

I fought the law, and the law won? What happens next?

Going Beyond the Battle for  
Organic with the USDA

A long time ago, far, far away....



Organic meant grown in healthy soil  
filled with life.



Sir Albert Howard, author of Soil And Health, and An Agricultural Testament

“The health of soil, plant, animal and man is one and indivisible.”

Before organic was a “brand.”



Organic livestock meant grown with respect and care for the animals



# Organic dairy meant access to pasture grown in fertile soil





Tending the life in the soil was the basis  
for ALL organic farming



# The 1980 USDA report on Organic Farming:

- **“Soil is the Source of Life.** Soil quality and balance (that is, soil with proper levels of organic matter, bacterial and biological activity, trace elements, and other nutrients) are essential to the long-term future of agriculture. Human and animal health are directly related to the health of the soil.”
- **“Feed the Soil, Not the Plant -** Healthy plants, animals, and humans result from balanced, biologically active soil.”



# The 2010 National Organic Standards Board (NOSB) recommendation on greenhouse standards:

“Systems of crop production that eliminate soil from the system, such as **hydroponics or aeroponics,** cannot be considered as **examples of acceptable organic farming practices.**”

# The current National Organic Program (NOP) livestock standards

“Continuous total confinement of any animal indoors is prohibited. Continuous total confinement of ruminants in yards, feeding pads, and feedlots is prohibited.”

I thought things were going pretty well.

# But the Empire struck back



Hacking the National Organic Program: A Quiet Takeover



People discovered there was money in organic.



And money was like blood in the water.





In 2014, the NOP issued a statement saying that **hydroponic production is allowed in organic** certification. This was the first time ever that the NOP acted in opposition to an NOSB recommendation. Why?



Organic is what we say it is.





A big question we are asked at the Real Organic Project:

Will a new label confuse the market?

If you aren't confused, you aren't paying attention.

Since 2010, Driscoll's has put in over 1000 acres of “organic” HYDRO berries





# **Bloomberg Businessweek July 2015**

“Driscoll’s doesn’t disclose financial data but estimates that it has 34 percent market share of U.S. strawberry sales—48 percent in organic.”

-Bloomberg Businessweek July 2015.

**“And do you think the future of that (organic) and other berries will be in substrate production?”**  
**“I don’t think there’s any doubt about that, especially as you have challenges for labor availability and labor cost...”**

**“But it’s happening. In Europe it’s a big part of production and in Australia we are 100% already; in Tasmania on strawberries it’s 100% tabletop strawberry production because it’s easier for the harvesters and in many ways it’s easier for the grower once you get it set up.”**

**-Soren Bjorn, President of Driscoll’s in Fresh Fruit Portal on**

**Nov 2017**



**“Would you say it’s the same in blueberries?”**

“It’s the same in blueberries, but in blueberries what’s happened is when you go to substrate you actually get fruit production much faster and that’s the real big payback.”

- Soren Bjorn, President of Driscoll’s in Fresh Fruit Portal, Nov 2017.





## **Driscoll's testimony at the Jacksonville NOSB meeting in Nov 2017.**

MS. OAKLEY: “I think I remember from the webinar that 14 percent of Driscoll's production is organic. Could you tell me what percentage of that is in ground versus container grown?”

MR. JUSTUS: “In container grown, it's got to be less than one or less than half a percent. These systems are relatively new and small in our overall scheme.”

- Ian Justis, Senior Manager of Controlled Environment Production at Driscoll's.



“In the U.K. when I first went there 11 years ago maybe 5% of the business was in tabletops for strawberries. Today it’s 65%.” - Soren Bjorn, President of Driscoll’s in 2017.



“Thank you for contacting Driscoll’s.

“I received your request for more information on whether we grow our berries with hydroponics.

“Hydroponics is the process of growing plants in sand, gravel, or liquid, with added nutrients, but WITHOUT soil.

