

Organic grower groups watch lawsuit, plus hardiness zone caveats



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**COMING UP THIS WEEK:**  
Grower Groups Under Scrutiny  
USDA Hardiness Zones  
Supply Chain Logistics  
New Organic Documentary  
Report from North Dakota

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## New Lawsuit Targets Grower Groups

The U.S. Department of Agriculture is facing a new lawsuit that the organic industry is watching with keen interest. The lawsuit alleges that the USDA is failing to meet the requirement of the Organic Foods Production Act that organic farms be inspected annually; instead, they allow producers to come together under a grower group to get USDA Organic certification while not everyone in that group gets inspected.

The nuances? There is a newer requirement on the books in the Strengthening Organic Enforcement rule stating that “certifying agents must inspect at least 1.4 times the square root or 2% of the total number of producer group members, whichever is higher.” Of course, grower groups aren’t mentioned at all in the Organic Foods Production Act of 1990 (where that requirement of annual inspection is located), which makes this all clear as mud.

Who’s filing suit? An organic hazelnut grower in Oregon (who used to be an attorney). He started looking into things when organic hazelnuts from Turkey flooded the U.S. market at extremely low prices. He found no Turkish hazelnut growers in the organic database. Instead, he claims organic certificates are going to processors while the growers were not listed, not traceable, and presumably not inspected.

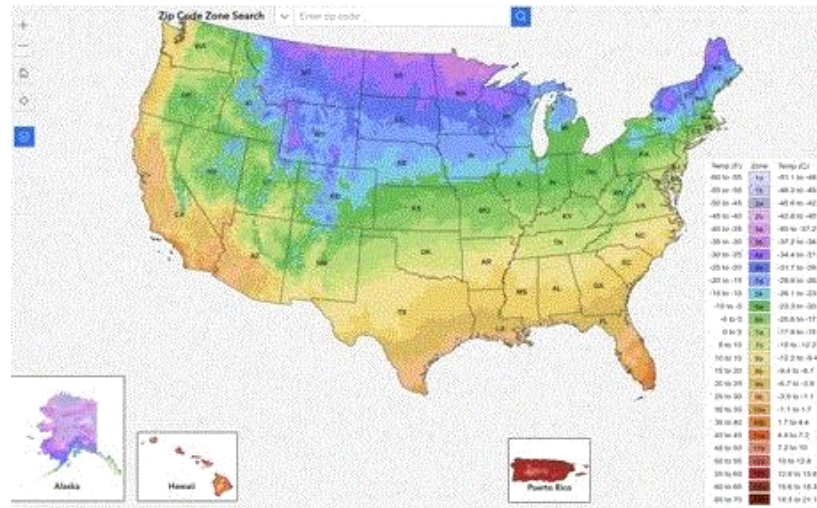
The question everyone seems to be asking is what would happen if grower groups are found to be illegal for organic production? There are a whole lot of small growers (especially outside of the U.S.) that rely on the group structure; removing the group framework would likely cause major disruptions in the supply chain.

For more on that, I’m going to refer you over to *Organic Insider*, which did a roundup on the ramifications, as well as the terms and language the court will be looking at. Read [“If Grower Groups are Deemed Illegal, Industry Executives Foresee Chaos in Organic.”](#)



## USDA Hardiness Zone Changes

It has been over a decade since the USDA updated the [Plant Hardiness Zone Map](#), so the newly released 2023 map has everyone scrambling to see how their location has changed. All said and done, about 50% of the U.S. shifted up to a warmer zone.



My area shifted from Zone 4b to 5a. But here's where all the caveats come in. These hardiness zones are based on the average annual extreme minimum temperatures (i.e. coldest night of the year) over a 30-year period. It's an average, and it definitely does not register all those little microclimates. Having glanced at my thermometer every winter morning, I have a pretty good sense that at my specific location up in the hills, I should probably keep my perennials in Zone 4 for now.

If consumers ask you about changes to the map, here are a few helpful pointers from the USDA:

- If your hardiness zone has changed in this edition of the USDA Plant Hardiness Zone Map (PHZM), it does not mean you should start removing plants from your garden or change what you are growing. What has thrived in your yard will most likely continue to thrive.
- Remember this is the average coldest night—not the lowest it could go. Gardeners should keep that in mind when selecting plants, especially if they choose to “push” their hardiness zone by growing plants not rated for their zone.
- Microclimates, which are fine-scale climate variations, can be small heat islands—such as those caused by blacktop and concrete—or cool spots (frost pockets) caused by small hills and valleys. Individual gardens also may have very localized microclimates. Your entire yard could be somewhat warmer or cooler than the surrounding area because it is sheltered or exposed. You also could have pockets within your garden that are warmer or cooler than the general zone for your area or for the rest of your yard, such as a sheltered area in front of a south-facing wall or a low spot where cold air pools first. No hardiness zone map can take the place of the detailed knowledge that gardeners learn about their own gardens through hands-on experience.
- Many species of perennial plants gradually acquire cold hardiness in the fall when they experience shorter days and cooler temperatures. This hardiness is normally lost gradually in late winter as temperatures warm and days become longer. A bout of extremely cold weather early in the fall might injure plants even though the temperatures may not reach the average lowest temperature for your zone. Similarly, exceptionally

warm weather in midwinter followed by a sharp change to seasonably cold weather may cause injury to plants as well. Such factors could not be taken into account in the USDA PHZM.



