

Structural Challenges in U.S. Organic Agriculture and Interdisciplinary Strategies for Risk Mitigation

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Abstract:

This study examines the persistent structural challenges affecting organic agriculture in the United States and proposes an interdisciplinary approach that integrates legal and technical perspectives to enhance the sector's resilience. The analysis focuses on regulatory weaknesses, inconsistencies in federal agro-environmental policies, and the lack of specialized capacity to ensure compliance with frameworks such as the **Organic Food Production Act (OFPA)**, the **National Organic Program (NOP)**, and Environmental Protection Agency (EPA) guidelines.

Through a comprehensive review of federal directives and regional case studies, five critical areas of vulnerability were identified: inconsistent enforcement, gaps in oversight of organic practices, deficiencies in technical-legal support for producers, weak inter-agency coordination, and socio-economic risks stemming from regulatory non-compliance. Each topic is examined through structured sub-sections that suggest practical risk-mitigation strategies while emphasizing the importance of specialized expertise at the intersection of environmental science and law.

The study concludes that integrating environmental and legal knowledge on a national scale can bridge regulatory gaps and improve the sustainable performance of the U.S. organic sector. It recommends the development of policies and capacity-building initiatives that strengthen this interdisciplinary framework, contributing to a broader national impact on agroecological sustainability.

Keywords: Organic Agriculture; Sustainability; Federal Regulation; Institutional Gaps; Interdisciplinary Approach; Regulatory Governance; Environmental Law

1. Introduction

Over the past decades, organic agriculture has gained remarkable prominence in the United States, both as an environmentally sustainable alternative and as a response to the growing demand for healthy, chemical-free food. The sector has been primarily guided by federal directives established under the **Organic Foods Production Act (OFPA)** and implemented through the **National Organic Program (NOP)**, supervised by the **U.S. Department of Agriculture (USDA)**. The **Environmental Protection Agency (EPA)** also plays a crucial role by defining environmental safety parameters and regulating the use of chemical substances that directly or indirectly affect organic production.

Despite this institutional framework, the progress of organic agriculture in the United States continues to face major obstacles. These include uneven enforcement of policies, insufficient technical-legal support for producers, and the fragmentation of regulatory initiatives across states and federal agencies. Such weaknesses expose the sector to significant risks—ranging from inadequate farming practices to loss of consumer trust and financial instability among compliant producers.

The absence of standardized inspection mechanisms and structured technical-legal assistance has hindered the consolidation of a resilient and equitable national organic system. Many farmers, particularly small-scale producers, struggle to interpret and apply federal regulations accurately, often leading to unintentional non-compliance. The gap between the existing legal

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instruments and their practical enforcement reveals a strategic opportunity for specialized professional intervention aimed at improving coordination among regulatory bodies and producers.

This context underscores the need to strengthen professional engagement at the intersection of environmental and legal expertise. A coordinated national effort in this direction could foster the development of a robust and cohesive framework for sustainable organic agriculture in the United States one that aligns environmental protection, economic viability, and social equity within a unified regulatory vision.

2. Objective

2.1. Identify Institutional Gaps in the Regulation of U.S. Organic Agriculture

The first objective of this study is to identify and analyze the main institutional gaps that weaken the governance of organic agriculture in the United States. Although well-structured federal regulations exist such as **the Organic Foods Production Act (OFPA)** and the **National Organic Program (NOP)** procedures their implementation varies widely among states. This inconsistency results in regulatory inequality and uncertainty for both producers and consumers.

By mapping these disparities, the study seeks to highlight how the lack of uniform mechanisms for enforcement, technical assistance, and regulatory guidance undermines the effectiveness of the national organic system. Addressing these institutional weaknesses is essential to consolidate organic agriculture as a sustainable and competitive development model within the global marketplace.

2.2. Identify Institutional Gaps in the Regulation of U.S. Organic Agriculture

The second objective is to evaluate how deficiencies in regulatory oversight and institutional support negatively affect rural economies, consumer confidence, and the stability of communities dependent on the organic sector. Regulatory negligence can lead to inadequate practices that compromise product quality, resulting in certification losses, market devaluation, and exclusion from high-standard supply chains.