**“Driscoll’s does NOT grow hydroponic, aquaponic, or aeroponic crops.”**

- Louanne Haynes,  
**Driscoll’s Customer Service**

- From: [DriscollsDoNotReply@myconsumer.info](mailto:DriscollsDoNotReply@myconsumer.info)  
Date: December 19, 2018 at 5:00:15 PM CST  
To:  
Subject: Driscoll's Consumer Reply: Ref#000342059A

- Dear John,

We appreciate your email. Hydroponics is the process of growing plants in sand, gravel, or liquid, with added nutrients but WITHOUT soil

- **Driscoll's does NOT grow hydroponic, aquaponic or aeroponic crops.**

- Driscoll's supply comes from both in-ground production and containerized production

- **Containerized production is very distinct from hydroponics, which is a water-based production system.**

\*\*\* Containerized production exemplifies the organic spirit and uses significantly less water



Are you confused yet?

# Organic Trade Association on hydroponics

**“Nate Lewis of the Organic Trade Association said that little distinguishes a container system from a hydroponic system. ‘There really isn’t much difference,’ he said.”**

- NY Times on Nov 16, 2016

Five months later.

**“We need a clear distinction between hydroponic and container production. Our view is that container production should not be classified as hydroponic.”**

- Nate Lewis in Agripulse on April 12, 2017.

What changed?



Nate Lewis, lobbyist and former Organic Trade Association Farm Director, quoted in AgriPulse in April 2017.

“Some folks are using the term hydroponic to describe what has traditionally been seen as ‘container production.’ If you’re growing (crops) in a container in a medium that supports biological activity, you’re not a ‘hydroponic’ operation because you don’t have plants floating in water.”

This is a truly bizarre statement. Conventional hydroponic production is in no way limited to plants floating in water, as OTA knew perfectly well.

Hydroponics is growing plants fed entirely or almost entirely through liquid fertilizers. In most conventional hydroponic greenhouse production of tomatoes, cucumbers, and peppers, the plants are grown with their roots in containers of coco coir or rockwool.





Are you confused yet?

“Berries aren’t produced in a factory; they’re grown outside in a dynamic biological environment.”

-Driscoll’s website.



Florida hydroponic “organic” blueberries are ramping up rapidly. As a Dutch friend told me a few years ago, “Organic hydroponic is going to be really big, and it is coming really fast.”





“The flood gates are now open, at least in Florida. New "plantings" of containerized “organic” berry farms are going in all over. With no transition period to wait out, conventional farms are laser-leveling fields, spraying with herbicides, and covering them with plastic weed mat-then setting pots on top. Yes, they are certified organic.

“ This is happening almost overnight. It's a farce. For those who invested in starting berry farms that followed the organic rules, it's a government sponsored fraud.”

-Letter from an organic grower.





Wholesum Harvest grows certified “organic” tomatoes in 58 acres of glass greenhouses. All hydroponic. No soil. Approximate annual retail value of over \$100 million.





“I think portions of OFPA (Organic Food Production Act) focused so much on the soil that it forgot the planet.”

- Jessie Gunn, Marketing Manager Wholesum Harvest  
speaking to Melody Meyer in the Organic Produce Network.

**“ ‘Greenhouse grown’ or ‘Container grown’, even ‘Hydroponic,’ though we don’t produce hydroponically, is not a bad word for consumers.”**



- Jessie Gunn,  
Marketing Manager  
Wholesum Harvest on  
NPR.

If hydroponic is not a bad word, then  
why do they all hide from it?



Are you confused yet?

**“More than half of U.S. tomatoes, for example, are grown in greenhouses in hydroponic containers or similar systems. Lee Frankel, executive director of the Coalition for Sustainable Organics, an avid hydroponics advocate, made his best calculation of such production of all U.S. fresh produce:  
at least \$1 billion in retail sales a year.”**

-Ed Maixner writing in Agripulse in April 2017



**“In addition, even if exemptions were proposed for seedlings and nursery stock, there would still be an impact of well over \$1 billion in reduced production and higher prices for organic tomatoes, herbs, sprouts, mushrooms, peppers, lettuce, cucumbers, berries and other fresh produce.”**

-Lee Frankel editorial in Food Safety News March 2017

# 5 acre “organic” hydroponic lettuce operation in California





Dutch growers can only sell their hydro peppers as  
“organic” in the US.  
In Holland, they are still considered “conventional”.





The USDA is alone in the world in allowing hydroponic and CAFO production to be certified as organic.

**Certified organic hydroponic, aquaponic, and container-based systems constitute an extreme minority of all certified organic operations, or less than 0.4% when combined."**

- Miles McEvoy at the 2016 NOSB meeting



- Less than 1% of the certified organic operations are changing the definition of organic for the other 99%.
- This is because the sales of hydro are far greater than 1% of farm sales.

