# NATIONAL ORGANIC STANDARDS BOARD

# FALL 2018 MEETING October 24–26 | St. Paul, Minnesota



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- The Restricted Organic Toolbox
- Get To Know Your National List
- National List Criteria: Inside the Review Process
- Summary of NOSB Agenda Items
- Organic Trade Association Positions
- Who is the Organic Trade Association?



## ORGANIC TRADE ASSOCIATION RESOURCE BOOKLET

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## NOSB MEETING SCHEDULE: AT-A-GLANCE

WEDNESDAY • OCTOBER 24	THURSDAY • OCTOBER 25	FRIDAY • OCTOBER 26
8:30 a.m.: Call to Order	8:30 a.m.: Call to Order	8:30 a.m.: Call to Order
Welcome/Introductions Secretary's report NOSB Report NOP report	Public comments continued	Livestock Subcommittee (CS) Handling Subcommittee (HS)
12:30 p.m.: Lunch Break	12:15 p.m.: Lunch Break	12:15 p.m.: Lunch Break
Public comments	Materials Subcommittee (MS) Certification Accreditation and Compliance Subcommittee (CACS)	Crops Subcommmittee (CS) Deferred proposals/Final Votes Work agendas/Materials Update Officer elections Other business/Closing remarks
5:30 p.m.: Recess	5:30 p.m.: Recess	4:30 p.m.: Adjourn

There will be two 15-minute breaks (mid-morning & mid-afternoon) and a 75-minute lunch break mid-day. Breaks, recess and adjournment times may vary based on completion of business.

### Face-to-Face Meeting Format

- The Designated Federal Officer calls the meeting to order and adjourns the meeting. The NOSB Chair chairs the meeting.
- USDA and National Organic Program (NOP) provide the NOSB with updates, and an overview of petitioned substances, sunset materials, and technical reports.
- The Board hears public comments.
- NOSB members present Subcommittee proposals, reports and discussion documents, and discuss public comment prior to voting on proposals. Final votes may be deferred to the last day of the meeting if more deliberation is needed.
- Agenda items may be withdrawn or votes postponed at the discretion of the Board.

Look for USDA's detailed NOSB Meeting Agenda that is available at the sign-in table outside the entrance of the meeting room. If you have questions, please contact the Advisory Committee Specialist Michelle Arsenault at Michelle.Arsenault@ams.usda.gov.

# NATIONAL ORGANIC STANDARDS BOARD — THE CORNERSTONE OF CONTINUOUS IMPROVEMENT

Welcome to the fall 2018 National Organic Standards Board (NOSB) meeting. From its start, NOSB has been the cornerstone of continuous improvement and public input for U.S. organic standards. As we engage in this meeting and give voice to the process, it is important to take a moment to reflect on the genesis of NOSB and the importance of protecting and strengthening this foundational institution going forward.

As the growing awareness of ecological, health and welfare consequences of conventional farming systems became increasingly apparent from the 1960s through the 1980s, so did the demand for organic food and the need for organic standards. By the late 1980s, there was a patchwork of inconsistent or nonexistent state and private organic standards alongside inadequate enforcement programs. These caused a great deal of consumer confusion and threatened the meaning and value of the organic label. As a result, a coalition of organic farmers, consumers, animal welfare and environmental organizations recognized the need for establishing one common federal standard to ensure consistency, build consumer trust, and allow the sector to flourish. This diverse group of stakeholders united and persuaded Congress to pass the Organic Foods Production Act (OFPA) in the 1990 Farm Bill.

The passage of OFPA provided the foundation for uniform national organic standards for the production and handling of foods labeled as "organic." The Act authorized a new USDA National Organic Program (NOP) to set national standards for the production, handling, and processing of organically grown agricultural products and to oversee the certification of organic operations. The Act also established the National Organic Standards Board (NOSB) to ensure an open, balanced and transparent process for setting and revising organic standards.

### NOSB'S BALANCING ACT

NOSB plays a critical role in the organic rulemaking process because it advises USDA on which production inputs should be allowed or prohibited in organic farming and processing. NOSB also makes recommendations on a wide variety of other standards issues, such as organic pet food standards, aquaculture standards, animal welfare standards, and organic inspector qualifications.

The composition of NOSB, as detailed in OFPA, was carefully designed to ensure balanced stakeholder input into the rulemaking process. At the time the law was under development, there was debate that the Board should be industry-dominated to ensure continuation of the kind of high-quality standards associated with organic farming, which make sense from a production viewpoint. Others argued that industry representation on the Board would be inappropriate and create conflict of interest problems. As a result, Congress structured the Board so that farmers and handlers involved in organic production receive six representatives, equal to the consumer and environmental organizations, which together would receive six representatives. A single retail, certifier and scientist designation raised the membership to fifteen.

This 15-member volunteer citizen advisory board is designed to represent the diversity of the organic community across the United States to help ensure that all perspectives are considered before final recommendations are presented to the Secretary of Agriculture. The number and ratio of seats were allocated intentionally so that sectors must achieve consensus to pass a recommendation, ensuring balance of interest, with none predominating. And, in order for any motion to carry, a two-thirds vote is required to prevent any one interest from controlling the Board. It is this construct that helped give the organic label the credibility that it has today as well as the platform for its exponential growth.





**The Organic Foods Production Act** passed in 1990. It takes an act of Congress to change the law.



**7 CFR 205** are the organic standards that describe the requirements that must be verified before a product can be labeled as USDA organic.



**U.S. Department of Agriculture (USDA)** is responsible for administering federal regulations related to farming, agriculture, forestry and food.

The Secretary of Agriculture appoints and

consults with NOSB in the formation of

organic standards, policy and guidance.





**USDA Agricultural Marketing Service** (AMS) administers and enforces NOP's regulatory framework.



USDA (AMS) National Organic Program (NOP) establishes and enforces organic standards, oversees certifiers and supports transitioning and current organic producers and handlers. ⊼î

KEY

National Organic Standards Board (NOSB) is a 15-member board of volunteer citizens that assists in the on-going development of the organic standards.



Accredited Certifiers are third party organizations that certify organic operations to protect the integrity of the USDA organic seal.



Certified Organic Producers and Handlers are farmers, ranchers, processors, retailers, traders, distributors and others that are able to sell, label and represent products as organic.



**Consumers, trade associations, NGOs, retailers, scientists** and other stakeholders with an interest in organic agriculture and products provide feedback to USDA and NOSB.

#### **KEEPING NOSB STRONG**

NOSB meets twice a year in a public forum to discuss and vote on subcommittee proposals related to the National List or other organic standards issues. NOSB first publishes proposals with a request for public comments. Prior to the meeting, NOSB members review literally thousands of pages of comments. During NOSB meetings, the full Board listens to oral public comments, discusses the proposals, and then votes on whether to pass the subcommittee proposals. NOSB subsequently submits its final recommendations to USDA.

The NOSB stakeholder feedback process allows substantial and diverse input from organic stakeholders continually to improve the organic standards. The process is challenging, it can be messy and it certainly can be difficult to watch. Is there room for improvement? Of course. Most anyone who has attended an NOSB meeting could point to areas to improve the process. The Organic Trade Association, for one, would like to see a less politicized and more respectful environment for public discourse at NOSB, and we would like to see Board members receive more regulatory and technical support from USDA on material analysis and proposal writing. Displeasure with the Board's controversial discussions on various topics or on the challenging decisions they make, however, should not be interpreted as a failure on the part of NOSB, but instead its members' diligence in addressing many viewpoints on multiple topics given the limited time and resources that the Board is provided.

Just like a healthy ecosystem, the strength in the organic sector always has been and always will be in its diversity. There is much at stake for organic in the 2018 Farm Bill, and the organic community's greatest weakness is the threat of division. Now more than ever, we need to stand together for policies and protections that strengthen the integrity of the USDA Organic seal, boost investment in organic research and support expansion of organic acres. With respect to NOSB, we must secure critical funding to make sure the Board receives the resources necessary to do its job so it can conduct the scientific analyses required under OFPA and write solid proposals which USDA can move through the system. OTA strongly believes that all of the opportunities to evolve the NOSB and the organic standards can happen within the public-private partnership, but we must stay united and live up to this unique structure we built. NOSB was designed to develop consensus, not pick winners and losers.

NOSB, while not a perfect system, is a solid one that has proven its worth and served the organic sector well for almost three decades. It is a process that is far more inclusive and transparent than turning over standards decisions to lawmakers and USDA staff and leaders. The public expects the process of establishing and revising USDA organic standards to be fully transparent with full opportunity for public participation, as envisioned by the procedures established in OFPA. In reality, there is no place in our food system that is more transparent than in organic production, and the role of the NOSB is central to that transparency.

#### WHO ARE THE CURRENT NOSB MEMBERS?

Farmers/Growers: Steve Ela (CO), Ashley Swaffar (AR), Jesse Buie (MS), Emily Oakley (OK)
Handlers/Processors: Tom Chapman (CA), Eric Schwartz (CA)
Retailer: Lisa de Lima (MD)
Scientist: Dave Mortensen (PA)
Consumer /Public Interest: Sue Baird (MO), Dan Seitz (MA), A-dae Romero-Briones (HI)
Environmentalists/Resource Conservationists: Asa Bradman (CA), Harriet Behar (WI), Rick Greenwood (CA)
Accredited Certifying Agent: Scott Rice (OR)

# THE RESTRICTED ORGANIC TOOLBOX

Every household needs a good toolbox and a well-stocked first aid kit to deal with unexpected challenges that can't be handled in the usual way. And so it is with organic agriculture.

Many consumers believe that absolutely no synthetic substances are used in organic production. For the most part, they are correct and this is the basic tenet of the organic law. But there are a few limited exceptions to this rule, and the National List is designed to handle these exceptions. The National List can be thought of as the "restricted tool box" for organic farmers and handlers. Like the toolboxes or first aid kits in our cupboards to deal with critical situations when all else fails, the organic toolbox is to be used only under very special circumstances.

The organic farmer's toolbox contains materials that have been traditionally used in organic production. By law, they are necessary tools that are widely recognized as safe and for which there are no natural alternatives. This toolbox is much smaller than the "full-toolbox" used in conventional farming.

Organic farmers have restricted access to 25 synthetic active pest control products while over 900 are registered for use in conventional farming.



\*Ware, George W and Whitacre, David M. The Pesticide Book 6th Edition. 2004

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Organic ranchers have restricted access to 21 synthetic livestock health treatments, while over 550 synthetic active ingredients are approved in conventional animal drug products.



\*FDA Approved Animal Drug Products (Green Book)

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Before organic farmers can use any of these substances, however, they must develop a pest and disease management plan that describes how they will first prevent and manage pests without the use of National List inputs.

The restricted toolbox can only be opened when mechanical, cultural, and biological controls are insufficient to control pests, weeds and disease. This is foundational to organic farming.

The National List is also designed to cover the up to 5% non-organic minor ingredients allowed in organic food processing. These ingredients are essential in organic food processing but difficult or impossible to obtain in organic form, either because the supply is very limited or the ingredient is a non-agricultural, like baking soda, and cannot be certified organic. A total of 74 non-agricultural minor ingredients are allowed in an organic processor's "pantry," while the conventional food processor's pantry is bulging with more than 3,000 total allowed substances.



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#### The restricted toolbox used in organic production and handling represents the best and least-toxic technology our food system has developed.

NOSB regularly reviews the tools in the organic toolbox to assure they still meet the organic criteria set forth in the law. Under the rigorous Sunset process, NOSB and organic stakeholders review the contents of the toolbox every five years to make sure that organic's allowed tools continue to be safe for humans, safe for the environment, and necessary because of the lack of natural or organic alternatives. There is no other regulation like this in the world.

Now more than ever, organic agricultural practices are needed on more acres to address significant environmental challenges for our planet. Now more than ever, the supply of organic ingredients, particularly grains and animal feed, is falling behind consumer demand. We face the dual challenges of encouraging more farmers to convert to organic and making our food production more sustainable. NOSB's challenge is to protect the integrity of organic, while at the same time providing producers and handlers with enough flexibility to allow them to comply with organic standards and to also expand organic acreage.

Like the toolboxes and first aid kits of households that are prepared for unexpected emergencies should they arise, the organic toolbox provides the tools to safely meet the challenges of today's organic world.

