

To: National Organic Program, Agricultural Marketing Service, U.S. Department of Agriculture

Docket: AMS-NOP-26-1321; NOP-26-08

Re: National Organic Program: Notice of Intent To Extend a Previously Approved Information Collection (Strengthening Organic Enforcement) (2026), OMB Control No. 0581-0321, 91 FR 53598 (Aug. 19, 2026)

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I submit this comment in my individual capacity. The views are my own and do not represent Middle Tennessee State University.

I. Summary

Office of Management and Budget (OMB) Control No. 0581-0321 is the paperwork approval for the Strengthening Organic Enforcement (SOE) rule, the 2023 rule that tightened oversight of the organic supply chain (U.S. Department of Agriculture, Agricultural Marketing Service [USDA AMS], 2023). The Agricultural Marketing Service (AMS) estimates its paperwork burden at 231,617 hours a year (USDA AMS, 2026a): the total time that all certified operations, certifying agents, inspectors and foreign governments together are expected to spend each year completing the forms, plans and records the rule requires. This comment examines that estimate. Every "hours" figure below is a part of it.

I support the one-year extension of 0581-0321 and AMS's plan to fold its activities into the main National Organic Program (NOP) paperwork approval, OMB Control No. 0581-0191. I also agree with the notice that one item is now obsolete: the one-time task of existing operations updating their Organic System Plan (OSP), the written plan every certified operation keeps describing how it meets organic standards, to add the new fraud-prevention requirements. The rule has been fully in effect since March 19, 2024.

My comment addresses the accuracy of the burden estimate and the quality, utility, and clarity of the information collected. It is based on the burden spreadsheet AMS posted to the docket (AMS-71 Grid; USDA AMS, 2026b; "the grid") and on the U.S. Organic Certification Panel, an open dataset I built from eleven public snapshots of the Organic INTEGRITY Database (OID; USDA AMS, 2026d) taken between March 2017 and October 2026 (Adesiyan, 2026). I find:

- The grid still contains the one-time burden the notice says is being removed. Two one-time lines, totaling 50,728 hours (21.9% of the 231,617 hours requested), remain in the total.
- The grid sets the recurring first-time burden on newly certified operations to zero, although new entry has run well above its pre-rule level since the rule took effect.
- The grid counts 15,424 NOP Import Certificates requested by exporters but 80,109 issued by certifiers and verified by importers.
- Some OID records are out of date, and some operations leave the listing with no recorded exit status.

II. The grid keeps the one-time burden the notice says it removes

The notice states that the approved collection "included respondents who needed to comply with the new provisions of the SOE final rule for the first time (a one-time reporting burden to update an operation's existing Organic System Plan)," that this category "is now obsolete," and that AMS "intends to remove them from the estimate" (USDA AMS, 2026a). The grid that produces the requested total of 231,617 hours (185,981 reporting hours plus 45,636 recordkeeping hours; I confirmed that the line items sum to these totals) still includes that category, and a second one-time line alongside it:

- Grid row 16: "Currently certified operations (farmers and handlers) must now include a description of the new monitoring practices and procedures ... when they update their OSP." 50,728 respondents × 0.5 hours = 25,364 hours.
- Grid row 27: certifying agents "upload all data for each operation into Organic Integrity Database and issue certificates of organic operation using federated organic certificate template for the first time." 50,728 responses = 25,364 hours.

Together these account for 50,728 hours, or 21.9% of the requested total. Both describe things done once, when the rule took effect. With those two lines removed, as the notice describes, the total would be about 180,889 hours, not 231,617. The companion notice for 0581-0191 defines the one-time burdens it will not carry over as "organic operations updating their existing OSPs and accredited certifying agents developing new procedures as required by the rule" (USDA AMS, 2026c). By that definition, grid rows 29–31 (certifying agents developing fraud-prevention, staffing and mediation procedures, 300 hours) are one-time as well. The grid is also headed "DRAFT" and its "Date Prepared" field reads "DRAFT," so it may not be the version AMS intends to submit.

Request 1. Remove the one-time lines from the estimate submitted to OMB, or explain why they continue to recur. Submit a dated, final grid, and state in the supporting statement the reporting and recordkeeping hours separately, since the notice's average of about 12 responses per respondent counts each of the 50,811 recordkeepers as a response.

III. The recurring first-time burden on new entrants is set to zero

At the same time, the grid sets to zero the burden that does recur. Grid row 15 covers "new operations that are required to be certified" and must include the fraud-prevention description "in their initial Organic System Plan": 0 respondents. Grid row 14 covers traders and brokers that "are now required to be certified as organic and must submit initial Organic System Plan": 0 reporting respondents at 40 hours each (only the recordkeeping line, 3,364 recordkeepers × 10 hours, is kept). In effect, the grid keeps the burden on operations that already updated their plans and drops the burden on operations that are newly writing one, which is the reverse of what the notice describes.