USDA data showed that **6 organic dairies in Texas produce 23% more milk than all of Wisconsin's 453 organic dairy farms combined.**

USDA reports that in average sales, Texas boasts **\$27.4 million per farm** while Wisconsin is just under \$278,000.



Photo courtesy of Cornucopia Institute



In 2017 the Washington Post rocked the organic world with a series of exposes on fraudulent certification of dairy and egg CAFOs and fraudulent grain imports from Eastern Europe.

Cornucopia Institute filed a formal complaint against Aurora's High Plains "farm".

CAFOs are Concentrated Animal Feeding Operations. This term was created by the USDA.

I call them Animal Detention Centers.

“We determined that Aurora’s livestock and pasture management practices comply with existing USDA organic regulations and NOP policies,” Betsy Rakola, the director of enforcement for the National Organic Program at USDA wrote. “Therefore, the case is hereby closed.”



*Photo from Washington Post*



Betsy Rokola, director of Compliance at USDA, was asked if Aurora was given prior warning about what day they would be “investigated.” She said yes.



“I don’t think it is possible to bring over 1000 cows from pasture to a barn for milking twice a day and still comply with the NOP rules.”

- Francis Thicke  
Former member NOSB.



According to the Washington Post, Aurora Dairy in Colorado has 15,000 cows.

“So far this year 21% of the organic dairies in California have gone out of business. Horizon has cancelled most of the milk contracts.”



- Mark McAfee, Policy board member of Organic Farmers Association

Certified “organic” eggs from Michigan.  
No outdoor access.



Photo courtesy of Cornucopia Institute

Are you confused yet?



# “The Coalition” goes to Washington



On July 17, 2017, Theo Crisantes of Wholesum Harvest testified to the Senate Ag Committee representing the Coalition For Sustainable Organics. He advocated for certification of hydroponic production, “reform” of the NOP, greater representation for large corporations on the NOSB, and an end to efforts to create stronger animal welfare standards for chickens.

# Lobbyists are how they got there.



Anne MacMillan, former Deputy Chief of Staff for Agriculture Secretary Tom Vilsack, worked as a lobbyist for the “Coalition For Sustainable Organics” to arrange appearances before committees of both the Senate and the House of Representatives

“There are more than 1200 lobbyists on the Hill that work for the agriculture and food processing industry. They spend about \$350 million a year on forming opinions in Washington, and that’s more than the defense industry. Don’t underestimate their power.”

Congresswoman Chellie Pingree





Senators Stabenow (representing Herbrucks) and Roberts (representing Cal-Maine). The ranking Democratic and Republican defenders of CAFO Organic on the Senate Ag committee. This is a nonpartisan issue. Finally Democrats and Republicans can agree on something: Certified Organic should include CAFOs.







- In March 2018, the Trump administration finalized their rejection of the OLPP (Organic Livestock and Poultry Practices), commonly known as the Animal Welfare Reform. It was intended to prohibit CAFOs in organic. The animal welfare reform was supported by the entire organic community.

“If all the states with their acreages were included for organic corn and soybeans, the losses (due to fraudulent grain imports) would be close to \$250 million.”



- John Bobbe of OFarm in an open letter to Miles McEvoy. Seen here with Ann Ross from Cornucopia Institute.

2016	Farm sales (millions)	Retail Sales (billions)	Fauxganic (Billions)		source
<i>Eggs-Farm Sales</i>	<i>\$816</i>	<i>\$1.63</i>	<i>\$1.2</i>		<i>USDA</i>
<i>Chickens-Farm Sales</i>	<i>\$750</i>	<i>\$1.5</i>	<i>\$1.1</i>		<i>USDA</i>
<i>Organic Dairy Sales</i>		<i>\$6</i>	<i>\$3</i>		<i>Washington Post/ Cornucopia</i>
<i>Fresh Fruit and Vegetable Organic Sales</i>		<i>\$14.9</i>	<i>\$1</i>		<i>OTA/ Coalition For</i>
<i>Fraudulent Grain imports</i>		<i>\$.25</i>	<i>\$.25</i>		
<i>Total Fauxganic (not counting beef, pork, etc)</i>		<i>\$34.5</i>	<i>6.5 billion dollars</i>		<i>1 fifth of total sales</i>
<i>Let's get wild and cut it in half just to be safe!!!</i>			<i>3.5 billion dollars</i>		<i>This is why we are losing.</i>

# “That’s not right!”



This picture represents an actual conversation I had with a teamworker in Whole Foods. This is not the person I actually talked with.