It was 1997 and the National Organic Program (NOP) as we now know it was still evolving. On December 16 of that year, the first proposed rules to establish national organic standards were published by the NOP, erupting a roar of public discourse. The Department of Agriculture, which had just begun overseeing the National Organic Program, was swamped with over 275,000 public comments on the proposal, and the public interest in organic has only intensified since.

Today's strict and comprehensive network of federal requirements and regulations that monitor and check the organic industry, from the farm gate to the dinner plate, was born out of a public outcry that started rumbling in the 1970s for a healthier and safer agricultural system that would not endanger the environment or pose risks to human health. That public sentiment culminated in the Organic Foods Production Act in the 1990 Farm Bill, which ultimately created the current rules for the entire system of certified organic agriculture in the United States.



a public process and mirrored most of the standards that organic producers and handlers were already using through the various certification programs of the time, and was formulated to be flexible enough to accommodate the wide range of operations and products grown and raised in every region of the United States. The first several years (2002–2005) of the implementation of the list were a period of fine-tuning, adjustment and just plain learning. Some materials essential to safe organic production had been overlooked and were added, and some simply took that long to get through the rulemaking process. In 2007 the list was revised to restrict the number of nonorganic ingredients that can be used in organic products. What had been an unlimited number of non-organic ingredients allowed in organic processed foods was restricted to a closed-list of just a handful that still can only be used when organic alternatives are not available.

Since 2008, an even greater shift away from synthetics has occurred, with just six synthetics added to the list, and a total of 72 during that same time period removed, denied from the list, or further restricted. The no-growth trend in synthetics since 2008 shows a strong preference for the use and development of non-synthetic and organic alternatives.

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Organic production systems encourage a healthy environment with as few inputs as possible. Organic agriculture is governed by the basic rule of allowing natural substances and not allowing synthetic materials. But in the real world, sufficient quantities of an input essential to organic production and processing — and not harmful to humans or the environment — are not always available in an organic form, so exceptions to this rule have been made. These exceptions make up the "National List of Allowed and Prohibited Substances," or simply the "National List."

The National List identifies the synthetic substances that may be used in organic crop and livestock production, and prohibits the use of certain natural toxic substances in organic production. The list also identifies synthetic materials such as carbon dioxide, non-synthetic non-agricultural substances such as yeast, and non-organic agricultural substances such as Turkish bay leaves that may be used in organic handling and processing.

#### LEARNING FROM OTHERS AND COMPILING A LIST THAT WORKS

It took five years for the National Organic Standards Board (NOSB), a group of fifteen public volunteers appointed by the Secretary of Agriculture who represent various sectors of the organic industry, to complete a massive review of the inputs in use by organic producers and processors, and of state, private, and foreign organic certification programs to help craft the final organic regulations.

It was from this extensive research and engagement with everyone in the organic chain, and following thousands of comments to federal regulators, that the National List was compiled, reworked and reworked again, and then officially established on Dec. 21, 2000. The list mirrored most of the standards that organic producers and handlers were already abiding by through the various certification programs of the time, and was formulated to be flexible enough to accommodate the wide range of operations and products grown and raised in every region of the United States

What are some of the allowable substances on the National List? For crop producers, the list includes things like newspapers for mulch and sticky traps for insect control. For livestock producers, it includes vaccines, an important part of the health regimen of an organic animal for which antibiotics are prohibited, and chlorine for disinfecting equipment. For organic processors, the list includes ingredients essential to processed products that can't be produced organically, like baking soda, and certain vitamins and minerals and non-toxic sanitizers.

Of course, not all the allowed items on the National List are non-controversial. But all of the substances on the list are required to fulfill three critical criteria as specified by the Organic Foods Production Act: 1) Not be harmful to human health or the environment; 2) Be necessary to production because of unavailability of natural or organic alternatives, and 3) Be consistent with organic principles.

#### A NO-GROWTH TREND IN SYNTHETICS

The first several years of the implementation of the list were a period of fine-tuning, adjustment and just plain learning. Some materials essential to safe organic production had been overlooked and were added, like ozone gas for cleaning irrigation systems and animal enzymes for organic cheese production — both put on the list in 2003.

In 2007, the number of non-organic agricultural ingredients allowed in organic processed products was dramatically tightened. Processed products with the organic label must contain 95 percent certified organic ingredients. Before 2007, the agricultural ingredients that could be used in the remaining 5 percent category were not spelled out; ANY non-organic agricultural ingredient could be used if it was not available in organic form. In 2007, 38 specific substances were defined and added to the National List of non-organic ingredients allowed in a processed organic product. So with the addition of 38 materials to the National List, what had been an unlimited number of non-organic agricultural ingredients allowed in organic processed foods was reduced to a closed list of just several handfuls.

Since 2008, an even greater shift away from synthetics has occurred, with just six synthetics added to the list, and a total of 72 during that same time period removed, denied from the list, or further restricted.

#### Allowed synthetics since 2008: What is the trend?

## No-Growth

with a strong preference for the use and development of nonsynthetic and organic alternatives.

synthetics have been added

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Examples of synthetics added include a sanitizer used in processing facilities that is allowed only for secondary and indirect food contact surface sanitizing, a cheese wax used for organic mushroom production, a mite control product for honeybees for organic honey production. 

 have been removed, denied, or further restricted.

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The synthetics added include a sanitizer in processing facilities used only for secondary and indirect food contact, a cheese wax used for organic mushroom production, a mite control product for organic honey production, and biodegradable mulch. Substances no longer allowed in organic products or denied permission to be added include non-organic hops in organic beer, bleached lecithin, unmodified rice starch, antibiotics for pears and apples, and dozens of synthetic substances and other materials. Additional restrictions recently added include a requirement to use organic yeast in certified products for human consumption and a requirement to use organic colors.

#### The no-growth trend in synthetics since 2008 shows a strong preference for the use and development of non-synthetic and organic alternatives.

A real-life example of a determined individual working within the NOSB system to replace an allowed synthetic material on the National List with a certified organic substitute occurred in 2013. The head of the company, which makes rice-based ingredients that food manufacturers use as alternatives to synthetic ingredients, submitted a petition in 2010 to remove silicon dioxide from the National List since his company had developed a rice-based certified organic alternative to the synthetic. In 2013, the NOSB amended the use of silicon dioxide and weighed in favor of organic rice hulls when available.



\* Requested for addition to the National List but denied

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#### ENABLING ORGANIC TO GROW AND PRESERVING THE SYSTEM'S INTEGRITY

The system was more arduous and took longer than expected, but it worked. It was proof that the National List has the foresight to include synthetic ingredients when there are no organic or natural alternatives, and thereby enabling the organic industry to evolve and grow, but more importantly, the system provides a method to retire a synthetic substance and implement the organic alternative when it becomes available. And in the particular case of the maker of the rice-based organic alternative, it was a win-win deal for the company, with sales growing by over 150 percent!

The National List represents a process that is rigorous, fair and one that works. It reflects realistic organic practices, while taking into account current obstacles to ideal production. It encourages public scrutiny, comment and engagement.

In the past ten years, organic food sales in the United States have jumped from slightly more than \$18.1 billion in 2007 to \$45.2 billion in 2017. According to USDA's National Agricultural Statistics Service's 2016 Certified Organic Survey, the number of certified organic farms in the country totaled 14,217 farms in 2016 compared to 3,000 tops in the mid-1990s.

More certified organic farmers, more organic products, more organic processors and handlers, an organic farm-to-table supply chain that is growing every day, but still adhering to a tight set of stringent guidelines —that's what the National List has made possible.

## THE ORGANIC TOOLBOX IS SUPPORTED BY A THREE-LEGGED STOOL

A primary function and responsibility of the National Organic Standards Board (NOSB) is to determine the suitability of the inputs that may be used in organic farming and handling. NOSB was in fact designed by the Organic Food Production Act (OFPA) to advise the U.S. Department of Agriculture (USDA) as to which inputs should be allowed. The organic law and regulations specify the evaluation criteria NOSB must use when it makes its recommendation to USDA.

The evaluation criteria and review process used by NOSB when voting on the suitability of inputs can be likened to a three-legged stool. The National List, which we often refer to as the "Restricted Organic Toolbox," is supported by three legs, each one representing criteria to be met for an input to be added or removed. If any one of the three legs is missing, the stool falls over and the action on the input fails.

The organic law (OFPA) and the organic regulations include a number of factors NOSB must consider when deciding on the suitability of an input. If one takes a look at the sum of all parts, the conditions that must be met fall into three main clearly stipulated criteria: 1) the input is necessary or essential because of the unavailability of natural or organic alternatives; 2) the input is not harmful to human health or the environment; and 3) the input is suitable with organic farming and handling. These three criteria comprise the three legs of the stool. Let's take a closer look.

#### ALTERNATIVES

Perhaps the simplest of the three main criteria is researching whether there are natural or organic alternatives. The organic law clearly states the National List may allow the use of an input in organic farming or handling if it is "necessary to the production or handling of the agricultural product because of the unavailability of wholly natural substitute products." The law also states NOSB shall consider alternatives in terms of practices or other available materials. The organic regulations at § 205.600(b) also bring in additional but similar criteria for synthetic processing aids and adjuvants, allowing their use only when there are no organic substitutes and when they are essential for handling or processing.

While this leg of the stool is arguably the most simple of the three, NOSB and organic stakeholders have long struggled with this criteria because of the terms "necessary," "essential," and "availability." How much of something is needed to consider it available in the volume needed? What if a natural alternative is available but the quality is not sufficient? What if the alternative works in one region of the country but not another? What if there is an alternative but it's important to have more than one option? Determining whether there are natural or organic alternatives continues to be more challenging than one might think, and for this particular criteria, NOSB relies heavily on the feedback from organic stakeholders, especially the organic farmers and handlers growing and making organic food, and using the inputs and practices in question.

#### HUMAN HEALTH AND THE ENVIRONMENT

The restricted organic toolbox used in organic farming and handling represents the best and least toxic technology our food system has developed. That is exactly how we want to keep it. This principle is bound by the organic law, which states specifically that inputs that otherwise would be prohibited can be added to the National List only if their use is not harmful to human health or the environment. The law also requires the final decision made by USDA to be done so in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency.

To help NOSB advise USDA on this complex topic, the organic law provides NOSB with evaluation criteria to consider in order to explore the toxicity of the input during manufacture, use and disposal, and the

#### BALANCING THE THREE-LEGGED STOOL How "National List" Criteria Support the Restricted Organic Toolbox



#### Synthetic Processing Aids & Adjuvants Have Additional Criteria...

- Use and disposal don't harm the environment
- Recognized as safe by the Food and
   Drug Administration
- Primarily not a preservative or used to recreate qualities lost during processing

#### REFERENCES

Organic Foods Production Act (OFPA) National List Criteria (OFPA 6517)

National Organic Standards Board (NOSB) Evaluation Criteria (OFPA 6518)

USDA Organic Regulations Processing Aids and Adjuvants Criteria (7 CFR 205.600(b))

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potential interactions the input may have with other inputs or within the farming ecosystem. The organic regulations bring in additional but similar criteria for synthetic processing aids and adjuvants that consider the impact their use has on the environment and the safety status under the Food and Drug Administration (FDA).

Evaluating whether an input may be harmful to human health and the environment is no easy task. Members of the Board represent several areas of the organic sector and hold advanced degrees in different scientific disciplines, but they may lack the expertise or time to adequately address the needs of a petition. It is for this reason NOSB may request the assistance of a third party to evaluate a material. This comes to NOSB in the form of a Technical Review that is made available to NOSB and the public. In addition to the Technical Review, NOSB looks to the scientific experts in the community to provide meaningful input.

#### SUITABILITY WITH ORGANIC FARMING AND HANDLING

In addition to alternatives, human health and the environment, NOSB must determine the suitability of an input with organic practices. This is arguably the most nebulous of the three criteria, prompting NOSB to pass a guidance recommendation in spring of 2004 that includes a series of questions to assist the Board in its evaluation process. This guidance is now incorporated into NOSB's Policy and Procedures Manual, and plays a central role in NOSB's review process.

The questions in the guidance are largely tied to the definition of "organic production" codified in the organic regulations emphasizing practices that foster cycling of resources, promote ecological balance, and conserve biodiversity. Questions are also asked about the influence the input may have on animal welfare, the consistency the input has with items already on the National List and with international standards, and whether the input satisfies the expectations of organic consumers regarding the authenticity and integrity of organic products.