New entry has not stopped. In 2025, 8,593 operations worldwide (3,051 of them U.S.-located) entered certification and had to meet the fraud-prevention requirement of 7 CFR 205.201(a)(3) for the first time. At the grid's own 0.5 hours per plan, that is about 4,297 hours a year for row 15 alone, before any traders and brokers at 40 hours each. Entry is also concentrated where the rule narrowed exemptions. Figure 1 shows new certifications of U.S.-located handling-only operations: 876 a year on average in 2018–2023, then 2,684 in 2024 (3.1 times the average) and 1,525 in 2025 (1.7 times). Worldwide, new handling-only certifications averaged 179 a month from July to December 2023 and reached 524 in March 2024, the month the rule took full effect.

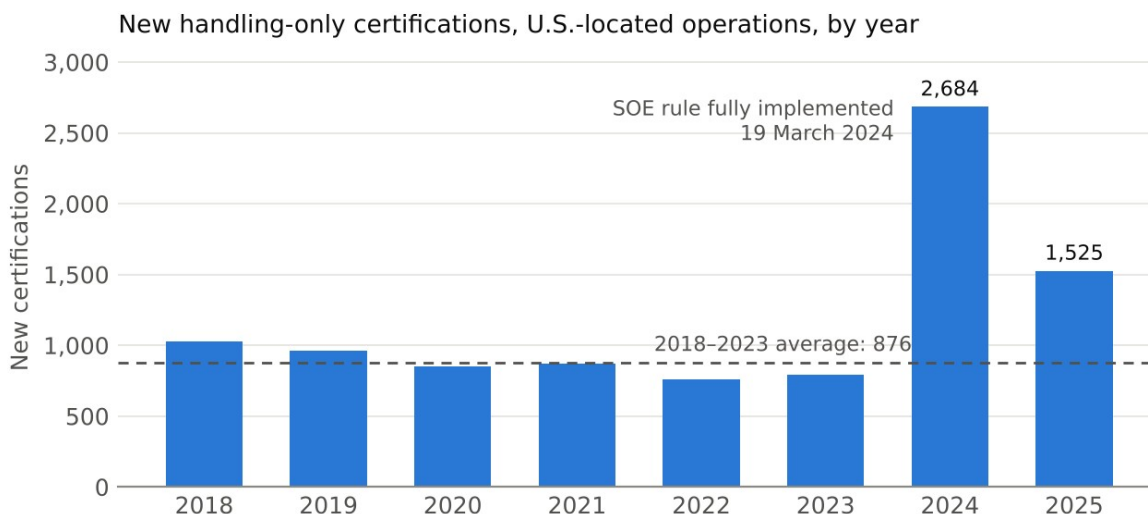


Figure 1. New certifications of U.S.-located handling-only operations, 2018–2025 (complete calendar years). Handling-only operations are certified for handling and for no crop, livestock, or wild-crop scope; this group includes the traders and brokers the SOE rule brought into certification. Excludes operations re-certified under a new certifier. Source: Adesiyan (2026).

The grid's count of 50,728 certified operations is close to OID's: the panel counts 50,635 certified operations on October 1, 2026. That stock has grown 10.9% since January 3, 2024 (45,652), and handling-only operations have grown 32.3% (14,821 to 19,611). The grid gives no date for its count.

Request 2. Replace the zeros in rows 14 and 15 with an annual count of newly certified operations and newly certified traders and brokers, which OID data can supply, and state the date of the operation count used throughout the grid.

IV. Import certificates are counted differently on each side

Grid row 20 counts exporters obtaining NOP Import Certificates as 3,856 respondents $\times$ 4 certificates = 15,424 certificates a year. Rows 36–38 count certifying agents issuing 80,109 certificates, and row 21 counts importers verifying 80,109. Every certificate is requested by an exporter and issued by a certifier (7 CFR 205.273(a)–(b)), so the exporter count should match the issued count. If it does, row 20 understates exporter burden by 64,685 responses, or about 32,343 hours at the grid's 0.5 hours each. Rows 20 and 34 also describe Form NOP 2110-1 as approved under 0581-0191, and the companion notice for 0581-0191 lists it among that collection's forms (USDA AMS, 2026c), while this notice lists it as a form in this collection.

Request 3. Reconcile the number of import certificates across exporters, certifiers, and importers, and state which collection carries Form NOP 2110-1 so that its burden is counted once.

V. Quality, utility, and clarity of the information

The notice's burden estimate includes "the electronic data and document management systems governing organic certification of operations and traceability," and OID is the public face of that information. The regulations require certifying agents to "maintain current and accurate data in the Organic Integrity Database" (7 CFR 205.501(a)(15)), and NOP Import Certificates are issued through it (7 CFR 205.273(b)). Two patterns in the public data limit how useful that information is to buyers, researchers, and AMS itself.