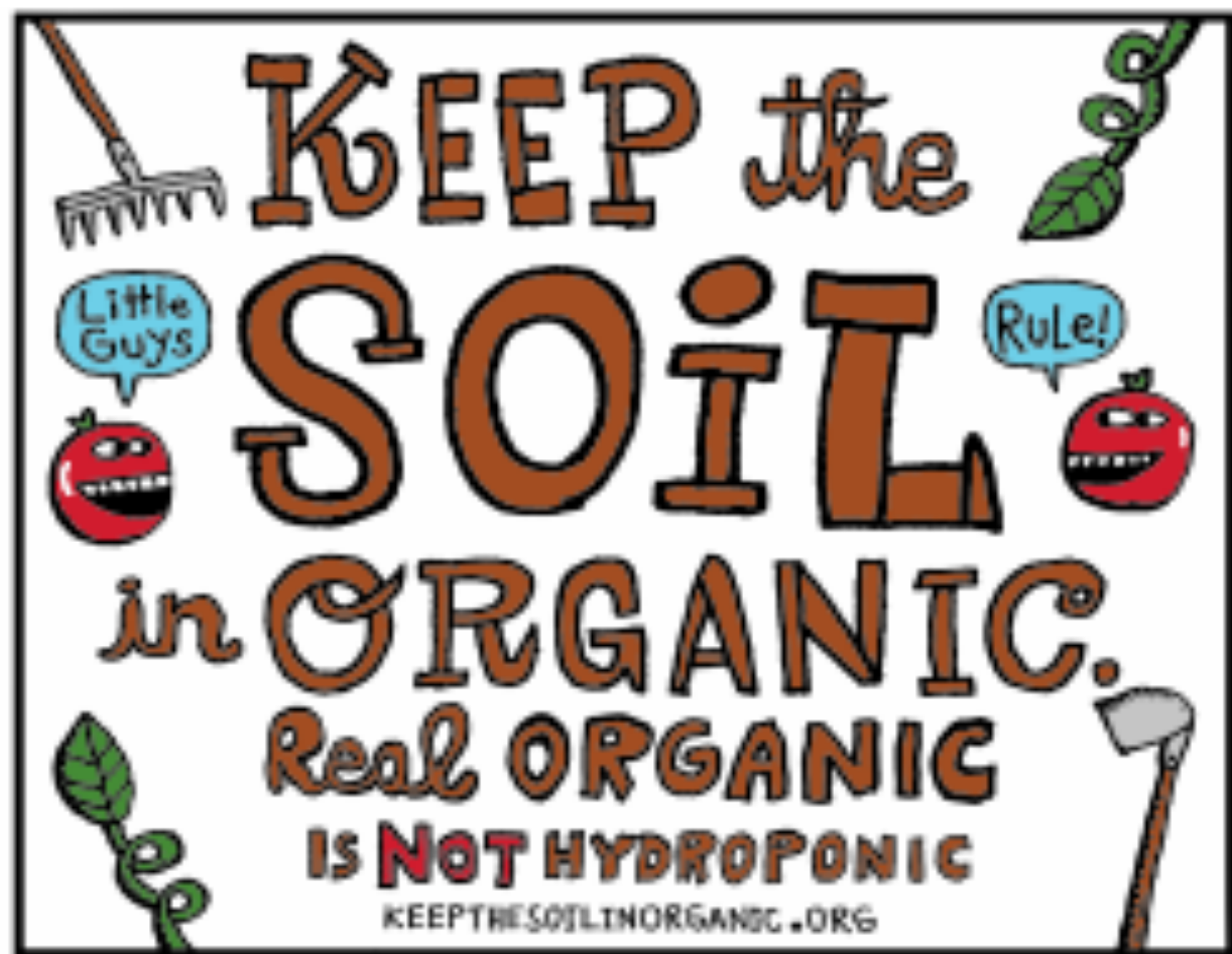
Are you confused yet?

“Organic without soil is like democracy without people.”