The third leg of the stool can be viewed as the "equalizing" leg of the stool, helping NOSB balance its evaluation of alternatives, human health and the environment. For example, if the information provided on human health raises some concerns, but the science is insufficient, or alternatives are available but they do not work in all regions of the country or in all types of products, NOSB will evaluate how suitable the input is overall with the foundations of organic production and handling. One leg of the stool may not fail the criteria altogether but it might be shorter than another leg, creating concern ... and a tilted stool. The suitability criteria help NOSB adjust and balance the stool. Similarly, the input may pull up short in the suitability department, causing the stool to topple. Either way, NOSB's final recommendation must deliver a balanced three-legged stool that firmly supports the restricted organic toolbox.

# THE THREE-LEGGED STOOL STANDS ON A SOLID YET DYNAMIC FOUNDATION

The three-legged stool holding up the National List stands on a firm foundation made up of organic stakeholders, the organic law, the organic regulations, NOSB and USDA's National Organic Program. The organic law was created in response to the needs of organic stakeholders, and the law in turn created NOSB and the USDA organic regulations. Today, the entire process we use to shape the National List continues to be powered and driven by stakeholders throughout the supply chain and the organic community. The National List criteria are tough, the process is rigorous, the discussion and decisions are thoughtful and transparent, and everyone is welcome.

#### THE SUNSET PROCESS

Once a material has been added to the National List, NOSB must re-review the material every five years to confirm that the material continues to meet the National List criteria. This re-review process is known as the "Sunset Review" process. Through this process, NOSB can remove inputs from the National List based on any new information regarding adverse impact on human health or the environment, or the availability of a natural or organic alternative. After NOSB completes its Sunset Review and provides a recommendation, USDA either renews or removes the input to complete the Sunset Review process. The Sunset Review process must be completed prior to the material's Sunset Date, which is the five years from its initial listing or most recent renewal on the National List. Therefore, NOSB reviews these materials well in advance to ensure there is time to complete the entire Sunset Review process prior to the material's Sunset Date.

#### SUNSET REORGANIZATION

NOSB has adopted a reorganization process that will result in a more evenly distributed Sunset Review workload over the five-year Sunset Review cycle. The process is the result of an NOSB recommendation unanimously passed at the fall 2016 NOSB meeting. As explained in the NOSB recommendation, National List inputs that are reviewed early under the reorganization plan should be allowed to sunset on their original timeline.

### TWO-STAGE PUBLIC COMMENT PROCESS

There are two public comment opportunities that inform the Sunset Review process. The first opportunity occurs at the spring meeting when NOSB accepts public comments on material undergoing Sunset Review that year. NOSB uses the information collected through the first round of public comment periods to inform the subcommittee proposals that are presented for a second public comment at the fall meeting. The full Board takes the feedback from both comment periods into consideration along with its own research, and votes at the fall meeting on whether to renew their allowance on the National List for another five years.

## ORGANIC TRADE ASSOCIATION'S ONLINE SURVEY SYSTEM

To help facilitate a thorough comment and review process, OTA creates electronic surveys for each sunset material under review. The surveys are available to every NOP certificate holder, and include 7-10 questions addressing the necessity (crop and livestock) or essentiality (handling) of each material. The names of the companies submitting the information are confidential (not disclosed to OTA). To ensure wide distribution of the surveys beyond OTA membership, OTA works with Accredited Certifying Agencies and the Organic Materials Review Institute (OMRI) to distribute the survey links to all of their clients as well as to targeted clients they know are using the inputs under review. OTA also works through its Farmers Advisory Council to help assist in distribution to NOP certified farmers. OTA hopes these efforts and the feedback gathered from certified farmers and handlers will help to inform NOSB in its review process as it relates to the necessity or essentiality of the National List inputs undergoing their five-year Sunset Review.

## NOSB VOTING PROCEDURES

#### NOSB MOTIONS AND VOTES

As specified in the Organic Foods Production Act (OFPA), two-thirds of the votes cast at an NOSB meeting at which a quorum is present shall be decisive of any motion [§2119(i)].

Based on a 2013 NOP clarification of the NOSB sunset voting procedure, the full NOSB must vote on a motion to remove a substance from the National List (instead of voting on a motion to renew the substance). This procedure ensures that changes to the National List are based on a decisive vote of the Board. For sunset materials, this means that two-thirds of NOSB members must vote in favor of removing a material for USDA to have the authority to amend the National List. As there are 15 NOSB members, 10 votes in favor are needed to pass any recommendation to remove a material from the National List.

Materials can only be renewed or removed from the National List during the sunset process. Any other changes, clarifications, or restrictions to listed materials must be conducted through the petition process, and be recommended by the subcommittee through a proposal that is separate from the Sunset Review process.

# WHY DO THE SUNSET SUBCOMMITTEE PROPOSALS INCLUDE A "MOTION TO REMOVE?"

Even if a subcommittee intends to renew a sunset material, the subcommittee will still put forward a "motion to remove." The purpose is to introduce the topic for consideration while the vote from the entire Board determines the final recommendation. Even if the Subcommittee "motion to remove" fails to receive a simple majority, the motion will still be put forward to the full Board for review. The "motion to remove" is then considered and voted on by the full Board, and needs a decisive vote (two-thirds majority) to recommend removal.

#### EXAMPLE VOTING PROCESS FOR A "MOTION TO REMOVE"

Subcommittee Vote (simple majority is needed to pass a motion)

- Yes = in favor to delist No = in favor to renew
- If majority vote yes, the recommendation to the full Board is to remove the material
- If majority vote no, the recommendation to the full Board is to renew the material
- Subcommittee proposal is forwarded to the full Board for a vote regardless of whether the motion failed/passed

Full Board Vote (2/3 majority (10 of 15)) is needed is needed to remove a material)

- The full Board votes on the subcommittee's motion to remove
- Yes = in favor to remove No = in favor to renew
- 2/3 of the 15 member board would need to vote YES to remove the material
  - Example: 10 yes, 5 no would mean that the motion passes, and the final recommendation would be to remove the material
  - Example: 8 no, 7 yes would mean the motion fails, and the material would remain on the National List.

# 2018 RESEARCH PRIORITIES (PROPOSAL)

### BACKGROUND

Since adopting its Research Priorities Framework in 2012, NOSB has presented a list of research priorities for organic food and agriculture. The priorities are proposed by NOSB's Livestock, Crops, Handling, and Materials/GMO Subcommittees, and are published each year prior to the fall meeting. The final priorities include feedback from organic stakeholders, which is publicly available through the *Federal Register*.

### NOSB SUBCOMMITTEE SUMMARY

NOSB encourages integrated, whole farm research into the following areas:

**Livestock:** 1) Evaluation of methionine in the context of a systems approach in organic poultry production; 2) Prevention and management of parasites, examining breeds, geographical differences, alternative treatments, and pasture species; and 3) Organic livestock breeding for animals adapted to outdoor life and living vegetation.

**Crops:** 1) Examination of decomposition rates, the effects of residues on soil biology, and the factors that affect the breakdown of biodegradable bio-based mulch film; 2) Organic no-till practices for diverse climates, crops, and soil types; 3) Plant disease management, including alternatives to antibiotics for fire blight in fruits, alternatives to copper, and research into disease-resistant varieties and biopesticides; 4) Mitigation measures for pesticide residues in compost, including identification of problematic feedstock; 5) Strategies for the prevention, management, and control of invasive insects; 6) Factors impacting organic crop nutrition, and organic/conventional nutrition comparisons; 7) Examination of the factors influencing access to organically produced foods; 8) Production and yield barriers to transitioning to organic production to help growers successfully complete the transition; and 9) Side-by-side trials of organic synthetic materials, natural materials, and cultural methods, with a request for collaboration with the IR4 project.

**Coexistence – GE and Organic Crops:** 1) Outcome of genetically engineered (GMO/GE) material in organic compost; 2) Evaluation of public germplasm collections of at-risk crops for the presence of GE traits, and ways to mitigate small amounts of unwanted genetic material in breeding lines; 3) Techniques for preventing adventitious presence of GE material in organic crops, and evaluation of the effectiveness of current prevention strategies; and 4)Testing for fraud by developing and implementing new technologies and practices.

**Food Handling and Processing:** 1) Comparison of alternatives to chlorine materials in processing: impact mitigation, best management practices, and potential for chlorine absorption by produce; 2) Production of celery for celery powder yielding nitrates sufficient for cured meat applications, and investigation of agriculturally derived alternatives; and 3) Suitable alternatives to BPA (Bisphenol-A) for linings of cans used for various products.

**SUBCOMMITTEE VOTE:** Motion to adopt the proposal on 2018 NOSB Research Priorities – Yes: 5 No: 0 Abstain: 0 Absent: 2 Recuse: 0

#### THE ORGANIC CENTER'S POSITION

The Organic Center supports the subcommittee's proposed 2018 Research Priorities, particularly the topics of Organic no-till practices for diverse climates, crops, and soil types; Plant disease management, Strategies for the prevention, management, and control of invasive insects; and Production of celery for celery powder yielding nitrates sufficient for cured meat. The Organic Center is actively involved in conducting and communicating research on these issues, and we expect the prioritization of these topics by NOSB may help us secure further funding.

Based on feedback we've received during our own outreach efforts, we also suggest that the areas of soil health, climate change, and pathogen protection be considered for inclusion in the 2018 Research Priorities.

- Soil Health: A growing body of scientific literature evaluates the relative contribution of different management practices for improving soil health. However, significant variation in characteristics assessed and the methods used to gauge those means that oftentimes results across different studies are not comparable. Even when scientific studies do use comparable measures of soil health, they may come to contradictory conclusions. Management decisions that lead to an improvement in soil quality in one study may be less effective in another, suggesting that some protocols must be carefully considered based on localized conditions to achieve best results. As such, reaching solid conclusions on best-management practices for achieving optimal soil health and fertility can be difficult, particularly for organic farmers who cannot rely on formulaic recommendations for fertilizer application. The Organic Center has a project in collaboration with researchers from the University of Maryland–College Park to conduct a comprehensive review of the most current science that evaluates organic compliant methods for optimizing soil health to develop best practices for organic farmers.
- *Climate Change:* Climate change is having serious consequences on our environment and public health. However, a growing body of research demonstrates that organic farming is poised to be part of the climate change solution, and some strategies employed by organic farming can also help with resilience to current climate issues such as drought and flooding. The Organic Center has a project in collaboration with researchers at Harvard University's Department of Public Health examining the specific aspects of organic agriculture that can contribute the greatest benefits to climate stability. Additional research is needed to pinpoint specific strategies that organic farmers can take to reduce greenhouse gas emissions and respond to current climate challenges threatening the future of our food security.
- *Pathogen Protection:* In 2015, the U.S. Food and Drug Administration (FDA) published the final version of the FSMA Produce Safety Rule after a public comment period relating to the use of manure and the required application interval between applying untreated manure and harvesting crops covered by the FSMA Produce Safety Rule. FDA deferred from its earlier proposed nine-month minimum interval requirement to give the agency time to conduct research into determining an appropriate science-based application interval. The Organic Center has been collaborating with the University of California, Davis, among other organizations, to address the need for additional information on raw manure intervals to provide critical information for guidelines on risk mitigation of foodborne pathogens for organic and sustainable agriculture.

## SPOTLIGHT

Conventional agriculture is a major contributor to climate change both through the release of greenhouse gas emissions and through the depletion of carbon in the soil which directly leads to an increased presence of carbon in our atmosphere. Now, a new study directed by Northeastern University in collaboration with The Organic Center has compared over 1,000 soil samples from across the country and found that organic farming can play a key role in restoring soil carbon, contributing to climate change mitigation.

Healthy soils are essential for robust and resilient crop production, and the amount of soil organic matter is one of the most critical components of a healthy soil. Organic matter is all the living and dead plant and animal material in our dirt that make it more than dirt – earthworms and insects and microorganisms, plant and animal residues, fermented compost, decomposed leaves and plant roots. Soils high in organic matter support healthy crops, are less susceptible to drought, and foster a diversity of organisms vital to soil health. Soils rich in organic matter can also maintain carbon for long periods of time, and help reduce the causes of climate change.