Record currency. Each OID record carries a "Data as of" date, the last time the certifier updated it. At October 1, 2026, the median certified record had been updated 78 days earlier, which is consistent with annual renewal. But 1,763 certified operations (3.5%) had records more than a year old, and 20.3% had records more than six months old. Because certified operations must submit an updated plan every year to continue certification (7 CFR 205.406(a)), a record that has not been updated in over a year may not reflect the operation's current status or scope.

Exits without a recorded status. Operations normally leave OID through a recorded surrender, suspension, or revocation. In the panel, 694 operations in 2024 and 804 in 2025 disappeared from the listing between snapshots with no exit status recorded and no match to a new certifier. Some of these are likely clerical removals or merged records, but a buyer checking a supplier cannot distinguish them from operations that stopped being certified.

Request 4. Require that an operation's record show a final status (surrendered, suspended, revoked, or transferred) before it is removed from the listing, and keep closed records searchable for a stated period. Report in the supporting statement the share of OID records updated within the past 12 months.

Request 5. Publish aggregate statistics from NOP Import Certificates (for example, number of certificates by month, country of export, and product category). These data are already collected electronically, through OID and the Automated Commercial Environment of U.S. Customs and Border Protection. Aggregates would let the public see whether import oversight is working, which is the main purpose of the SOE rule, without disclosing confidential business information.

VI. Consolidation into 0581-0191

The companion notice for 0581-0191 (Docket AMS-NOP-26-1024, comments due November 24, 2026) says AMS will fold SOE burden into that collection, revising estimates to "eliminate overlapping or duplicative estimates," adding SOE's unique burdens, and that it "does not intend to carry over one-time burdens" (USDA AMS, 2026c). That is sensible, and it is the standard this comment applies to the present grid. The issues above show why the transfer needs to be visible: one-time lines remain in this grid, recurring lines are set to zero, and Form NOP 2110-1 is already attributed to 0581-0191. Because the two notices use different averages (about 12 responses and 0.375 hours per response here, about 9.1 responses and 8.3 hours per response there), the public cannot tell from the notices whether each SOE requirement is carried over once and only once.

Request 6. Publish a crosswalk with the consolidated request that lists each line of the 0581-0321 grid, the line in the revised 0581-0191 estimate where it appears, and its respondents and hours before and after.

VII. Technical correction

The notice (USDA AMS, 2026a) cites the SOE final rule as "January 19, 2023 (85 FR 47536)." 85 FR 47536 is the proposed rule of August 5, 2020; the final rule is at 88 FR 3548 (USDA AMS, 2023), which is how the companion notice for 0581-0191 cites it (USDA AMS, 2026c).

VIII. Data and methods

Grid figures are taken from the AMS-71 Grid (USDA AMS, 2026b) as posted on August 26, 2026; I summed its line items to confirm the totals. OID counts are from the U.S. Organic Certification Panel, version 1.0.0 (Adesiyani, 2026), which reconstructs certification spells for every operation listed in OID's public Data History files. It is released under CC BY 4.0 with its code. Certified counts are operations with status "Certified" in a snapshot. New certifications are spells whose start date falls in the year,

excluding spells that continue an operation's certification under a new certifier. Exits without a recorded status are operations absent from a snapshot without an exit status and not linked to a new certifier; the panel dates them to the first snapshot from which they are missing. Snapshots are roughly annual, so short-lived changes between snapshots are not observed. The script that produces the figures in this comment is available from me on request.

References

- Adesiyani, T. F. (2026). *The U.S. Organic Certification Panel* (Version 1.0.0) [Data set]. Zenodo.
<https://doi.org/10.5281/zenodo.23130739>
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- U.S. Department of Agriculture, Agricultural Marketing Service. (2026a). National Organic Program: Notice of intent to extend a previously approved information collection (Strengthening Organic Enforcement) (2026). *Federal Register*, 91(159), 53598–53599. Docket AMS-NOP-26-1321.
- U.S. Department of Agriculture, Agricultural Marketing Service. (2026b). *AMS-71 Grid: National Organic Program: Strengthening Organic Enforcement (SOE), OMB No. 0581-0321* [Draft burden spreadsheet]. Regulations.gov, Document AMS-NOP-26-1321-0002, posted August 26, 2026.
- U.S. Department of Agriculture, Agricultural Marketing Service. (2026c). National Organic Program: Notice of intent to extend and revise a previously approved information collection (2027). *Federal Register*, 91(185), 60927–60929. Docket AMS-NOP-26-1024.
- U.S. Department of Agriculture, Agricultural Marketing Service. (2026d). *Organic INTEGRITY Database: Data history*. Retrieved October 1, 2026, from <https://organic.ams.usda.gov/integrity/>