- Vermont Lieutenant Governor David Zuckerman



# The Rebel Alliance



KEEP the

SOIL

in ORGANIC.

Real ORGANIC

IS NOT HYDROPONIC

KEEPTHESOILTINORGANIC.ORG



# The first rally in Stowe, VT 2015



We issued a letter calling for a moratorium on new hydro certification. Over 40 organizations signed a letter demanding a moratorium on all new hydroponic certification.

This demand was rejected in a meeting with AMS director Elanor Starmer and NOP director Miles McEvoy.

Senator Leahy joins the fight in 2016, calling on the USDA for a moratorium of new hydro.





# **Rally**<sup>IN THE</sup>**Valley** **+ Tractor Parade!**



**Sen. Patrick Leahy   Rep. Peter Welch**  
**Eliot Coleman**



# The 2016 Rally in Thetford, VT



# 250 farmers and eaters spoke out





“We, the creators, refuse to see the promise of organic farming compromised by profiteers. We won before, and we will win again.”  
Eliot Coleman, farmer.



“Let organic be organic be organic.”  
Senator Patrick Leahy





“The really fake news is that industrial agriculture, large-scale agriculture, monocultures, chemicals, GMOs, and corporations feed the world.”  
- Vandana Shiva



# We won't back down.





# Rallies 2017



There were 17 farmer rallies around the country in 2017, including the final rally at Jacksonville Florida at the November meeting of the NOSB. Over 50 organic farmers and advocates spoke at these rallies calling on the USDA to rejoin the international community and ban hydroponics from organic certification.



# Jacksonville



At the Jacksonville NOSB meeting, it came down to a debate between two sides.

One side advocated for allowing hydroponic. These were the hydro growers, CCOF, OTA, and the Coalition For Sustainable Organic.

On the other side were the organic farmers and eaters.

Jim Riddle was one of over 60 organic farmers who came from around the country to testify.





# The NOSB fails us in Jacksonville.





# The Soil Seven did not fail us.



# OUR Seven Samururai



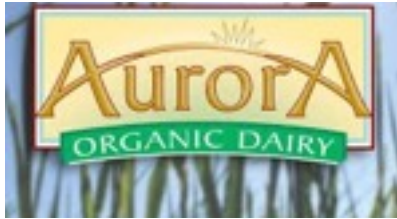
How did we lose?

This has been described as a conflict between the trade and the movement.

But some in the trade joined the movement. Patagonia, Dr. Bronner's, Nature's Path all supported us.



# OTA members





**"Wait a minute! Isn't anyone here a real sheep?"**

Shhh! The Circular Firing Squad.