Humic substances are the gold standard of organic matter. Made up of carbon and other elements, they are the lifeblood for fertile soils. These substances resist degradation and can remain in the soil for hundreds and sometimes thousands of years. They don't just mean healthy soil; they are also one of the most effective ways to mitigate climate change. The more humic substances in a soil, the longer that healthy soil is trapping and keeping carbon out of the atmosphere. This stable pool of carbon is therefore more representative of stable carbon sequestration in the soil. Specifically measuring humic substances in soil gives an accurate understanding of long-term soil health and carbon sequestration.

The study shows that the components of humic substances – fulvic acid and humic acid -- were consistently higher in organic than in conventional soils.

The research found that, on average, soils from organic farms had:

- 13 percent higher soil organic matter
- 150 percent more fulvic acid
- 44 percent more humic acid
- 26 percent greater potential for long-term carbon storage.

This is the first time scientific research has given an accurate picture of the long-term soil carbon storage on organic versus conventional farms throughout the U.S., since most studies focus on individual farms or total soil organic carbon. The Organic Center's study takes farms from around the nation into account, and looks at the most accurate measure of carbon sequestration.



# GENETIC INTEGRITY TRANSPARENCY OF SEED GROWN ON ORGANIC LAND (PROPOSAL)

#### BACKGROUND

In 2012, 2013, 2016 and 2017, the Materials/GMO Subcommittee issued discussion documents on the topic of "seed purity" (i.e., keeping seed stock used for organic production free from contamination by GMOs via a seed purity standard). Public commenters have expressed strong support for exploring the feasibility of a seed purity standard recognizing the importance of reducing inadvertent introduction of GMOs into crops through seeds. At the same time, there is concern that setting a standard without the proper infrastructure may penalize famers for trespass of genetic contamination that is the fault of others. It could also ultimately narrow the availability of needed crops traits. Six years of discussion and public comment led to a conclusion that public data on seed contamination is needed to inform an effective and fair seed purity standard if one is to be established. In order to move the process forward and find a solution to a complex problem, this proposal is intended to be a starting point, to learn how to best provide information to producers so they may choose levels of seed purity they are comfortable with, and to collect data & track contamination risks to inform seed purity standard.

#### NOSB SUBCOMMITTEE SUMMARY

The proposal includes a 17-part protocol requiring a system of sampling, testing and transparency of findings of GE contamination on all field corn seed planted on organic land. It also calls for NOP instruction to certifiers, tracking in OSPs, an option of five levels of seed purity that farmers may choose from (0.1%, 0.25%, 0.9%, 5% or less, over 5%), documented testing and sampling, seed tag declaration, specification of protocols, technology & labs, tracking by certifiers with submission to a central database, and seed lot sample retention by organic farmers for at least one year. The proposal appears to apply to both organic and non-organic seed.

SUBCOMMITTEE VOTE: Motion to approve this proposal - Yes: 4 No: 0 Abstain: 0 Absent: 3 Recuse: 0

### ORGANIC TRADE ASSOCIATION'S POSITION

This proposal reflects good progress and is a solid starting point, to learn how to best provide information to producers so they may choose levels of seed purity they are comfortable with (transparency), and to collect data & track contamination risks to inform a future seed purity standard. In summary:

- The proposal contains concrete ideas for collecting data, reporting purity levels for certifier visibility and critical information on sampling and testing protocols.
- The organization and clarity of the information need significant improvement. It would be helpful to separate the requirements into categorical sections: A) sampling and testing protocols; B) organic farmer using organic seed; C) organic farmer using non-organic seed; D) organic seed supplier; E) organic seed buyer (if not the farmer); and F) the certifier.
- Integrating separate recommendations on excluded methods terminology and including technologies for which testing is not possible into a proposal that mandates testing are problematic. We recommend removing the list of excluded methods that NOSB is continually working on but retaining the regulatory definition of "excluded methods."
- Research into patents and legal protections on proprietary seed is needed to better understand how it may limit or prohibit testing.
- Including data on seed tags may violate seed labeling laws.

## EXCLUDED METHOD DETERMINATIONS (PROPOSAL)

#### BACKGROUND

On November 18, 2016, NOSB sent a recommendation to the National Organic Program (NOP) recommending it develop a guidance document to improve and update the definition of excluded methods (genetic engineering). This recommendation provided improved definitions and attempts to address the increased diversity in types of genetic manipulations performed on seed, livestock and other inputs used in agriculture. It is understood that genetic engineering is a rapidly expanding field in science at this time, and that NOSB and NOP will need to continually review new technologies to determine if they would or would not be acceptable in organic agriculture. In addition to the recommendation passed by NOSB in November 2016 providing a new framework of definitions for determining a genetic manipulation as an excluded method, there is also a discussion document with a running list of new technologies under review to determine if they are within the definition of excluded methods and thus prohibited. This proposal for the October 2018 meeting addresses two of the "to be completed" methods listed in the discussion document.

#### NOSB SUBCOMMITTEE SUMMARY

Two items are considered for this proposal: 1) transposons; and 2) embryo rescue in plants. Transposons, when produced from chemicals, ultraviolet radiation or other synthetic methods, are to be added to the list of excluded methods. Embryo rescue in plants was found to not be an excluded method because it meets IFOAM's 2018 position paper as a technique that is compatible with organic systems.

**SUBCOMMITTEE VOTE:** Motion to approve the proposal as stated above – Yes: 4 No: 0 Abstain: 0 Absent: 3 Recuse: 0

### ORGANIC TRADE ASSOCIATION'S POSITION

The Organic Trade Association did not submit comments on this topic. We support the process of clarifying the definition of "excluded methods." However, we did not have enough time to carefully study the technologies and criteria to make an informed comment.

# MARINE MATERIALS IN ORGANIC CROP PRODUCTION (DISCUSSION)

#### BACKGROUND

Marine vegetation such as seaweeds are commonly used in the manufacture of crop production inputs such as fertilizers and soil conditioners. These marine materials are largely harvested from wild native ecosystems. During the 2015 Sunset Review of the §205.601(j) listing of aquatic plant extracts, concerns were raised about the increase in global harvesting of seaweeds and the accelerated potential for destruction of marine ecosystems. To more fully examine marine materials in organic production, a Technical Report was obtained in 2016. A discussion document was posted for the Fall 2016 NOSB meeting that posed questions about the naming conventions of marine plant/algae on the National List, the need to specify uses or harvesting guidelines of certain species, and whether further NOP guidance is needed. In Spring 2017, NOSB proposed a motion to limit the §205.601(j) listing of aquatic plant extracts to only brown seaweeds. Public comments revealed that aquatic plant input products also use green and red algae, so the proposal was sent back to subcommittee to re-examine its approach to the issues.

#### NOSB SUBCOMMITTEE SUMMARY

This discussion document explores a means of addressing the environmental impact of harvesting seaweed for use in organic crop production through existing organic certification tools by requiring that aquatic plants under §205.601(j)(1) and other non-synthetic uses of marine vegetation be certified organic to the wild crop standard at §205.207. This proposal is similar to the existing requirement that kelp used in livestock feed must be certified organic.

**RECOMMENDED PROPOSALS:** The subcommittee suggests the following proposals for discussion:

- 1. Change the existing annotation for Aquatic Plant Extracts at §205.601(j)(1). Proposed changes are highlighted in **blue**: "Aquatic plant extracts (other than hydrolyzed) Extraction process is limited to the use of potassium hydroxide or sodium hydroxide; solvent amount use is limited to that amount necessary for extraction. **Must be made with certified organic aquatic plants, including, but not restricted to, algae.**"
- 2. Add a new listing at §205.602 prohibiting seaweeds unless organically produced to address seaweeds used in non-synthetic products and therefore not covered by the annotation under Aquatic Plant Extracts. This prohibition, unless certified organic, would help safeguard that seaweeds harvested for and used in organic crop production do not harm the environment. The proposed new listing (in **blue**) would read: "(e) Marine algae (seaweeds) unless organically produced."
- 3. Recommendation that that NOP develop Guidance on applying §205.207 "Wild-crop harvesting practice standard" to the production and harvesting of marine algae. Guidance is needed to clarify how marine algae can "be harvested in a manner that ensures that such harvesting or gathering will not be destructive to the environment and will sustain the growth and production of the wild crop". In particular, "will not be destructive to the environment" involves a wide range of impacts on the marine ecosystem, while "will sustain the growth and production of the ability to sustain production of biomass of the crop.

Questions: The subcommittee is seeking comments from the public in the following areas:

- 1. Please discuss the feasibility of requiring all seaweed harvested for use in organic crop production to be certified to the wild crop standards.
- 2. For certifiers currently certifying marine materials to the wild crop standard, please describe how you verify that biodiversity is conserved and how wildlife are maintained in the harvest areas.
- 3. Could species be comprehensively listed on aquatic plant extract product ingredients?
- 4. Would the establishment of a working group be useful in providing additional guidance on wild cropped and farmed marine algae and to clarify the definition and measurement of "not destructive to the environment" stipulated in the wild-crop harvesting practice standard §205.207 (b)?
- 5. Is there a potential to replace marine materials with freshwater materials for crop production inputs? Many of these freshwater materials are invasive species and are already removed as part of restoration efforts.

**SUBCOMMITTEE VOTE:** Motion to accept the marine materials discussion document – Yes: 5 No: 0 Abstain: 0 Absent: 2 Recuse: 0

#### ORGANIC TRADE ASSOCIATION'S POSITION

The intended goal of the subcommittee's work on this issue is to protect marine environments from potential contamination and destruction caused by unsustainable marine plant harvesting. OTA supports the efforts of NOSB and the organic sector to move towards the allowance of only aquatic plants produced and harvested in a sustainable manner.

OTA agrees with the subcommittee's logic of using existing organic certification tools as a means of verifying sustainable production practices. Organic is the strongest and most regulated food system in the world, so it is logical to use our existing standards and verification processes to ensure that crop materials are produced and harvested in a manner that would not be harmful to the environment.

We have questions about the feasibility of requiring organic certification of aquatic plants used in crop inputs as a mechanism to achieve the subcommittee's stated sustainability goals, and we suggest areas for further study. In particular, we have questions about whether organic certification is feasible as a solution for achieving the subcommittee's intended sustainability goals, and if so, whether it is feasible for the organic industry to build up sufficient organic supply to accommodate the needs of organic producers.

If organic certification is required for marine plants used in crop inputs, clarification of the language and terminology used in the proposed annotations is needed to ensure consistent application and enforcement. Clarification on the certification and labeling requirements of formulated crop inputs will also be needed. A phase-in period will be needed for any new requirements to allow a reasonable timeframe for input manufacturers to reformulate and organic producers to come into compliance.

# DEVELOPING CRITERIA FOR RISK-BASED ACCREDITATION (PROPOSAL)

#### BACKGROUND

Recent activities and USDA investigations have revealed products fraudulently labeled as organic and gaps in the complex organic supply chain, specifically as it relates to organic imports. Compromised supply chains due to fraud can erode consumer trust in the integrity of the organic brand. Strong action is needed to improve the effectiveness of controls throughout the organic product supply chain. In response to a request from the National Organic Program (NOP) and comments received from the public at the spring 2018 meeting, this proposal seeks to establish criteria for assessing risk factors when engaging in the oversight of USDA-accredited certifiers. Oversight includes on-site and desk audit activities of the certifier in the primary and satellite offices, as well as on-site audits of inspection procedures.

#### NOSB SUBCOMMITTEE SUMMARY

As a starting point, the Subcommittee has compiled a list of factors that identify potential for risk as well as activities to address them. NOSB requests comments that further expand on areas of risk not included. Please consult the proposal for detail on each factor: 1) Operates in an area or region known to have or have had fraudulent activity; 2) Certifies a high number of operations exporting to/importing from foreign markets; 3) Maintains one or more satellite offices; 4) Certifies operations from which a significant portion of revenue is derived from a small percentage of operations; 5) Employs or contracts with inspectors and/or reviewers new to certification and the organic sector; 6) Works predominantly with contract inspectors for which they have minimal management or oversight; 7) Certifies high-risk commodities; 8) Reports incomplete or minimum required data to the Organic Integrity Database (e.g., updates certified operation list with commodities grown/handled but does not report acreage or volume); 9) Residue sampling results show lower than average/no positive results of certified operations; 10) Fewer or lower than average non-compliances or adverse actions issued; 11) Has received a past Notice of Suspension or Revocation of relevant accreditation from USDA or other accreditation body; 12) Has received a non-compliance that points to a breakdown in the control system; 13) Certifier provides certification to employees, contractors, or members of its advisory bodies or management boards.

