

OTA offers the following summary of our comments. Please refer to our considerably more complete and individually submitted comments on each topic at <http://www.regulations.gov/> Docket: AMS-NOP-15-0002. A summary of our 2016 Sunset comments are available in a separate document. We are not providing a summary of our 2017 Sunset comments.

#### **Materials/GMO Subcommittee (MS)**

**Excluded Methods Terminology (Discussion):** OTA supports the continued work on updating and clarifying “excluded methods” terminology, and we support continuing a process-based approach. We agree that a list of GE and non-GE terms in chart form would be useful. The phrase “genetically modified organism” is included in the first sentence of the NOP definition of “Excluded Methods” but for some reason, it was not included in the current chart. It is critical that this terminology be added in order to support and secure the language most commonly used on organic packaging (non-GMO) in our day-to-day communications, and with the various state and federal labeling initiatives to require labeling of GE foods. We suggest the chart be included in NOP Guidance that is publicly available on the NOP website.

**Guidance for GMO Prevention:** OTA supports the proposal on GMO prevention strategies with minor changes. We’re requesting that a final proposal include the role of the Organic Systems Plan, guidance on transportation activities for crops, livestock and handling, and a clear recommendation to NOP to provide guidance to ACAs on GMO testing. With these changes, we urge the subcommittee to move all but the seed purity standard discussion forward to a proposal for the fall 2015 meeting. OTA agrees that a seed purity standard should be established for **non-organic seed** but it needs to be established **per crop** through a careful and deliberate process based on data. We recommend that a USDA-appointed advisory task force be developed. The task force would develop a recommendation to NOSB on the design of a feasibility study for evaluating crop-specific testing threshold levels. A time frame for implementing a seed purity standard would be evaluated as well. This, in turn, would inform a NOSB recommendation to NOP.

#### **Crops Subcommittee (CS)**

**Lignin Sulfonate (LS):** LS is allowed as both a chelating agent/dust suppressant and as a floating agent in post-harvest handling. OTA’s outreach to the commercial organic pear industry, however, has indicated that no certified organic pear handlers continue to use LS as a floating agent. We encourage NOSB to use the information contained in OTA’s petition to remove LS as a floating agent in post-harvest handling in its Sunset review of this substance. However, it is critical that NOSB’s Sunset review of LS take into account the dramatically different use patterns allowed for this substance, and the different level of risk each use pattern may pose to human health and the environment.

**EPA List 4 – Inerts of Minimal Concern:** EPA List 4 – Inerts of Minimal Concern are permitted in allowed organic pest control products. These ingredients act as stabilizers, emulsifiers, surfactants, suspension aids, etc. to ensure proper performance of organic pest control products. List 4 is no longer current, and NOSB and NOP are developing oversight mechanisms in collaboration with EPA for a modernized approach to reviewing inert ingredients. OTA supports this effort. In the interim, we observe that the nature of inerts in confidential formulas discourages manufacturers from revealing their ingredients, and hinders meaningful feedback from organic producers on the necessity of any given inert ingredient. This will pose a challenge to NOSB should it decide to prohibit a particular class of inert ingredients, and we encourage NOSB to devote its resources to advising USDA and EPA on designing an inerts review program that is commensurate with organic principles.

**Exhaust Gas, Calcium Sulfate, and 3-decen-2-one:** We agree with the CS recommendations to **NOT ADD** exhaust gas, calcium sulfate or 3-decen-2-one to the National List because they fail to meet all National List criteria. There are natural or currently allowed synthetic alternatives for all three of these substances.

#### **Livestock Subcommittee (LS)**

**Methionine:** OTA supports the Livestock Subcommittee’s recommendation that methionine inclusion rates may be averaged over the lifetime of the flock in order to accommodate for changing nutritional demands. Feedback received

from certifiers who enforce organic regulations indicate that verifying compliance to the “average” rates will not be difficult through the regular feed audits conducted at annual inspections. OTA is also committed to the phase-out of synthetic methionine, and we commend the Methionine Task Force for its work on this topic to-date. It appears that all organic stakeholders are committed to this phase-out. We believe that allowing producers to adjust rations to accommodate varying methionine demands will not act as a disincentive to further research into methionine alternatives.