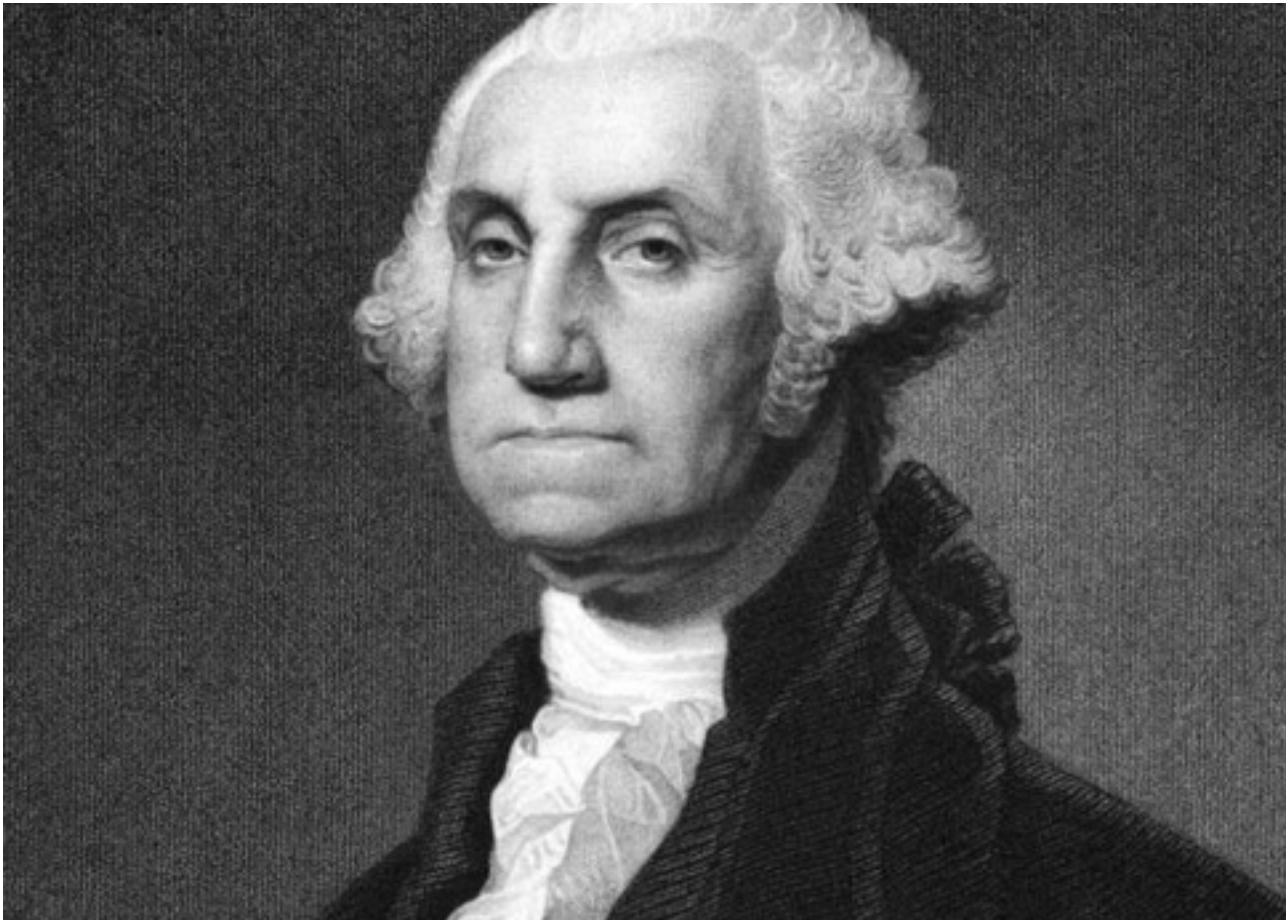
The phrase “circular firing squad” proposes it is better to stay silent to “protect the organic brand” rather than to speak the truth to protect the meaning of organic.

They are suggesting that our best strategy is to remain silent and hope no one notices.

Are you confused yet?



“If the freedom of speech is taken away then dumb and silent we may be led, like sheep to the slaughter.” -George Washington



An old Dutch friend who is a large scale hydroponic producer, came to me to discuss whether he would start producing hydroponic peppers as organic.

I reminded him that I was batting for the other team.  
His response?

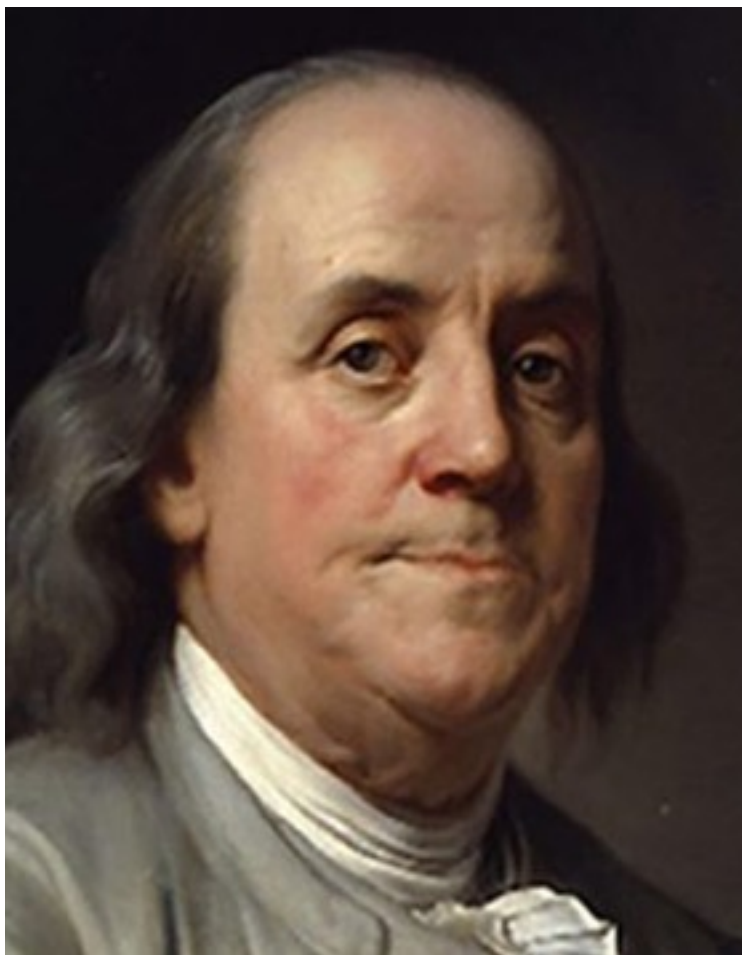
“Well, of course, David, you are REAL organic.”