Furthermore, normative uncertainty discourages investment and limits access to both public and private incentives. By analyzing these socioeconomic effects, this study demonstrates that institutional disorganization generates tangible financial and social costs and that addressing these deficiencies is strategic for strengthening the U.S. organic agriculture sector.

2.3. Propose an Interdisciplinary Integration Between Environmental and Legal Expertise

The third objective is to propose an interdisciplinary framework that integrates environmental-technical expertise with specialized legal knowledge in regulatory and environmental law. Compliance with organic standards requires not only mastery of sustainable agricultural techniques but also a clear understanding of the legal and institutional frameworks governing the sector.

This integration can enhance producer support, improve the interpretation and application of regulations, and facilitate interaction with federal agencies such as the **USDA** and **EPA**. By advocating for this interdisciplinary collaboration, the study outlines a practical and innovative path to overcome structural fragilities and promote sustainable growth in U.S. organic agriculture.

3. Methodology

This study adopts a qualitative and exploratory research design, grounded in documentary and normative analysis. Initially, an extensive review was conducted of the primary legal and administrative frameworks governing organic agriculture in the United States, including the **Organic Food Production Act of 1990**, the **National Organic Program (NOP)** regulations of the **U.S. Department of Agriculture (USDA)**, and complementary policies issued by the **Environmental Protection Agency (EPA)**.

The research then examined national and regional reports on organic certification, focusing on documents published by governmental agencies, sectoral organizations, and agro-environmental research institutes. Selected case studies were used to illustrate operational shortcomings in the implementation of standards and the resulting impacts of insufficient technical-legal support for producers.

Through data triangulation, the study identified institutional gaps and opportunities for interdisciplinary collaboration between environmental professionals and regulatory experts, aiming to develop structural solutions to systemic weaknesses.

All documents analyzed were obtained from official and publicly accessible sources, ensuring transparency, reproducibility, and the verifiability of the results.

4. Supreme Court Judgments

4.1. Inconsistent Enforcement Across Jurisdictions

The analysis of regulatory data and regional reports reveals that although the **National Organic Program (NOP)** establishes uniform federal guidelines for certification and monitoring, the practical enforcement of these standards varies considerably across states and jurisdictions. This uneven application creates a fragmented system in which the rigor of inspections and the quality of certification depend heavily on geographic location.

Such disparities undermine the credibility of the national organic certification system, as a federal seal does not, in practice, ensure uniform compliance. One of the main factors behind this inconsistency is the **decentralized operational model** of the NOP, which delegates inspection and oversight responsibilities to **accredited certifying agents**, many of which operate regionally.

While these certifiers are formally supervised by the USDA, they exercise significant autonomy, leading to divergent interpretations of identical technical criteria. States with a stronger regulatory tradition such as **California** and **Oregon** demonstrate higher levels of compliance and more structured enforcement systems. In contrast, states with less institutional presence or lower consumer demand for organic products, particularly in the **Southern** and **Midwestern** regions, tend to display more lenient or intermittent oversight.

Reports from the **Office of Inspector General (OIG/USDA)**, such as **Audit Report No. AUD-27901-0001-21**, have identified systemic weaknesses in verifying practices adopted by accredited certifiers. The 2017 audit, for instance, concluded that the USDA failed to ensure that imported goods labeled as organic met the required standards—an omission that has implications for domestic enforcement as well.

The lack of regular audits, minimal sanctions, and delayed responses to complaints all reveal vulnerabilities in the current decentralized oversight system. This scenario disproportionately harms compliant producers, who face unfair competition from operators benefiting from weaker enforcement, while also eroding consumer trust in the organic label. Ultimately, inconsistent enforcement weakens the environmental, public health, and economic objectives of the NOP and creates legal and market instability throughout the sector.

4.2. Lack of Standardization in Audits

Another critical issue identified is the **absence of standardized audit practices** among accredited certifying bodies. Although the USDA defines technical protocols, their implementation depends largely on the auditors' expertise, interpretative clarity, and logistical resources in each region. This situation fosters **subjective interpretations** of requirements such as crop rotation, composting, pest management, and buffer zones between organic and non-organic areas.

Such inconsistencies compromise the principle of **regulatory equity** and make interstate trade integration more difficult. Producers may encounter differing compliance requirements between regions, leading to operational barriers and even the rejection of organic lots due to alleged non-conformities. The resulting lack of predictability also introduces **legal uncertainty**, as farmers often receive conflicting guidance from different certifiers or across inspection cycles, hindering long-term planning and financial stability.