SUBCOMMITTEE VOTE: Motion to approve this proposal - Yes: 8 No: 0 Abstain: 0 Absent: 0 Recuse: 0

### ORGANIC TRADE ASSOCIATION'S POSITION

Given the range of risk factors that contribute to potential fraud, the Organic Trade Association fully supports the concept of risk-based accreditation oversight and the development of criteria to use to guide the process. In summary, we are advocating the following:

- Increased levels of performance within the recommended suggestions to increase the effectiveness of the efforts and improve measures of expected outcomes.
- Creation of a risk matrix defining the level of risk by considering a category of probability or likelihood against a category of consequence severity.
- Added risk factor: Certifiers missing one or more of the NOP annual trainings
- Required minimum data (Factor # 8) for ACAs to submit to the Integrity Database should include aggregate production area certified by crop and location on an annual basis.
- Added risk factor: The condition of a certifier being unresponsive and not sending requested paperwork to another certifier should be identified as major risk factor. Verifying the organic product before it leaves the country of origination is the only viable way of assuring an audit of a product back to the field.

# TRAINING AND OVERSIGHT OF INSPECTOR AND CERTIFICATION REVIEW PERSONNEL (PROPOSAL)

#### BACKGROUND

In Spring 2018, CACS brought forward a proposal entitled Inspector Qualifications and Training that recommended the establishment of mandatory qualifications, ideal levels of experience or background, and compulsory continuing education. The goal of this proposal was to further strengthen the skills and abilities of the inspector pool, and bolster the certification system on the whole. The proposal passed with broad support of the Board and organic stakeholders, both of whom clearly expressed interest in being involved in the establishment of such qualifications, as well as expanding the scope to include certification review staff. As the Program moves forward with the Board's recommendation, it has requested specific areas of training that could be incorporated into the USDA's Learning Management System (LMS), an online platform for remote learning. This proposal summarizes public comments regarding improvement of inspection skills, identifies specific areas that could be included in the LMS, and provides further approaches for strengthening inspector and review staff.

#### NOSB SUBCOMMITTEE SUMMARY

NOSB is recommending a number of approaches to improve the quality and skills of inspectors and reviewers working in organic certification. Areas of improvement include accounting skills, technical and interpersonal skills, organic systems plan management, and inspector training & oversight. The proposal recommends a variety of approaches categorized into six areas to address these areas and meet improvement challenges. They are: 1) standardize the system for inspector training w/ accreditation as a long-term goal; 2) provide inspectors & reviewers access to the Learning Management System (LMS); 3) develop a comprehensive apprenticeship/mentor program; 4) standardize a system of tracking inspector skills; 5) standardize a feedback system for inspector and reviewer feedback; and 6) continually update and improve inspector training and oversight.

**SUBCOMMITTEE VOTE:** Motion to adopt this proposal as guidance to the NOP – Yes: 8 No: 0 Abstain: 0 Absent: 0 Recuse: 0

## ORGANIC TRADE ASSOCIATION'S POSITION

The Organic Trade Association strongly supports passing the proposed Guidance titled "Inspector and Certification Review Personnel Training and Oversight" at this fall meeting. The proposal is thoughtful, well written and takes into consideration the comments received in spring 2018. We support the topic areas and specific skills that are identified, and the variety of approaches recommended to further strengthen the skills and abilities of the inspector pool and certification review personnel. The proposal should provide the National Organic Program with clear examples of training that can be incorporated into USDA's Learning Management System, and help bolster the certification system on the whole.

## **2020 SUNSET REVIEW**

NOSB will be voting on the following livestock materials currently included on the National List of Allowed and Prohibited Substances to determine whether the substances should continue to be listed or should be removed from the list. These materials are being voted on by NOSB based on their five-year Sunset Review timeline. The list below includes a description of material, the concern or issue raised by subcommittee members if any, the subcommittee vote to remove or relist, and a summary of the Organic Trade Association Sunset Survey responses for the material. Materials for which at least one NOSB member voted in favor of removal are highlighted in **red**.

## §205.603 – SYNTHETICS ALLOWED IN ORGANIC LIVESTOCK

### PRODUCTION

**Alcohol (Ethanol):** Listed at §205.603(a) for use as a disinfectant and sanitizer. Livestock producers use alcohol solutions for sanitizing and disinfecting surfaces and during medical treatments as a topical disinfectant.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 6, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

**Alcohol (Isopropanol):** Listed at §205.603(a) for use as a disinfectant. Livestock producers use alcohol solutions for disinfecting surfaces and during medical treatments as a topical disinfectant.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 6, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

Aspirin: Listed at §205.603(a) for healthcare uses to reduce inflammation. Aspirin (i.e. acetylsalicylic acid) is a nonsteroidal anti-inflammatory drug (NSAID) used for temporary relief of minor aches and pains.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 6, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

**Biologics (Vaccines):** Listed at §205.603(a) as a medical treatment. Vaccines are used for the prevention of diseases of animals.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 4, Abstain: 0, Absent: 2, Recuse: 0
- OTA Survey Results: Necessary

**Electrolytes:** Listed at §205.603(a) for use as a medical treatment. Must not contain antibiotics. Use of electrolytes can restore ionic balance, treating a variety of metabolic conditions such as ketosis and acidosis.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 4, Abstain: 0, Absent: 2, Recuse: 0
- OTA Survey Results: Necessary

**Glycerin:** Listed at §205.603(a) for use as a livestock teat dip. Must be produced through the hydrolysis of fats or oils.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 5, Abstain: 0, Absent: 1, Recuse: 0
- OTA Survey Results: Necessary

**Phosphoric Acid:** Listed at §205.603(a) for use as an equipment cleaner, provided that no direct contact with organically managed livestock or land occurs.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 6, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: No responses were received

**Hydrated Lime:** Listed at §205.603(b) for use as an external parasiticide. Not permitted to cauterize physical alterations or deodorize animal wastes.

- **NOSB Subcommittee Discussion:** The subcommittee asked the following question: Is hydrated lime a useful tool for deodorizing animal waste?
- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 6, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

Mineral Oil: Listed at §205.603(b) for use as a topical treatments and as a lubricant.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 6, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

Sucrose Octonoate Esters: Listed at §205.603(b) for use as an external parasiticide in accordance with approved labeling.

- *NOSB Subcommittee Discussion:* The subcommittee asked the following questions: 1) The Technical Report does not address the toxicity of SOEs to non-targeted organisms, including predators, parasitoids, soil fauna, and aquatic organisms when exposed by spraying SOEs. Should there be further information requested about the toxicity of SOE to non-target organisms? 2) Is this product still being used, or are there other synthetic products that are more effective? If used, do we need to keep it available to be rotated with other products?
- NOSB Subcommittee Vote: Motion to remove Yes: 2, No: 4, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: No responses were received

# §205.602 – NON-SYNTHETICS PROHIBITED IN ORGANIC LIVESTOCK PRODUCTION

There are no non-synthetic livestock materials on the agenda for Sunset Review this year.

## OXALIC ACID (DISCUSSION)

#### BACKGROUND

Oxalic acid dihydrate has been petitioned by Rare Hawaiian Honey Company for use as a treatment to control varroa mite in organic beehives. A Technical Report for this material is under development, but was not yet available at the time of the subcommittee's discussion. Other currently approved options for use as pesticides in organic honeybee hives include formic acid and sucrose octanoate esters.

#### NOSB SUBCOMMITTEE SUMMARY

The subcommittee is asking the following questions:

- 1. Is this material needed by organic beekeepers, and why?
- 2. There are alternatives to this material on the National List for control of varroa mites in honeybee hives. In addition, non-synthetic materials such as essential oils and management techniques such as brood comb trapping are used for mite control. Why are the other materials/methods insufficient for varroa mite control in organic production?
- 3. This material is categorized as very hazardous by the U.S. Environmental Protection Agency. Explain how accessible and practical the necessary protective equipment is for the operator. If you have experience with this material, describe your handling equipment and protocols.

**SUBCOMMITTEE VOTE:** Motion to accept the discussion document – Yes: 5 No: 0 Abstain: 0 Absent: 1 Recuse: 0

### ORGANIC TRADE ASSOCIATION'S POSITION

The Organic Trade Association has not taken a position on this material.



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Anyone who has watched the NOP petition process knows that it doesn't happen overnight, and it doesn't happen in a vacuum. In a nutshell, the petition process first involves submitting a petition to NOP for approval prior to it being forwarding to NOSB for the next phase of review. A NOSB subcommittee will take up the petition, draft a recommendation and release it to the public for feedback prior to an in-person meeting. The open comment period is typically 30 days or less. Comments are considered and the entire Board then votes on whether or not to add the material to the National List. If approved, NOP would then release a proposed rule for another comment period that is typically 60 - 90 days. Comments are considered, and ultimately a final rule is approved and published. The entire petition process can take anywhere from 2-6 years.

## 2020 SUNSET REVIEW

NOSB will be voting on the following handling materials currently included on the National List of Allowed and Prohibited Substances to determine whether the substances should continue to be listed or should be removed from the list. These materials are being voted on by NOSB based on their five-year Sunset Review timeline. The list below includes a description of material, the concern or issue raised by subcommittee members if any, the subcommittee vote to remove or relist, and a summary of the Organic Trade Association Sunset Survey responses for the material. Materials for which at least one NOSB member voted in favor of removal are highlighted in **red**.

### §205.605 – ALLOWED NON-AGRICULTURAL

The ingredients and/or processing aids listed in §205.605(a) (non-synthetics) and (b) (synthetics) are allowed in the 5% or 30% non-organic portion of an "organic" (95+) or "made with" (70%+) product, respectively. This section of the National List was created to allow for minor ingredients, processing aids, sanitizers and disinfectants critical to organic processing but not available in organic form because they are non-agricultural (the rule only certifies agricultural products). Some exceptions have emerged over time such as yeast, flavors and waxes. This is due to the large amount of agricultural raw material (at least 95% by weight) used in the manufacturing process. Most if not all of the substances listed below are used at less than 2% of the organic product. Most of the USDA organic products on the grocery store shelves are 99%+ organic.

#### §205.605(A) – NON-SYNTHETICS

**Calcium carbonate:** Used as a dietary supplement, antacid, dough conditioner, acidity regulator in wines, food stabilizer, anticaking agent, gelling agent, glazing and release agent, thickener, bulking agent, and as a nutritional fortification additive.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 4, Abstain: 0, Absent: 3, Recuse: 0
- OTA Survey Results: Necessary

**Flavors:** Non-synthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservatives.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

Gellan Gum: High acetyl forms only. Used as a thickening and gelling agent in food products, including bakery fillings, confections, dairy products, dessert gels, frostings, icings, glazes, jams, and personal care items.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 4, Abstain: 1, Absent: 2, Recuse: 0
- OTA Survey Results: Necessary

Oxygen: Oil-free grades only. Used in modified atmosphere packaging.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 5, Abstain: 0, Absent: 2, Recuse: 0
- OTA Survey Results: No responses were received

**Potassium chloride:** Used to provide potassium enrichment to foods; salt replacement to reduce the sodium content in foods flavor enhancer; agent, and stabilizer and thickener.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

#### §205.605(B) - SYNTHETICS

Alginates: Extracted from the cell walls of brown seaweed. Used as gelling, thickening and stabilizing agents.

**NOSB Subcommittee Vote:** The subcommittee asked the following question:

• 1) Are there any organic alternatives to alginates that have become available for use since the 2015 technical report was written?

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 6, Abstain: 0, Absent: 1, Recuse: 0
- OTA Survey Results: Necessary

**Calcium hydroxide:** Used as a component of aluminum-free baking powder, to clarify sugar for molasses, and as a conditioner for corn tortillas.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

Ethylene: Permitted only for postharvest ripening of tropical fruit and degreening of citrus.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

Glycerides (mono and di): Permitted only for use in drum drying of food.

