



## **Decision on Lawsuit to Revoke Certification of Growers Using Organic Hydroponic Methods**

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The ongoing debate about whether hydroponics and aquaponics should be certified organic culminated in a lawsuit filed in March 2020 by the Center for Food Safety (CFS) against the USDA to strip hydroponic growers of their eligibility to obtain Organic certification. The CFS filing argued that soil-less production systems, such as hydroponics and aquaponics cannot comply with the organic standards because they do not use soil at all. The plaintiffs challenged the USDA to 1) exclude hydroponics and aquaponics (which include a hydroponic component) production from organic eligibility 2) add all soil-less systems to the National Organic Program's list of prohibited practices and 3) revoke all existing organic certifications already issued to hydroponic and aquaponic operations.

On March 19 of this year, a decision was reached. Judge Richard Seeborg of the U.S. District Court of San Francisco ruled that the USDA may continue to allow soil-less growing methods such as aquaponics and hydroponics to be eligible for organic certification. In his ruling, Judge Seeborg said "I don't see anything in the statute that says non-soil production is outside the realm of what can be considered organic under OFPA". The Organic Food Production Act (OFPA) was enacted to create national standards that the USDA must follow in the implementation of the National Organic Program. However, OFPA was passed in 1990, before soil-less growing was widespread. Aquaponic producers have long argued that the traditional views of organic production held by soil-based producers have not kept up with current science and innovations in agriculture. Judge Seeborg noted that none of the arguments and points brought up by the plaintiffs indicate that the OFPA was intended to exclude other forms of production.

This decision is seen as great news for aquaponics and hydroponics growers. Organic certification has been vital to the commercial success of those aquaponic and hydroponic farms having undergone the rigorous process of certification. Organic certification also provides an important incentive to draw and keep more soil-less growers in the market. The decision was also seen as vindication of strongly held views of aquaponic growers that aquaponic produce clearly aligns with what consumers expect when they purchase organic produce: that it is pesticide-free, environmentally sustainable, and relies on natural ecosystems for plant growth. Aquaponic systems are produced without the use of pesticides, rely on a robust microflora in the rootzone composed of the same type of bacteria and fungi found in soil, and foster the cycling of resources.

The debate will probably continue despite the latest court decision. Soil based organic farmers regard the decision as a serious blow to the authenticity of organic farming, and contend that it creates unequal competition between soil based farmers and hydroponic growers, which will ultimately lead to market instability, and consumer distrust in organic certification. What is not debatable, however, is the fact that by 2050, the planet will need to support over 9 billion people. Climate change, depleting resources such as water and arable land require innovative, food production solutions to address these issues. Aquaponics and hydroponics are highly efficient food production systems that can help meet the growing challenges of ensuring global food security. However, financial considerations are also important, and there are greater capital investments involved in building aquaponics and hydroponics systems. Proponents of soil-less production agree that the added incentive of organic certification will help to attract and retain more growers into the industry.

## References

The Aquaponics Association <https://aquaponicsassociation.org/articles/good-news-judge-upholds-organic-soil-less-growing>

<https://beyondpesticides.org/dailynewsblog/2021/03/court-rules-soil-less-hydroponics-allowed-under-organic-standards-organic-farmers-and-consumers-say-no/>

Flynn, D. 2021. Court ruling clears way for hydroponics to join National Organic Program. Food Safety News, March 23, 2021. [https://www.foodsafetynews.com/2021/03/court-ruling-clears-way-for-hydroponics-to-join-national-organic-program/#:~:text=U.S.%20District%20Court%20in%20San,for%20Food%20Safety%20\(CFS\)](https://www.foodsafetynews.com/2021/03/court-ruling-clears-way-for-hydroponics-to-join-national-organic-program/#:~:text=U.S.%20District%20Court%20in%20San,for%20Food%20Safety%20(CFS))

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