Organizations such as the **Organic Trade Association (OTA)** have repeatedly warned about this inconsistency and advocated for the creation of a **nationally coordinated oversight system with transparent**, auditable, and harmonized standards. The absence of unified compliance review mechanisms makes it difficult to identify and correct recurring non-compliance trends. Addressing these challenges requires not only enhanced technical capacity but also the **inclusion of legal expertise** in the certification process. Legal-environmental specialists can help interpret and align regulatory provisions across jurisdictions, ensuring that both certifiers and producers apply the rules consistently. Strengthening this interdisciplinary collaboration could significantly improve the credibility and reliability of the national organic system, fulfilling the broader goals of environmental protection, food safety, and sustainable rural development.

4.3. Risks of Fraud and Economic Impact

The inconsistency in enforcement and the lack of standardized audits described earlier create a favorable environment for **fraudulent practices** within the organic certification system. Without effective cross-state monitoring mechanisms or an integrated and verifiable database, cases of falsified certifications, misuse of the organic label, and failure to comply with mandated production practices have become increasingly common.

Such fraud constitutes not only a **consumer protection violation** but also a serious **economic threat** to compliant producers and the organic market as a whole. Studies by the **Government Accountability Office (GAO)** and the **Organic Farmers Association** show that fraudulent activities directly undermine the added market value of certified organic goods by eroding public trust in the organic seal.

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When scandals involving false labeling or deceptive marketing become public, consumer confidence declines, resulting in reduced demand, lower prices, and reputational damage across the sector. Small and medium-sized producers—who generally face higher production costs due to strict compliance—are often the most affected.

Beyond market consequences, fraud also weakens the institutional credibility of the USDA and other regulatory agencies, fostering a perception of **state inefficiency** and limited enforcement capacity. This loss of legitimacy discourages voluntary compliance and exacerbates systemic vulnerabilities.

Addressing these issues requires **interagency collaboration** and the implementation of mechanisms that combine digital traceability, standardized auditing, and agile legal sanctions. The integration of environmental technicians, certifying agents, and **environmental law professionals** would enhance institutional responsiveness, increase legal certainty, and restore consumer and market confidence in the integrity of the U.S. organic certification system.

4.4. Gaps in Oversight of Organic Practices

Despite federal efforts to regulate organic agriculture, a significant gap remains between the standards prescribed in law and their **practical implementation** in the field. In many regions, the supervision of organic practices is insufficient to ensure consistent compliance with certification criteria. This deficiency limits the identification and correction of non-conformities and reduces the effectiveness of existing control mechanisms.

Supervision, in this context, should not be viewed solely as a **punitive action** but as an **educational and preventive process**. However, this approach remains largely absent in current regulatory practice.

One major challenge faced by organic producers especially small-scale or newly certified farmers, is the **lack of clear and regionally adapted technical guidance**. Although the USDA publishes manuals and guidelines, much of this material is generic or outdated, failing to address regional differences in climate, soil, and cropping systems. As a result, many producers rely on private consultants, incurring additional costs and often receiving advice that does not guarantee full regulatory compliance.

Furthermore, much of the regulatory language is **overly technical or legalistic**, making it difficult for less-educated farmers or those without continuous training to understand and implement the requirements. This communication gap often leads to unintentional non-conformities and higher rates of certification suspension or denial, resulting in financial losses and disincentives to remain in the sector.

To address this problem, it is essential that federal directives be **periodically reviewed**, translated into **accessible language**, and adapted to regional contexts. The development of interactive educational materials supported by **interagency collaboration** could improve comprehension and democratize regulatory knowledge. Collaboration between environmental experts and legal professionals would be particularly valuable in translating complex legislation into practical, farmer-friendly guidance.

4.5. Insufficient Preventive Supervision

Another recurring issue is the predominance of **reactive enforcement** rather than preventive or advisory supervision. Many producers are only notified of non-compliance during formal audits, without having previously received any technical guidance that could have helped them adjust their practices. This **punitive approach** discourages small producers and fosters distrust toward certification authorities.