- *NOSB Subcommittee Vote:* The subcommittee asked the following questions: 1) The Technical Report lists possible alternatives to drum drying, such as spray drying, freeze drying, fluidized bed dryers, air lift dryers, scraped wall heat exchangers, etc. Have any of these alternatives been tried? And if so, what were the results? 2) Has rice bran extract, soy lecithin, or gum arabic been tried as an alternative to glycerides (mono and di) in drum drying? What were the results?
- NOSB Subcommittee Vote:: Motion to remove Yes: 0, No: 6, Abstain: 0, Absent: 1, Recuse: 0
- OTA Survey Results: No responses were received

Magnesium stearate: Used as an anti-caking agent in salt and as a binding agent in dietary supplements.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

Phosphoric acid: Permitted only as a cleaner of food-contact surfaces and equipment.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

**Potassium carbonate:** Used for pH control and as a leavening agent. Used in the Dutch alkali process for processing cocoa and chocolate to reduce acidity.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 4, Abstain: 0, Absent: 3, Recuse: 0
- OTA Survey Results: Necessary

**Sulfur dioxide:** Permitted only for use in wine labeled "made with organic grapes," provided that total sulfite concentration does not exceed 100 ppm.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

Xanthan gum: Used along with other gums to achieve the desired viscosities and product structures for firmness, water binding, flavor delivery, etc.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 4, Abstain: 1, Absent: 2, Recuse: 0
- OTA Survey Results: Necessary

#### §205.606 – ALLOWED NON-ORGANIC AGRICULTURAL

The following ingredients are allowed in the 5% portion of an "organic" (95+) product only when the certified operator has demonstrated to their certifier that an organic form is not available in the necessary quality, quantity and form. This section of the list was created in recognition that organic supply of some agricultural ingredients is not adequately sufficient to consistently meet demand. In many cases, a certified operator will use the organic ingredient when it is available but at least has the option to use (and label) the non-organic form in the case there may be a supply issue. OTA views this as the entrepreneur's list of opportunity!

**Fructooligosaccharides:** Used as a soluble prebiotic fiber, sweetening agent, flavor enhancer, bulking agent and humectant.

- NOSB Subcommittee Vote:: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

Gums: Arabic, Carob bean, Guar, Locust bean: Water-extracted only. Used as thickeners and stabilizers in various food products.

- *NOSB Subcommittee Vote:* The subcommittee asked the following question: 1) Are organic versions of gum arabic, locust/carob bean gum, and guar gum commercially available?
- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 4, Abstain: 1, Absent: 2, Recuse: 0
- OTA Survey Results: Necessary

Lecithin – de-oiled: Used for emulsification, release properties, wetting, dispersing, and texturization.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 0, Recuse: 0
- OTA Survey Results: Necessary

Tragacanth gum: Used as a thickener and emulsifier.

- *NOSB Subcommittee Vote:* The subcommittee asked the following question: 1) Is organic Tragacanth now commercially available?
- Subcommittee Vote: Motion to remove Yes: 0, No: 4, Abstain: 1, Absent: 2, Recuse: 0
- OTA Survey Results: No responses were received

# SODIUM CHLORITE FOR THE GENERATION OF CHLORINE DIOXIDE GAS (PROPOSAL)

## BACKGROUND

Chlorine dioxide gas was petitioned by ICA TriNova LLC for addition to §205.605(b) for use as an antimicrobial pesticide, sanitizer, and/or disinfectant for fruits and vegetables. The substance is applied as a dry pure gas in closed containment and is not intended to have any post-treatment rinse. Chlorine dioxide gas is made on-site by combining sodium chlorite with an acid activator to release gaseous chlorine dioxide. At the request of the Handling Subcommittee, the petitioner revised the petition to seek listing of "sodium chlorite for the generation of chlorine dioxide gas" in lieu of "chlorine dioxide gas" so that the petition focuses on the main precursor used in the process of generating the final material.

This petition was previously considered by the Handling Subcommittee, with a proposal presented at the Fall 2016 meeting. The public comments raised several questions and concerns, so the issue was referred back to the subcommittee for further review.

## NOSB SUBCOMMITTEE SUMMARY

The subcommittee proposes to allow the petitioned use of sodium chlorite for the generation of chlorine dioxide gas. The subcommittee acknowledges that chlorine dioxide is a strong oxidizer and poses some risks of toxicity. However, its intended use in an enclosed facility minimizes the potential harm to the environment and human health. In terms of existing approved alternatives, ozone is the only non-fluid antimicrobial on the National List. There are also other liquid chlorine materials on the National List (chlorine dioxide and acidified sodium chlorite), but dry gas applications appear to have greater effectiveness in penetrating coarse or porous produce.

**SUBCOMMITTEE VOTE:** Motion to add synthetic sodium chlorite to §205.605(b) of the National List for the generation of chlorine dioxide gas – Yes: 6 No: 0 Abstain: 0 Absent: 1 Recuse: 0

## ORGANIC TRADE ASSOCIATION'S POSITION

OTA does not take a position on whether this material should or should not be added to the National List. We question whether the Subcommittee's decision to list "sodium chlorite for the generation of chlorine dioxide gas" " in lieu of "chlorine dioxide gas" is the best approach to take for this material. With such a listing, it is unclear how to review the other precursors and activators that are used in the generation of chlorine dioxide gas, other than sodium chlorite. Also, this listing appears inconsistent with other similar materials on the National List. If NOSB recommends adding the petitioned material to the National List, OTA suggests that the material is listed as the final material used by the operator, "chlorine dioxide gas," with any limitations on precursors or activators identified in the annotation, e.g. "generated from sodium chlorite."

## SILVER DIHYDROGEN CITRATE (PROPOSAL)

#### BACKGROUND

Silver dihydrogen citrate (SDC) was petitioned by Pure Bioscience Inc. for use as an antimicrobial processing aid for poultry carcasses and fruits and vegetables (excluding citrus and grapes for winemaking), and as a disinfectant/sanitizer for food contact surfaces and food processing equipment. SDC is produced electrolytically, through the immersion of silver electrodes in an aqueous solution of citric acid. Its mode of action as an antimicrobial is attributed to the silver ions that are effective against a broad range of microorganisms by damaging the cells and causing microbial death.

#### NOSB SUBCOMMITTEE SUMMARY

The subcommittee proposes to allow the petitioned use of the material, with an additional restriction to limit the particle size to greater than 300 nm. Overall, the environmental and human health risks seem low when used as intended. With a growing level of resistance to current antibacterial agents on the National List, this material appears to offer unique and necessary food safety attributes. The recommended annotation will address public concerns about nanomaterials, even though the petitioner states that nano-silver is not used in the formulation.

**SUBCOMMITTEE VOTE:** Motion to add synthetic silver dihydrogen citrate, limited to particle sizes greater than 300 nm, to §205.605(b) for use in organic handling and processing – Yes: 5 No: 0 Abstain: 0 Absent: 2 Recuse: 0

#### ORGANIC TRADE ASSOCIATION'S POSITION

## JAPONES PEPPER - PETITION TO ADD (PROPOSAL)

#### BACKGROUND

Japones chiles are medium hot and frequently found in spicier Asian and Oriental dishes. The petition is for Japones Chile peppers as an ingredient in a hot sauce product. There are no chemical processes involved that would change its structure as a Japones Chile pepper. There are possible substitutes for Japones Chile peppers such as Thai chile peppers, Arbol chile peppers, and Guajillo chile peppers. Each of these peppers has slightly different Scoville units, but few of these Chile peppers have organic sources, according to the petitioner. The petitioner also stated that they have contacted growers about contract growing organic Japones chile peppers, but are not able to get them in the quantities required. No other information was given.

#### NOSB SUBCOMMITTEE SUMMARY

The Subcommittee is in need of more information on the production of Japones Chile peppers.

**SUBCOMMITTEE VOTE:** Motion to add non-organic (agricultural) Japones Chile Peppers to 205.606 of the National List (organic required when commercially available) - Yes: 2 No: 2 Abstain: 0 Absent: 3 Recuse: 0

#### ORGANIC TRADE ASSOCIATION'S POSITION

The Organic Trade Association has not taken a position on this material.

# ETHIOPIAN PEPPER – PETITION TO ADD (PROPOSAL)

#### BACKGROUND

The petitioner uses Ethiopian pepper in their hot sauces. The pepper is pungent and slightly bitter and has a unique aromatic flavor like no other spice. There are no chemical processes involved that would change its structure as an Ethiopian pepper. There appear to be no known substitutes for Ethiopian pepper. There is little to no current or historical industry information, research, or evidence provided to explain how or why the material/substance cannot be obtained organically in the appropriate form to fulfill an essential function in a system of organic handling.

#### NOSB SUBCOMMITTEE SUMMARY

Based on the information provided in the petition, it appears that Ethiopian pepper is could be compatible with a system of sustainable agriculture and could be compatible with organic handling. Ethiopian pepper is an agricultural product grown in more than 20 African countries spanning from Ethiopia to Sierra Leone. More information is needed about the supply of the pepper and the production methods used in the various supply chains to make an affirmative determination of compatibility.

**SUBCOMMITTEE VOTE:** Motion to add non-organic (agricultural) Ethiopian Pepper to 205.606 of the National List (organic required when commercially available) – Yes: 2 No: 2 Abstain: 0 Absent: 3 Recuse: 0

#### ORGANIC TRADE ASSOCIATION'S POSITION

## TAMARIND SEED GUM – PETITION TO ADD (PROPOSAL)

#### BACKGROUND

Tamarind seed gum is being petitioned as a non-organic agricultural ingredient allowed in or on processed products labeled as "organic," §205.606. Tamarind seed gum is a water-soluble, high molecular-weight polysaccharide. It may be used as a thickener, stabilizer, or gelling agent for various foods, and exhibits properties that may be different than other materials currently being used. Organic tamarind fruit is available. However, the petitioner states that since tamarind kernels do not currently have other organic uses, organic supply chains do not exist for their collection and processing. These could be developed, but will take time to implement.

#### NOSB SUBCOMMITTEE SUMMARY

The Handling Subcommittee states that tamarind seed gum meets the criteria to be compatible with a system of sustainable agriculture with organic handling. Since many tamarind trees are wild grown or minimally cultivated, and are inherently resistant to many insects and diseases, they fit a sustainable agriculture system. Furthermore, organic tamarind is being grown, and it is possible that in the future organic supplies of tamarind seed gum might become available.

**SUBCOMMITTEE VOTE:** Motion to add non-organic Tamarind Seed Gum, limited to non-acid hydrolyzed forms, to 205.606 of the National List (organic required when commercially available) - Yes: 6 No: 0 Abstain: 0 Absent: 1 Recuse: 0

### ORGANIC TRADE ASSOCIATION'S POSITION

## PULLULAN - PETITION TO ADD (DISCUSSION)

### BACKGROUND

The Organic Trade Association is the petitioner of this material. The purpose of the petition is two-fold: 1) to protect the continued production and availability of USDA-NOP certified dietary supplements; and 2) to support the commercial development of certified organic pullulan. The need for this petition is due to respond to recent Guidance from the National Organic Program. Since the early 2000s, accredited certifying agents have classified pullulan as an "agricultural ingredient" and allowed its use in encapsulated dietary supplements certified to "made with organic..." Iabeling category. This allowance has significantly contributed to the growth of NOP certified supplements. In late 2016, NOP released a guidance document on Classification of Materials. This document assists NOSB, certifiers, and the organic industry in making Agricultural vs. Non-agricultural determinations. Given the information contained in the NOP guidance document, certifiers are now in general agreement that pullulan should be classified as "non-agricultural." Unfortunately, there are no other NOP compliant vegetarian options available for producing NOP certified vegetarian encapsulated supplements. Organic pullulan is currently not commercially available for use in the United States. The only other option is an animal-based gelatin capsule. As a non-agricultural substance, if pullulan is not added to the National List, the production of NOP certified encapsulated vegetarian supplements will not be possible.

#### NOSB SUBCOMMITTEE SUMMARY

The Handling Subcommittee is asking the following questions:

- If you are currently using pullulan in a certified organic encapsulated supplement, what effect would the disallowance of pullulan have on your product/business?
- Using the NOP's Classification of Materials guidance document (NOP 5033), do you consider pullulan to be agricultural or not? Please explain your rationale.

