an air or water quality permit. . .
- Subsection (e): add “*and an additional five percent of EQIP funds for organic conversion support*”

#### §1466.11 Technical services provided by qualified personnel not affiliated with USDA.

- Subsections (a) and (b): add “*or operating under a cooperative agreement with NRCS*”, to read:
  - (a) NRCS may use the services of qualified TSP’s *or operating under cooperative agreement with NRCS* in performing its responsibilities for technical assistance.
  - (b) Participants may use technical services from qualified personnel of other Federal, State and local agencies, Indian Tribes, or individuals who are certified as TSP’s by NRCS *or operating under a cooperative agreement with NRCS*.
- Subsection (c): add “*organic planning*”, to read:
  - (c) Technical services provided by qualified personnel not affiliated with USDA may include, but

are not limited to: conservation planning; *organic planning*; conservation practice survey, layout, design, installation, and certification; and information, education and training for producers.

**§1466.20** Application for contracts and selecting applications.

- Subsection (2): add “*and those transitioning to organic production*”, to read:
  - (2) The State Conservationist, to the greatest extent practicable, will group applications of similar crop, forestry, and livestock operations, *and those transitioning to organic production*, for evaluation purposes.

**§1466.21** Contract requirements.

- Subsection (b): add a new subsection (vi) to read:
  - *(vi) Implement an Organic System Plan or a Transition to Organic Plan when the EQIP plan of operations addresses organic production or transition to organic production.*

**§1466.23** Payment rates.

- Subsection (c)(iv): add a new subsection (H) to read:
  - *(H) Transition to organic production.*

**§1466.26** Contract violations and terminations.

- Subsection (f): replace “or has been decertified” with “*or if the organic certificate has been surrendered by the operations or suspended or revoked by the certifying agent*”.

In keeping with Congress’ direction and the goals of President Barack Obama and Agriculture Secretary Tom Vilsack, FOG asks for prioritization, especially in regards to funding, of education and technical assistance of organic and sustainable agricultural practices. These production systems offer many conservation and environmental benefits. At the same time, support for practices that are major contributors to environmental degradation should be de-emphasized and eventually eliminated.

Thank you for your consideration of these comments and recommendations. FOG looks forward to seeing the goals of NRCS and the Environmental Quality Incentives Program realized and hopes to be of service in making that happen.

Sincerely,

Marty Mesh  
Executive Director  
Florida Certified Organic Growers and Consumers, Inc.