## Supply Chain Logistics Webinar

The pandemic taught us many lessons, including how fragile and full of challenges our supply chains can be. So this next *GrowerTalks* webinar might be just the thing to help you do a better job with internal and external logistics.

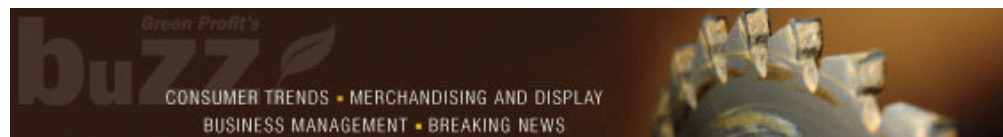
**“Overcoming the challenges of logistics planning for greenhouse production”** will feature guest expert Fanny Laliberté, Berger’s Director of Purchasing and Supply Chain. In that capacity, she oversees and manages Berger’s procurement and logistics, ensuring efficient sourcing, inventory management and supplier relationships to support the company’s strategic goals. And she’ll share strategies that can help you do the same for your organization. With a master’s degree in global supply chain, Fanny knows of what she speaks.



In this webinar, Fanny will discuss “adapting management to stay competitive in a changing external environment” and will present three components of logistics:

- Managing external partners
- Inventory management
- Project management

This free webinar is slated for Thursday, December 7, at 1:00 p.m. Eastern/Noon Central. Sign up [HERE](#) today!



## Further Viewing: New Organic Documentary

A new feature-length documentary about organic agriculture is now out: *Organic Rising*. Directed by Pulitzer Prize and Emmy Award winning journalist Anthony Suau, the 2-hour film looks at both organic and conventional food production.



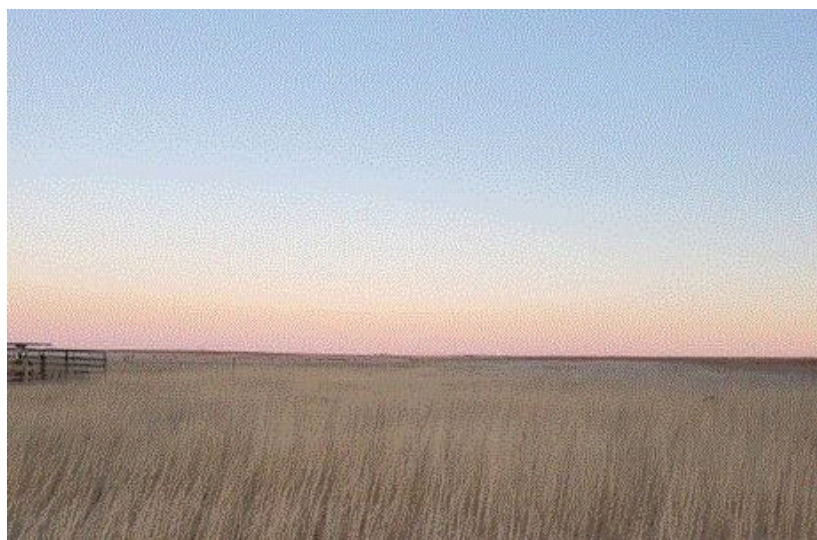


Full disclosure: I haven't yet had the opportunity to watch it. But I share it with you now for a few reasons. One being that documentaries, especially feature length ones, often present persuasive arguments that can greatly influence/impact consumer attitudes. It's worth keeping this film on your radar; *Organic Rising* begins its film festival appearances this week and through 2024. The trailers are also performing well on social media, which means even if the full film isn't being seen, the sound bites are.

Ready to make it a movie night? You can rent it for \$5 and watch online [HERE](#).

## Report from the Outpost

This week's report comes to you from North Dakota, rather than Montana. I've been out walking fields in a cold wind and calling it fun even when there's a bit of discomfort involved. I always considered myself a mountain person. Then, I began spending time on the prairie, and I've since been romanced away by the sound of wind in the grass and this late November light.



I'm a week late on the "giving thanks" list, but it is still relevant. Being out here, on the

grasslands and in the fields of farmers and ranchers, makes me thankful for those landowners who put in conservation measures and who invest in wildlife habitat not only because of incentive programs but because they see firsthand how important it is to a functioning landscape.

Until next time,



Jennifer Duffield White

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