**SUBCOMMITTEE VOTE:** Motion to accept the Discussion Document on Pullulan -Yes: 7 No: 0 Abstain: 0 Absent: 0 Recuse: 0

### ORGANIC TRADE ASSOCIATION'S POSITION

The Organic Trade Association supports adding pullulan to the National List at §205.605(a) as an allowed non-agricultural, non-synthetic ingredient used in vegetarian capsules for dietary supplements labeled "made with organic." If pullulan is not placed on the National List, the continued allowance of NOP certified vegetarian encapsulated supplement products will no longer be possible. Without its continued allowance and without an alternative vegetarian option, we estimate the economic impact to the organic dietary supplement sector would be over \$825 million. Pullulan is a product of microbial fermentation. It utilizes primarily agricultural source materials for its production, but it is a polysaccharide that is secreted extracellularly by the organism Aureobasidium pullulans into a culture medium from which it is then recovered and purified. From this perspective and using NOP's Classification of Materials Guidance (NOP 5033), it should be classified as non-agricultural. Adding pullulan to the National List will: 1) Prevent widespread disruption and economically significant damage to the organic supplements sector; 2) Bring the allowance of non-organic pullulan under strict review of NOSB and the National List Sunset process; and 3) Support the commercial development of certified organic pullulan that is highly sought by the supplement sector.

# COLLAGEN GEL (CASING) – PETITION TO ADD (DISCUSSION)

#### BACKGROUND

Collagen gel casings are being petitioned by Devro, Inc. Collagen gels are derived from the corium layer of skins from cows, pigs, chickens and/or turkeys. Collagen gel can be used in sausage production using a co-extrusion system. In these co-extrusion systems, collagen gel enrobes the sausage meat like a casing as the meat is extruded, and holds the form of the meat product. Current organic options (casings, from processed intestines) will not function in this type of co-extrusion sausage production. The collagen gel is considered an ingredient in the finished product. Cellulose powder, derived from plant sources, is an ancillary substance in collagen gel.

### NOSB SUBCOMMITTEE SUMMARY

In May 2018, the Handling Subcommittee found the petition for collagen gel to be sufficient. A request for a technical report was submitted by the Subcommittee to NOP. At this time, the technical report is under development. This petitioned material discussion document is being put forward with the intent of gathering public comment and allowing discussion by the full Board at the Fall 2018 NOSB meeting.

The Handling Subcommittee is asking the following questions:

- 1. Are there organic sources of collagen gel (e.g., from skins of organically raised livestock) that preclude listing as a non-organically produced agricultural product allowed as ingredients in or on processed products labeled as "organic?"
- 2. Is there demand or need for this material in the market place?
- 3. Are acids other than acetic acid, lactic acid, or hydrochloric acid used in the production of collagen gel? Are food-grade acids used for the production of collagen gel?
- 4. Are there uses of this material other than for manufacturing meat products (such as an ingredient in joint health products, bone broth concentrate, or other foods or supplements, etc.)? What are they?

### ORGANIC TRADE ASSOCIATION'S POSITION

## 2020 SUNSET REVIEW

NOSB will be voting on the following crop materials currently included on the National List of Allowed and Prohibited Substances to determine whether the substances should continue to be listed or should be removed from the list. These materials are being voted on by NOSB based on their five-year Sunset Review timeline. The list below includes a description of material, the concern or issue raised by subcommittee members if any, the subcommittee vote to remove or relist, and a summary of the Organic Trade Association Sunset Survey responses for the material. Materials for which at least one NOSB member voted in favor of removal are highlighted in **red**.

#### §205.601 – SYNTHETICS ALLOWED IN ORGANIC CROP PRODUCTION

**Alcohol (Ethanol):** Listed at §205.601(a) for use as an algicide, disinfectants, and sanitizer, including irrigation system cleaning systems. Alcohols, including isopropanol and ethanol, can provide rapid broad-spectrum antimicrobial activity against vegetative bacteria, viruses and fungi, but lack activity against bacterial spores.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 1, Recuse: 0
- OTA Survey Results: Necessary

**Alcohol (Isopropanol):** Listed at §205.601(a) for use as an algicide, disinfectants, and sanitizer, including irrigation system cleaning systems. Alcohols, including isopropanol and ethanol, can provide rapid broad-spectrum antimicrobial activity against vegetative bacteria, viruses and fungi, but lack activity against bacterial spores.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 1, Recuse: 0
- OTA Survey Results: Necessary

**Sodium carbonate peroxyhydrate:** Listed at §205.601(a) for use as an algicide. Federal law restricts the use of this substance in food crop production to approved food uses identified on the product label. Sodium carbonate peroxyhydrate is produced by drying hydrogen peroxide in the presence of sodium carbonate. Can be used as an alternative to copper and chlorine.

- **NOSB Subcommittee Discussion:** Little public comment was received at past NOSB meetings regarding this material and it does not appear to be widely used.
- NOSB Subcommittee Vote: Motion to remove Yes: 2, No: 5, Abstain: 0, Absent: 1, Recuse: 0
- OTA Survey Results: Necessary

**Newspaper or other recycled paper:** Listed at §205.601(b) for use as mulch and §205.601(c) for use as compost feedstock. Glossy and colored inks are prohibited.

• NOSB Subcommittee Vote: Motion to remove – Yes: 0, No: 6, Abstain: 1, Absent: 1, Recuse: 0

OTA Survey Results: Necessary

Plastic mulch and covers: Listed at §205.601(b) for use as mulch. PVC-based mulches are prohibited. Must be removed from the field at the end of the growing or harvest season.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 6, Abstain: 1, Absent: 1, Recuse: 0
- OTA Survey Results: Necessary

Aqueous potassium silicate: Listed at §205.601(e) for use as an insecticide, and (i) for use as plant disease control. The silica, used in the manufacture of potassium silicate, must be sourced from naturally occurring sand. Formulations are either sprayed on the foliage of plants, or incorporated in the soil with the goal of plant uptake across root and leaf boundaries.

- NOSB Subcommittee Discussion: Aqueous potassium silicate may cause deleterious human and animal health effects such as dermal toxicity and systemic effects as well as affects digestibility of forages. Uncertainties about the mode of action make it unclear as to whether or not this material is moved systemically in the plant. Additionally, alternatives to this material exist, and this material is not necessary for organic production. The subcommittee asks the following questions: 1) What is the efficacy of aqueous potassium silicate relative to available alternatives? 2) How would the removal of this product impact organic growers? 3) To what extent does listing aqueous potassium silicate result in reductions in use of copper and sulfur-based pest management? 4) If potassium silicate is taken up in the roots and moved throughout the plant via apoplast or symplast movement and then incorporated in sink tissue (the leaves), the compound is behaving like a systemic, synthetic pesticide. Is this compound systemic? 5) What evidence exists documenting the safety of animal and human ingestion of plants and forages with elevated silicate levels in leaf tissue? 6) How does age or gender of animals and humans ingesting plant material with elevated silicate levels influence their range in vulnerability?
- NOSB Subcommittee Vote: Motion to remove Yes: 7, No: 0, Abstain: 0, Absent: 1, Recuse: 0
- OTA Survey Results: Not Necessary

**Elemental Sulfur:** Listed at §205.601(e) for use as an insecticide, and (i) for use as plant disease control, and (j) as a plant or soil amendment. The most common source of elemental sulfur is a by-product from natural gas or petroleum operations and refinery process.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 1, Recuse: 0
- OTA Survey Results: Necessary

Lime Sulfur: Listed at §205.601(e) for use as an insecticide, and (i) for use as plant disease control.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 5, Abstain: 0, Absent: 2, Recuse: 0
- OTA Survey Results: Necessary

Sucrose octanoate esters: Listed at §205.601(e) for use as an insecticide.

- **NOSB Subcommittee Discussion:** The subcommittee asked the following questions: 1) Is additional information available about the toxicity of SOEs to non-target organisms when exposed by spray (including predators, parasitoids, soil fauna, and aquatic organisms)? 2) Is this product still being used, or are there other approved synthetic or natural products that are more effective? 3) If SOEs are not being used, do we need to keep them in the crops toolbox to be rotated with other products?
- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 1, Recuse: 0
- OTA Survey Results: No responses were received

**Hydrated Lime:** Listed at §205.601(i) for use as plant disease control. Typically used in combination with copper sulfate in a Bordeaux Mix.

- **NOSB Subcommittee Discussion:** The subcommittee asked the following question: 1) Are adequate safety procedures in place to prohibit fieldworker and applicator exposure to hydrated lime?
- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 1, Recuse: 0
- OTA Survey Results: Necessary

**Liquid Fish Products**: Listed at §205.601(j) for use as a plant or soil amendment. Can be pH adjusted with sulfuric, citric or phosphoric acid. The amount of acid used shall not exceed the minimum needed to lower the pH to 3.5.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 6, Abstain: 1, Absent: 1, Recuse: 0
- OTA Survey Results: Necessary

**Sulfurous Acid**: Listed at §205.601(j) for use as a plant or soil amendment. For on-farm generation of substance utilizing 99% purity elemental sulfur. Typically used as acidifier for irrigation water.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 5, Abstain: 0, Absent: 2, Recuse: 0
- OTA Survey Results: No responses were received

Ethylene: Listed at §205.601(k) for use as a plant growth regulator for regulation of pineapple flowering.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 1, Recuse: 0
- OTA Survey Results: Necessary

**Microcrystalline Cheesewax:** Listed at §205.601(o) for use in log-grown mushroom production. Must be made without either ethylene-propylene co-polymer or synthetic colors.

- NOSB Subcommittee Discussion: Alternatives, such as a natural soy-based wax are available to replace this synthetic material. Additionally, many operations are no longer producing Shitake mushrooms on logs, thus this material may no longer be needed. The subcommittee asked the following questions: 1) During the 2008 NOSB recommendation review, it was determined that there were no effective approved natural or synthetic materials that could replace microcrystalline cheesewax for plugging Shiitake mushroom log-grown substrates. Is there now an effective natural or approved synthetic replacement for the microcrystalline cheesewax that is derived from petroleum by-products? 2) Should an annotation be added that requires removal of residues of the microcrystalline cheesewax that remain in the environment once the Shitake logs are finished fruiting? 3) Canada and Japan, and perhaps other countries, also produce organic Shitake mushrooms, but do not allow the use of microcrystalline cheesewax and/or what other types of substances are those producers using as a sealant?
- NOSB Subcommittee Vote: Motion to remove Yes: 2, No: 4, Abstain: 1, Absent: 1, Recuse: 0
- OTA Survey Results: No responses were received

### §205.602 – NON-SYNTHETICS PROHIBITED IN

#### ORGANIC CROP PRODUCTION

**Potassium Chloride:** Listed at §205.602 as prohibited unless derived from a mined source and applied in a manner that minimizes chloride accumulation in the soil.

- NOSB Subcommittee Vote: Motion to remove Yes: 0, No: 7, Abstain: 0, Absent: 1, Recuse: 0
- OTA Survey Results: No responses were received

## ALLYL ISOTHIOCYANATE (PROPOSAL)

#### BACKGROUND

Allyl isothiocyanate (AITC) has been petitioned by Isagro USA Inc. for use as a pre-plant fumigant. AITC is a volatile organic compound made by either solvent extraction from natural plant sources (such as mustard seed) or synthetic chemical procedures. It is a broad-spectrum soil fumigant used for the control of certain soil-borne diseases and pathogenic nematodes.

This is the second petition that has been submitted by the petitioner for this material. The first petition was considered by the Crops Subcommittee in Fall 2014. At that time, the subcommittee voted to prohibit the material due to concerns about its essentiality and compatibility with organic principles. That petition was withdrawn before it was considered by the full Board. The second petition, which is currently under review, further asserts that AITC offers organic growers the only effective management tool for soil-borne diseases and pathogenic nematodes at levels that are commercially relevant, and supports the phytosanitary certification process for organic fruit and vegetable nursery stock production.

#### NOSB SUBCOMMITTEE SUMMARY

The subcommittee is not proposing that this material be added to the National List because this material is not compatible with the system of sustainable agriculture. The subcommittee references other natural alternative biopesticides as well as crop rotation and soil nutrient management as viable alternative practices.

**SUBCOMMITTEE VOTE:** Motion to add synthetic allyl isothiocyanate to §205.601 for use in organic crop production – Yes: 0 No: 6 Abstain: 0 Absent: 2 Recuse: 0

#### ORGANIC TRADE ASSOCIATION'S POSITION

## SODIUM CITRATE (PROPOSAL)

#### BACKGROUND

Sodium citrate has been petitioned by Protena Nicaragua for use as an anticoagulant when drying blood into blood meal that is then used as a crop fertility input. Sodium citrate, a salt derivative of citric acid, is routinely used as a processing aid in the manufacturing of blood meal. Sodium citrate is already used to produce blood meal products approved for use in organic production.