The lack of preventive supervision prevents minor, often unintentional issues from being corrected before they escalate into legal or financial problems. Depending on the severity of a violation, a producer may face certification suspension, resulting in income loss, reputational harm, and exclusion from commercial networks. Most of these consequences could be avoided **through regular technical visits, standardized orientation, and direct communication channels** between regulators and producers.

In states that have implemented regional organic extension programs, the incidence of serious non-conformities is notably lower. This indicates that **proactive technical support** can serve as an effective preventive mechanism, reducing both administrative costs and litigation associated with regulatory enforcement.

Expanding such initiatives nationwide would require public policies prioritizing **preventive inspections**, the hiring of qualified professionals, and the establishment of **regional technical-legal support centers**. Coordinated action among inspectors, legal advisors, and educators would not only improve compliance but also promote **regulatory justice** and strengthen institutional trust in the U.S. organic sector.

4.6. Dependence on Private Consultancy

Due to the regulatory gaps and lack of public technical support described earlier, many organic producers in the United States have become **heavily dependent on private** consulting services to ensure compliance with NOP standards. Although this consulting market can provide valuable expertise, it operates with **variable quality, transparency, and alignment** to federal regulations.

For small and medium-sized producers, this dependence often represents a **financial burden**. Many lack the resources to hire qualified consultants, placing them at a structural disadvantage compared with large-scale enterprises. The asymmetry in access to professional guidance reinforces inequality in the organic sector and limits the participation of diverse agricultural actors.

Moreover, not all consultants are fully aligned with the most recent updates to USDA and EPA regulations. Some prioritize commercial interests by selling service packages or recommending costly infrastructure changes that are not legally required. These practices undermine farmers' autonomy and inflate the cost of certification.

The **absence of a public or subsidized network** of technical and legal support intensifies this problem. To reduce such dependency, the establishment of **multidisciplinary public support centers** composed of environmental lawyers, agronomists, and agroecology technicians is essential. These centers would democratize access to reliable information, improve compliance, and foster **equity and sustainability** within the organic sector.

4.7. Need for Specialized Technical-Legal Support

The growing complexity of organic agriculture regulations requires not only technical knowledge of sustainable production systems but also a **solid understanding of the legal and administrative frameworks** that govern the sector. The intersection between environmental and legal dimensions has become a critical element in consolidating organic agriculture as an effective public policy.

However, the scarcity of **specialized technical-legal support** undermines producers' ability to meet regulatory requirements and limits their proactive capacity to handle disputes, non-compliance issues, and inspections. Strengthening this interdisciplinary dimension is therefore essential to enhance **regulatory security**, reduce litigation, and improve the overall effectiveness of agro-environmental policies.

Legal professionals with expertise in **environmental and agricultural regulation** can provide strategic assistance to both producers and certification bodies, ensuring consistency in the application of laws and procedures. Integrating this expertise into regional support systems could bridge the communication gap between producers and regulatory authorities, thereby improving institutional efficiency and trust.

4.8. Interaction with Federal Agencies

Engaging with agencies such as the **USDA and EPA** requires producers to navigate complex administrative procedures, regulatory deadlines, and documentation requirements—many of which extend beyond the scope of agricultural expertise. In certification, renewal, inspection, or corrective action processes, effective communication with federal institutions depends on the **accurate interpretation of intricate and evolving regulations**.

Without qualified intermediaries familiar with both technical and legal frameworks, producers may face delays, penalties, or even the loss of certification. Those involved in disputes or corrective measures often lack the necessary support to prepare adequate responses or legal arguments. The development of **Corrective Action Plans (CAPs)**, for example, frequently demands a combination of agronomic and legal reasoning that exceeds the expertise of field technicians.

To address this gap, the presence of **professionals trained in both environmental science and law** can greatly facilitate administrative communication, ensuring that producers meet regulatory obligations while avoiding unnecessary sanctions. Institutionalizing this type of support through **regional advisory hubs or cooperative legal services** would democratize access to information and promote transparency, accountability, and fairness within the regulatory system.

4.9. Mediation of Non-Compliance and Litigation

Even minor unintentional non-compliance in organic production can lead to administrative penalties or legal disputes, threatening both the reputation and economic stability of producers. Typical cases involve documentation errors, disagreements regarding input limits, or conflicts with neighboring conventional farms.