[Realorganicproject.org](http://Realorganicproject.org)

real  
Organic  
project

The Executive, Standards and Advisory boards are composed of 45 people. They are farmers, scientists, vendors, NGO activists, and eaters. 5 are current NOSB members, 9 are former NOSB members. 3 are NOC board members. 3 are OFA board members. They are highly committed and highly qualified defenders of real organic farming.





**“Democracy is two  
wolves and a lamb  
voting on what to  
have for lunch.**

**Liberty is a well-  
armed lamb  
contesting the  
vote!”**

“If we don’t continue speaking strongly against CAFOs and HYDROs, we are conceding that we have lost the organic label.”

- Francis Thicke, Chair of the Real Organic Project Standards Board and the Organic Farmers Association Policy Committee, former NOSB.



It is time to throw all our energy into reclaiming what has been lost.





We did it before, and we will do it again.





In December of 2018, thirty Vermont farmers met at the NOFA office.



Four months later we created the provisional ROP standards in Fairlee, Vermont. 15 people came from all over the country.





# The Lake Morey Manifesto. 7 provisional standards for the pilot program.



The pilot program begins. Linley Dixon becomes Associate Director of Real Organic Project.





# 60 ROP Pilot Farms certified for 2018

- Common Good Farm, Nick's Organic Farm, Full Belly Farm, Butterworks Farm, Wood Prairie Family Farm, Red Fire Farm, Englebert Farm, Lady Moon Farms, Radiance Dairy, Lola's Organic Farm, Ela Family Farms, Three Springs Farm, Coyote Creek Organic Farm, Wheatfield Hill Organics, Topp Fruits, Many Hands Farm, Waldingfield Farm, Spiral Path Farm, New Morning Farm, Happy Hollow Farm, Box Turtle Farm, Cedar Circle Farm, Middle Branch Farm, John's Farm, Village Acres Farm, Hearty Roots Farm, Osito Orchard, Mesa Winds Farm, Laughing Earth Farm, Alewife Farm, Harlow Farm, Ole Brook Organics, High Meadows Farm, King Grove Organic Farm, Old Athens Farm, Neversink Farm, Roxbury Farm, Dripping Springs Gardens, Kanalani Ohana Farm, Lynn Brakke Organic Farm, The Milkhouse, Plymouth Orchards and Cider Mill, Hummin' Bird Farms, Hobbs Family Farm.

# Harlow Farm in Vermont.



The 60 pilot farmers include 3 current and 5 former members of the NOSB.  
Nick Maravell in Maryland.



# Mike Brownback from Spiral Path Farm in Pennsylvania.





# Steve Ela at Ela Family Farms in Colorado.



# Jennifer Taylor and Ron Gilmore at Lola's Organic Farm





# Jim Riddle and Joyce Ford at Blue Fruit Farm



# Three Springs Farm in Oklahoma.





# Jack and Anne Lazor of Butterworks Farm in Vermont



In 2019, certification for an add-on label of the Real Organic Project will continue. At the present time, there is no economic benefit to the farmers. We do it because we believe in it.