**Zinc Sulfate and Acidified Sodium Chloride:** OTA believes that organic livestock producers should have access to alternative health care treatments, provided these treatments meet National List criteria. Should NOSB determine, through information contained in the TR and through public comment, that ASC and Zinc Sulfate are as equally compatible with organic livestock production as previous boards have determined their alternatives (iodine, chlorhexidine, copper sulfate, and hydrogen peroxide) to be, we feel that these substances *should* be added to the National List.

### **Handling Subcommittee (HS)**

**Glycerin:** OTA supports the proposal to: 1) remove glycerin from 205.605(b) of the National List as an allowed non-agricultural synthetic for use in/on processed products labeled “organic” or “made with organic;” 2) add Glycerin to § 205.606 as an allowed non-organic agricultural ingredient only when organic forms are commercially unavailable; and 3) classify glycerin as agricultural when it is derived from agricultural source material and processed using biological and mechanical methods described under § 205.270(a). This will align with NOP’s Draft Classification of Materials Guidance (NOP 5033), require use of organic glycerin in organic products when available, and allow for non-organic agricultural forms of glycerin in products when organic is not required (natural flavors and “made with” products).

**Microorganisms (Ancillary Substances – Trial Run):** OTA supports the Handling Subcommittee’s Proposal to approve the ancillary substances listed in the chart, although we are concerned about the static nature of the chart and the potential this closed list may have on the use of preferred alternatives that may be more compatible with organic principles. We’re also supportive of the intent behind assigning organic preference to ancillary substances, but we believe there are practical obstacles and enforcement challenges in doing so. OTA continues to think it makes more sense to assign organic preference to the § 205.605 listed ingredients rather than to ancillary substances contained within approved non-agricultural non-organic minor ingredients. OTA requests that NOSB develop a recommendation to NOP for the use of a template with standardized language that may be used by ACAs and certified operators to collect the information needed to determine compliance of ancillary substances. Finally, with respect to how this proposal will be made available to the public, NOSB allowances, restrictions and/or prohibitions are proposed to NOP, formally adopted and then communicated through a National List annotation and/or NOP Guidance or Policy.

**Natural Flavors (Sunset 2017):** OTA has long advocated for the use and development of organic flavors. In the current listing for “Flavors” on §205.605(a) as a broad category allowance, commercial availability does not apply, and there is no requirement that the organic alternatives be used when available. All use of organic flavors is voluntary. We believe the organic flavor supply has grown to a size where it is no longer appropriate to simply allow the use of non-organic flavors when organic forms may be commercially available. We also believe that it’s premature to remove flavors from the National List. In order to further the use and development of organic flavors, OTA has submitted a petition to revise the current listing of natural flavors (on 205.605 of the National List) to require organic flavors in products labeled “organic” when they are commercially available.

### **Certification, Accreditation, and Compliance Subcommittee (CACS)**

**NOP Peer Review:** Consistent with the Subcommittee recommendation, OTA supports: 1) the concept and practice of a formal Peer Review Panel (PRP) process; and 2) the general direction of the process outlined by NOP with the subcommittee proposed modifications. The NOP accreditation program is the foundation of a sound functioning organic regulatory structure. It means regular, systematic audits, performed by qualified auditors that form the basis for the continued quality of this regulatory system. OTA strongly supports continuous review and improvement to the NOP accreditation system, and we continue to support the required review of accreditation procedures compliant with ISO/IEC 17011 (formerly named ISO Guide 61). With respect to the composition of the PRP and the inclusion of a standing NOSB member, OTA agrees with the subcommittee’s recommendation to give preference to an NOSB member who is either Vice Chair or Chair of the CACS. We also support the recommendation that priority be given to PRP members who have experience with inspection, certification and accreditation.