

The Coalition for Sustainable Organics (CSO) says it is pleased with the schedule set in the lawsuit brought by the Center for Food Safety (CFO) relating to the organic certification of container and hydroponic growing systems.

Under the Scheduling Order set by Judge Seeborg, the USDA has until July 15 to provide the Administrative Record supporting its decision to deny the petition of the CFO to revoke the organic certification of growers incorporating containers on their farms.

A series of briefs will be filed culminating in a hearing currently scheduled for January 21, 2021 to present what will likely be the final arguments in the case prior to the judge's decision.

Lee Frankel, executive director of the CSO, said: "The sooner growers can be sure that the rules established by Congress, the US Department of Agriculture and the National Organic Standards Board that allow for growers to use containers in their operations will remain in place, the more quickly growers can get back to focusing on providing nutritious and delicious organic fresh produce to consumers looking for ways to strengthen their immune systems during the COVID-19 outbreak."

The Department of Justice, on behalf of the USDA, stated in the case management order filed prior to the judge's order that: "The agency properly concluded that the OFPA [Organic Foods Production Act] does not prohibit hydroponic production systems.

"It properly determined that organic hydroponic systems cycle and conserve resources in a manner consistent with the vision for organic agriculture expressed by the OFPA, that hydroponic organic systems produce food in a way that can minimize damage to soil and water, and that hydroponic organic systems can support diverse biological communities," it said.

"USDA fully explained these reasons and others in its decision denying the petition—a decision that courts review under an extremely limited and highly deferential standard."

Frankel added: "The CSO agrees with the USDA. We look to broaden the coalition to other producers, marketers, and retailers that support bringing healthy food to more consumers because we believe that everyone deserves organics."

The CFO filed its lawsuit on March 3 opposing the organic certification of hydroponic growing systems.

At the time, the organization's executive director of plaintiff, Andrew Kimbrell, said:

"Healthy soil is the foundation of organic farming.

"Organic farmers and consumers believe that the Organic label means not just growing food in soil, but improving the fertility of that soil. USDA's loophole for corporate hydroponics to be sold under the Organic label guts the very essence of 'Organic'."

In November 2017, the USDA's National Organic Standards Board [controversially voted against](#) banning hydroponic and aquaponic operations from organic certification.