“Progress is never permanent, will always be threatened, must be redoubled, restated and reimagined if it is to survive.”  
-Zadie Smith



“There's a crack in everything - that's where the **light**  
**comes in.**”  
-Leonard Cohen

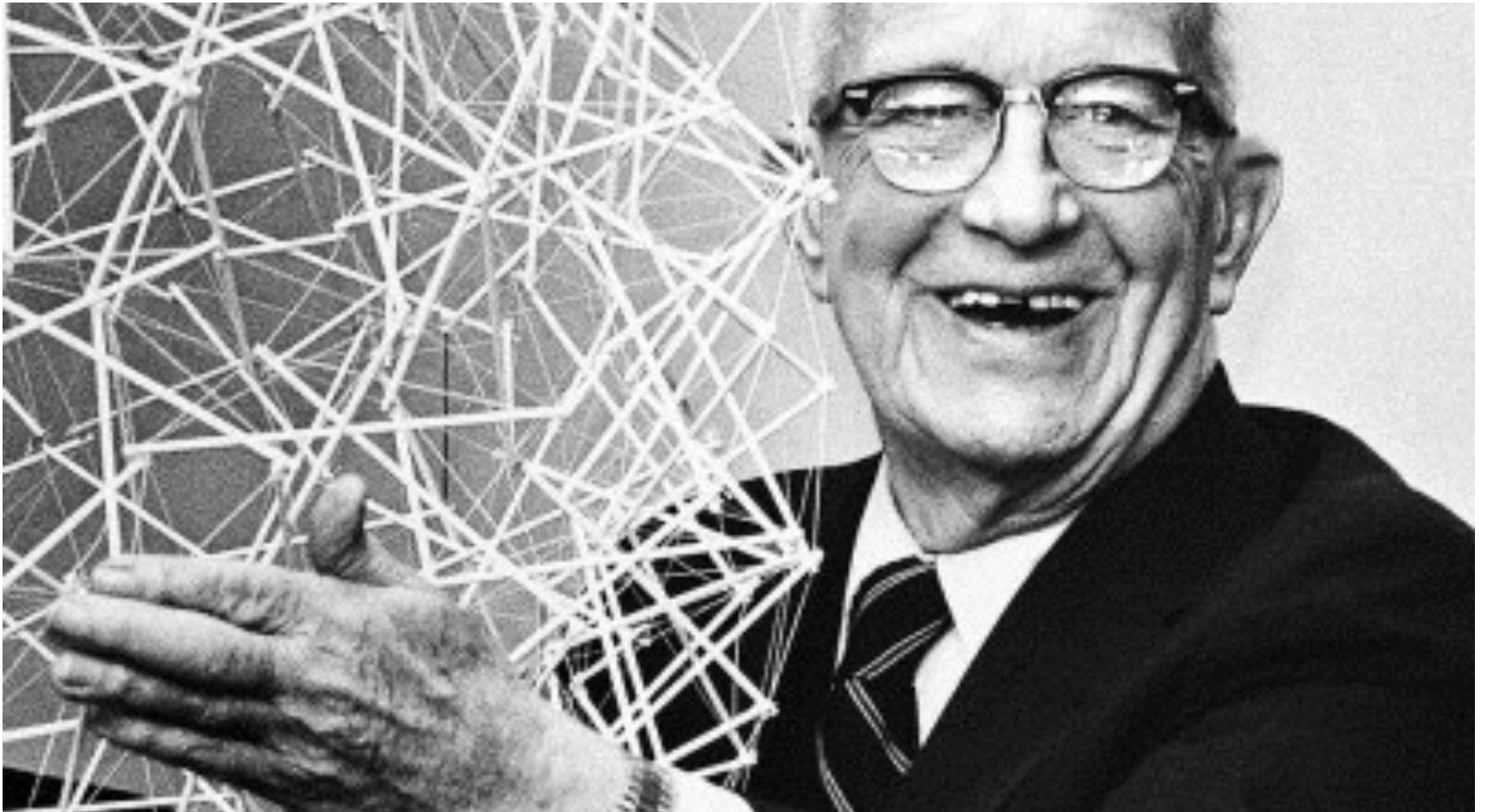




Come to the Real Organic Project Symposium at Dartmouth College on March 2. Hear Eliot Coleman, Anne Bickle, Paul Muller, Emily Oakley, Jean-Paul Courtens, J.M. Fortier, Alan Lewis, Onika Abraham, Cameron Molberg, Linley Dixon, Andy Smith, Caitlin Frame, Jay Feldman, Hugh Kent, Dave Mortensen, Anais Beddard, and Dave Chapman talk about why the Real Organic Project has been created, and what we hope to accomplish.



"You never change things by fighting the existing reality. To change something, build a new model that makes the existing model obsolete." Buckminster Fuller



# For the future





# What happens next?