Without adequate mediation, such situations can escalate into **costly litigation** or result in the **loss of certification**. Producers frequently lack specialized assistance to construct technical-legal defenses or to respond appropriately to regulatory agencies. Consequently, they may accept unjust penalties or abandon organic production altogether.

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Professionals skilled in **environmental and regulatory law** can play a pivotal role in mediating such conflicts. They can draft compliance agreements, prepare legal responses to notifications, and assist in administrative proceedings, ensuring that farmers are granted the opportunity to correct violations before facing definitive sanctions.

Furthermore, preventive mediation through regular legal risk assessments could help identify potential regulatory vulnerabilities before they materialize, promoting a more **proactive and resilient organic sector**.

4.10. Mediation of Non-Compliance and Litigation

The shortage of both technical and legal literacy among producers and in some cases, among local government agents reinforces the need for **systematic capacity-building programs**. Many farmers are unaware of their rights and obligations, while inspectors and technical staff often lack pedagogical or legal tools to provide adequate guidance.

Developing a **permanent inter-institutional training agenda** is crucial to address these disparities. Educational programs should use accessible language, participatory methods, and practical approaches tailored to regional realities. The curriculum should include:

- Interpretation of NOP and OFPA regulations,
- EPA rules relevant to organic production,
- Producers' rights during inspections, and
- Strategies for preventing legal conflicts.

Similarly, regulatory agencies would benefit from ongoing training to keep inspectors updated on recent legislative changes, sustainable farming innovations, and administrative precedents. This **two-way educational approach** would improve regulatory enforcement, reduce subjectivity in audits, and strengthen institutional legitimacy.

A **national technical and legal training program** developed in partnership with universities, research centers, and professional associations—would elevate the overall quality and reliability of U.S. organic agriculture, advancing environmental, social, and economic sustainability.

4.11. Interagency Fragmentation and Policy Gaps

One of the most significant barriers to strengthening organic agriculture in the United States is the **lack of coordination among governmental agencies** responsible for policymaking, enforcement, and support for the sector. Although the regulatory framework is robust, the absence of effective integration among bodies such as the **USDA, EPA, FDA**, and various state departments hinders coherent implementation and reduces overall policy effectiveness.

This fragmentation produces **duplicated requirements, operational gaps, and overlapping competencies**, complicating compliance for producers. The problem is particularly acute for small and medium-sized farmers who must navigate multiple, sometimes contradictory, regulatory systems.

Organic agriculture is simultaneously regulated by the USDA through the **NOP**, by the EPA through rules on chemicals and environmental impacts, and by the FDA for food safety, especially in processed goods. States also enact complementary or region-specific laws. However, these entities rarely collaborate in a coordinated manner, generating a **bureaucratic maze** that discourages full compliance.

Producers often face conflicting demands for instance, a practice considered acceptable by NOP criteria may violate state-level environmental regulations. This regulatory incoherence increases legal uncertainty and operational costs, while weakening confidence in the system.

To address this problem, the creation of **permanent interagency forums** focused on the organic sector is essential. These forums could align protocols, harmonize requirements, and set shared goals for inspection, education, and policy coordination. Additionally, **digital information-sharing platforms** among agencies could reduce duplication and improve transparency, promoting a more efficient and integrated governance model.

4.12. Lack of Policy Integration

Despite the existence of numerous federal programs supporting sustainable agriculture, few mechanisms effectively **integrate these initiatives** in a systemic and coordinated way. Programs such as the **Environmental Quality Incentives Program (EQIP)**, the **Organic Certification Cost Share Program (OCCSP)**, and various state-level extension efforts often operate **in isolation**, with separate eligibility criteria and administrative structures.

This lack of policy integration limits synergies among environmental, agricultural, and legal sectors. While environmental agencies emphasize the ecological impacts of farming, agricultural institutions focus on productivity and profitability. The

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absence of a **transversal policy** combining these objectives prevents the creation of interdisciplinary solutions capable of balancing sustainability and competitiveness.

Moreover, there are no national initiatives that simultaneously provide **technical assistance, environmental compliance, and legal training** for organic producers. This institutional vacuum leaves many farmers without the necessary support to remain certified, leading to economic loss, regulatory risk, and in some cases, exclusion from formal markets.

