



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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February 29, 2024

The Honorable David A. Bennett
Chairman
House Committee on Environment and Natural Resources
82 Smith Street
Providence, Rhode Island 02903

RE: H 7563 An Act Relating to Agriculture and Forestry – Organic Farming and Certification Program

Dear Chairman Bennett,

Thank you for providing the Department of Environmental Management (DEM) the opportunity to comment on H 7563, which would require DEM to administer an organic farming and certification program.

In 2023, DEM elected to discontinue its status as an accredited certifier through the United States Department of Agriculture (USDA) National Organic Program (NOP). This decision was based on the limited resources available to DEM to continue to serve in this capacity and an understanding that private accredited certifiers could fill the gap in Rhode Island. It is notable that the New Hampshire Department of Agriculture, Markets and Food also recently surrendered its USDA accreditation due to similar challenges as those faced by DEM. With this action, there are no longer any states in New England with governmental organizations serving as accredited certifiers through the NOP. However, it is our understanding that since DEM discontinued its accreditation, organic farms have indeed partnered with private certifiers though there may be differences in cost compared to what existed previously.

DEM has concerns with several specific elements of H 7563:

1. The legislation would require that DEM designate one full-time employee to exclusively work on the proposed program, which is not sufficient for accreditation by USDA and would not result in the ability of DEM to operate a certification program. At the time that DEM's USDA accreditation was discontinued, there were 1.5 FTEs assigned to the program and this was deemed insufficient by USDA. For accreditation, USDA requires that entities have at least two full-time staff committed to the certification process and recommends that entities have three full-time staff doing so.
2. The legislation requires that any funding received from the federal Specialty Crop Block Grant (SCBG) program be allocated to the organic farming and certification program. Although federal rules governing the SCBG program may allow some of the state's funding to be directed to organic activities, it would not be allowable for all the funding so be directed in this manner.
3. The legislation directs DEM to provide "individual farm grants to small or beginning Rhode Island organic farmers..." It is unclear if this refers to the organic certification cost-share reimbursements currently offered by DEM or to an entirely new grant program.

4. The legislation directs DEM to work “with the state department of health for the certification of organic farmers and organizations...” The Rhode Island Department of Health (RIDOH) does not currently have a role enforcing food safety laws and regulations on the farm. Instead, these responsibilities are statutorily placed with DEM and we support continuing to serve in that capacity.
5. The legislation specifies that DEM shall assist “in the marketing of Rhode Island grown organic agricultural products for the purpose of sale and promotion within the State of Rhode Island or United States.” This language may unnecessarily restrict the ability of organic farmers receiving assistance through the programs created by the legislation from selling their products internationally.
6. DEM is of the opinion that any funding provided to support organic farming in Rhode Island can best be utilized for the purposes summarized in proposed section 2-28-2(a)(3) which directs DEM to “[p]rovide financial and technical assistance support to organic farmers for the activities and programs which enhance the economic viability of local organic agriculture and support the development of a locally based, safe and sustainable organic food system.” Such funding could be used, for example, to subsidize the application fees of organic farmers seeking certification from private accredited certifiers as well as efforts to provide other financial and technical assistance to organic farmers.

We appreciate the opportunity to offer comments on this legislation and would be pleased to make ourselves available as needed. Please feel free to contact Ken Ayars, Chief of the DEM Division of Agriculture and Forest Environment, at ken.ayars@dem.ri.gov should you have any additional questions or wish to discuss this matter further.

Sincerely,



Terrence Gray, P.E.
Director

cc: Members of the House Committee on Environment and Natural Resources
The Honorable Sherry Roberts
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House
Lynne Urbani, House Policy Director