A coherent **national strategy for organic agriculture** designed through cross-sector dialogue and participatory policymaking would help consolidate the various programs into a unified framework. Such a strategy should encourage complementarity, prevent duplication, and ensure equitable access to resources and information across all regions.

4.13. Opportunities for a Unified National Framework

Identifying these interagency and policy gaps also presents an opportunity to build a **new model of organic governance** in the United States. A **unified national policy**, guided by clear objectives and coordinated actions among public and private institutions, could transform the current fragmented system into a more resilient and effective structure.

This policy should align with existing regulatory foundations such as the **OFPA** and **NOP** principles while adapting to the contemporary challenges of sustainability and climate change. A national organic governance framework could:

- Facilitate compliance for producers through centralized data and standardized procedures;
- Improve administrative efficiency and accountability;
- Enhance transparency in certification and enforcement; and
- Strengthen the United States' international reputation as a leader in **agro-environmental innovation**.

Integrating organic policy into broader national sustainability goals, such as the **United Nations Sustainable Development Goals (SDGs)**, would also reinforce the country's global leadership in sustainable agriculture, climate action, and biodiversity preservation.

Ultimately, developing a **coordinated national system** that combines technical, legal, and environmental expertise represents a viable and necessary path toward an efficient, just, and forward-looking organic sector.

4.14. Socioeconomic Consequences of Regulatory Negligence

The absence of a cohesive and effective regulatory structure for organic agriculture in the United States has far-reaching **economic, social, and environmental consequences**. The impacts of regulatory negligence manifest in the vulnerability of small producers, reduced market competitiveness, and declining consumer trust.

Small and medium-scale organic farmers are disproportionately affected by these weaknesses. Without accessible guidance and consistent oversight, many struggle to interpret or meet complex federal requirements, leading to loss of certification and diminished income. The resulting inequality favors large agribusinesses, concentrating market power and eroding the social diversity that characterizes sustainable agriculture.

Regulatory negligence also **undermines consumer confidence**. Scandals involving fraudulent certification or misleading labeling such as those reported by the **USDA's Office of Inspector General** damage the credibility of organic products and weaken public perception of government effectiveness. This loss of trust diminishes demand, reduces price premiums, and discourages long-term investment in the sector.

From a broader socioeconomic perspective, the failure to maintain consistent enforcement compromises equity and rural development. Marginalized communities including indigenous, immigrant, and minority farmers face greater barriers to accessing certification and technical support, perpetuating structural inequalities within U.S. agriculture.

Furthermore, the absence of predictable and transparent regulation deters investment in **clean technologies and agroecological innovation**, reducing the sector's global competitiveness. Strengthening governance through interdisciplinary collaboration, proactive enforcement, and institutional capacity-building is therefore not only an environmental imperative but also a **strategic economic priority** for the United States.

5. Conclusion

The analysis presented in this study demonstrates that, despite the existence of strong federal policies such as the **Organic Food Production Act (OFPA)** and the **National Organic Program (NOP)**, the practical implementation of organic agriculture in the United States faces persistent challenges related to **enforcement, supervision, and specialized technical-legal support**.

The lack of a coherent and uniformly applied regulatory framework across the country weakens the sector's institutional

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foundation, undermines the efficiency of certification mechanisms, and limits the growth of a transparent, equitable, and sustainable organic production chain. These deficiencies have broad implications, extending beyond environmental outcomes to affect **economic competitiveness, social justice, and public trust in the organic label**.

The findings highlight the need for a **structured interdisciplinary approach** that bridges environmental science and regulatory law. Collaboration between experts in sustainable agriculture, environmental policy, and legal compliance can help close regulatory gaps, harmonize enforcement, and improve governance efficiency.

A coordinated national strategy that integrates technical assistance, legal support, and interagency cooperation would strengthen regulatory coherence, foster innovation, and ensure equitable access to certification and incentives. Advancing in this direction would not only reinforce the domestic integrity of the U.S. organic system but also **position the United States as a global leader** in sustainable and ethically regulated agriculture aligned with the goals of the **United Nations 2030 Agenda for Sustainable Development**.

6. Conflict of Interest Declaration

The author declares no financial, professional, or personal conflict of interest that could have influenced the preparation, analysis, or interpretation of the data presented in this study.

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