#### NOSB SUBCOMMITTEE SUMMARY

Based on the Technical Report, the subcommittee concluded that there are little to no concerns about the environmental or human health impact of using sodium citrate as petitioned. Alternative mechanical methods do not appear to be practical for the spray drying process. The material is compatible with a system of sustainable agriculture, because there many benefits of blood meal as a crop fertilizer, and sodium citrate is an important aid in the manufacture of blood meal.

NOSB has not routinely been asked to review processing aids used in the production of crop fertility inputs. The subcommittee is unclear how its decision for this material would affect the allowance or prohibition of other processing aids that have not yet been reviewed by NOSB. There is also a question of how/where processing aids for crop inputs should be listed on the National List. The subcommittee is bringing forward a proposal to allow sodium citrate to the full Board, acknowledging that NOSB and NOP will need to work together to clarify these issues.

**SUBCOMMITTEE VOTE:** Motion to add synthetic sodium citrate to §205.601 with the annotation "For use as an anticoagulant in the production of blood meal." – Yes: 6 No: 0 Abstain: 1 Absent: 1 Recuse: 0

#### ORGANIC TRADE ASSOCIATION'S POSITION

The Organic Trade Association appreciates that the subcommittee is considering the implications of how its decision on this petition may impact other processing aids used in the manufacturing of crop fertility inputs. Regardless of whether NOSB decide to list or not list this material, it will nevertheless raise questions about whether this type of processing aid is within the scope of review by NOSB. In NOSB's final recommendation, we ask that it explain how the decision is intended or not intended to impact others materials, so that this decision can be implemented consistently by the organic community.

As an alternative to adding the portioned material to the National List, NOSB could consider recommending an update to NOP Guidance 5034-1 Materials for Organic Crop Production<sup>1</sup>. The entry for blood meal could be updated to address additional guidance from NOSB regarding the allowance or prohibitions on the use of anticoagulants as processing aids.

## NATAMYCIN (PROPOSAL)

#### BACKGROUND

Natamycin is a naturally occurring compound produced by soil bacteria. A petition was submitted by Technology Sciences Group Inc., on behalf of DSM Food Specialties B.V., for classification of natamycin as an allowed non-synthetic substance for use in crop production. Natamycin is intended for use as a post-harvest treatment of raw agricultural commodities to control fungal diseases. Non-synthetic materials are allowed in crop production unless they are specifically listed on the National List at §205.602. Natamycin is not currently listed at §205.602, and certifiers may have historically approved this material for use in crop production provided that it was determined to be non-synthetic.

#### NOSB SUBCOMMITTEE SUMMARY

Using information from the Technical Report, the subcommittee determined that natamycin is nonsynthetic. There was concern by the subcommittee that this material is widely used (outside of organic) to address human health issues, and while cases of resistance to natamycin are not currently a reported concern, this material has only been used widely in dairy products for ten years and less than five years in produce. In 2007, NOSB rejected a petition to approve natamycin for use on further processed organic foods, based upon similar concerns. With other alternatives available and in use, the subcommittee views this material as non-essential. Even if there is a just a small risk that use of this material on organic foods could result in resistant fungi or yeasts, that would render natamycin no longer effective in a human or livestock medical condition. The Subcommittee sees this risk as incompatible with a system of sustainable agriculture.

**SUBCOMMITTEE VOTE:** Motion to classify natamycin as a non-synthetic substance – Yes: 6 No: 0 Abstain: 1 Absent: 1 Recuse: 0

Motion to add natamycin at §205.602 as a non-synthetic substance prohibited for use in organic crop production – Yes: 6 No: 0 Abstain: 1 Absent: 1 Recuse: 0

### ORGANIC TRADE ASSOCIATION'S POSITION

## STRENGTHENING THE ORGANIC SEED GUIDANCE (PROPOSAL)

### BACKGROUND

The organic sector has been exploring ways to keep seeds used in organic production from being inadvertently contaminated with GMO content. One key way, as suggested by the Organic Trade Association and several other organic stakeholders, is to strengthen the organic seed use provisions in the rule and the related NOP Guidance 5029 for the use of organic seed. NOSB started soliciting public comment in 2016 on ways the organic seed guidance could and should be strengthened to achieve full compliance with the statements in the federal rule in §205.204(a). A proposal was brought forth in fall 2017. While it was largely favorable, the public requested it be brought back for a few final changes. This proposal attempts to address the main points brought up during all public comment periods and NOSB discussions of this and related topics.

#### NOSB SUBCOMMITTEE SUMMARY

NOSB is recommending a regulatory change as well as several revisions to NOP's existing guidance (NOP 5029) for seeds, annual seedlings and planting stock used in organic crop production. Proposed changes include: 1) amend the regulations at 205.204 to include a statement that improvement in sourcing and use of organic seed and planting stock must be demonstrated every year until full use of organic seed is achieved; 2) revise NOP 5029 to state that operators using non-organic seed (when organic is not available) may ask the seed supplier for a non-GMO level of purity assurance & communicate this to the certifier; 3) certifying agents should review the prevention measures taken to avoid contamination for seed crops at risk of GMO contamination; 4) revise NOP 5029 to specify that on-farm variety trials may be used to evaluate equivalency and must be available at the annual inspection. In addition to on-farm trials, descriptions from seed catalogs that describe flavor profiles, size, color, etc. may be used to demonstrate lack of equivalent organic variety for horticultural crops; 5) revise NOP 5029 recordkeeping system to further address the number of sources that must be contacted (FIVE for at-risk crops, sources must offer organic & failure to demonstrate improvement may result in additional sources); 6) revise NOP 5029 to specify that certifying agents may ask for a corrective action plan and require additional efforts be made when sufficient progress towards organic seed is not demonstrated; and 7) non-organic seed can be used if there is not organic seed available of equivalent variety with the desired level of purity from GMO contamination.

**SUBCOMMITTEE VOTE:** Motion to accept all additions as described in the proposal -Yes: 7 No: 0 Abstain: 0 Absent: 1 Recuse: 0

### ORGANIC TRADE ASSOCIATION'S POSITION

OTA is committed to the development of the organic seed and planting stock industry, and we agree that NOP regulations need to be amended to require demonstrable improvement over time. We also agree that NOP's existing Organic Seed, Annual Seedlings and Planting Stock Guidance (NOP 5029) needs to be revised to support this rule change and reflect the current state of the organic seed industry. Increasing support for organic seed lines through a stronger seed requirement is not only fundamental to improving organic farm systems, it is essential to further reducing unintended GMO presence and limiting the extent to which seeds outside of NOP purview are used, and for ensuring the consistent application and enforcement of organic seed requirements. OTA continues to strongly support an amendment to organic regulations at §205.204 to require improvement in sourcing and usage of organic seed (continuous improvement), and we support the adjusted language included in the fall 2018 proposal. As a stand-alone motion, we urge NOSB to **pass this section of the proposal** at this meeting. The proposal to **revise NOP guidance is close** but needs additional work.

# AMMONIUM CITRATE AND AMMONIUM GLYCINATE (DISCUSSION)

#### BACKGROUND

Ammonium citrate and ammonium glycinate have each been petitioned by Alpha Chelates for use in organic crop production. Ammonium citrate and ammonium glycinate are intended for use as chelating agents with inorganic metal micronutrients copper, iron, manganese, or zinc for high pH soils. Chelated micronutrients ("chelates") are used to supply micronutrients not readily available to plants in deficient soils. Ammonium citrate and ammonium glycinate are not being petitioned to be applied to crops alone, but to serve as chelating agents in the formation of chelates.

These are the second petitions for each of these materials submitted by the petitioner. The first petitions (including several addendums) were considered by NOSB in Fall 2016 at which time the Board voted unanimously not to allow these materials because of the availability of alternatives and the lack of information to justify their necessity. The new petitions were submitted on the premise that "the technology concerning chelating agents and micronutrient chelates has been significantly misunderstood by [the] NOSB". Technical Reports have been solicited in response to the new petitions, both to review the petitioned materials and to investigate the broader issue of nomenclature and technical errors elaborated by the petitioner.

#### NOSB SUBCOMMITTEE SUMMARY

The subcommittee is asking the following questions:

- 1. Are these materials for which organic farmers have expressed a need? If so, please describe how these materials perform a function that the non-synthetic and/or synthetic chelating agents already allowed do not.
- 2. Please provide evidence of the efficacy of these petitioned chelating agents over currently approved chelating agents.
- 3. Are other changes to the regulations appropriate to clarify which substances are allowed in the manufacture of chelated micronutrients?

**SUBCOMMITTEE VOTE:** Motion to accept the discussion document – Yes: 7 No: 0 Abstain: 0 Absent: 1 Recuse: 0

## ORGANIC TRADE ASSOCIATION'S POSITION

## CALCIUM ACETATE (DISCUSSION)

#### BACKGROUND

Calcium acetate has been petitioned by Full Measure Industries LLC for use as a soil amendment, plant micronutrient, soil pH adjuster, and spray on fruit and vegetables to prevent sunscald and lower heat stress. Synthetic calcium acetate is made from finely ground limestone or other natural calcium sources treated with acetic acid.

#### NOSB SUBCOMMITTEE SUMMARY

The subcommittee is asking the following questions:

- 1. Is another calcium material necessary for organic crop production?
- 2. Does this material have a unique mode of action that differentiates it from other calcium materials allowed for organic production?
- 3. Is there a need for a material to prevent sunscald in organic production?

**SUBCOMMITTEE VOTE:** Motion to accept the discussion document – Yes: 7 No: 0 Abstain: 0 Absent: 1 Recuse: 0

### ORGANIC TRADE ASSOCIATION'S POSITION

## PAPER PLANTING POTS (DISCUSSION)

#### BACKGROUND

Paper planting pots have been petitioned by Small Farm Works for inclusion on the National List. Paper pots and other growing containers are used as a vessel for growing transplants intended to be planted directly in the ground. Nitten paper chain systems, which are the subject of the petition, are used to facilitate transplanting closely spaced crops such as onions, salad greens, herbs, and others crops. In addition to paper, the products are formulated with several adhesives. Newspapers and other recycled papers are already allowed as synthetic substances for use as mulch and as a compost feedstock. Certifiers have historically extended the allowance for paper to its use in transplant pots, even though paper isn't specifically on the National List for this use. This petition has been submitted for NOSB to specifically address the use of paper as a production aid for transplants intended to be planted into soil.

#### NOSB SUBCOMMITTEE SUMMARY

The subcommittee is asking the following questions:

- 1. Is this material needed by organic producers, and why?
- 2. Are there alternatives to this material?
- 3. Are there risks to the environment or human health resulting from the use of this material?

SUBCOMMITTEE VOTE: Motion to accept the discussion document – Yes: 7 No: 0 Abstain: 0 Absent: 1 Recuse: 0

#### ORGANIC TRADE ASSOCIATION'S POSITION

OTA supports the allowance of paper to be planted in the soil when used as a planting aid because paper is already allowed for equivalent uses, such as mulch. OTA has received general feedback from the organic industry that these products are needed by organic farmers because alternative practices and materials are not adequate for their organic production systems. Organic farmers from Georgia, Maine, Montana, and California have expressed strong support for the allowance of paper-based planting aids. We support the withdrawal of the NOP's 2018 phase-out requirement to avoid disruptions to organic producers who have been using these materials in good faith.

As NOSB conducts its review of these materials, OTA encourages NOSB to take a broad approach for reviewing paper-based planting aids to be inclusive of generic products that are paper-based and used as planting or seeding aids. This broadened approach will make efficient use of NOSB's efforts to review the existing variety of paper-based planting aids that share these key common characteristics.

Adhesives and other additives intentionally added after the paper is manufactured to further formulate the paper into the final products are a relevant area for NOSB to focus its review efforts. If NOSB is concerned that such additives could pose new risks that haven't already been addressed by their use as processing aids in the manufacturing process of paper itself, a technical review of these additives would be appropriate.

#### WHO ARE THE ORGANIC TRADE ASSOCIATION'S MEMBERS?

One of the Organic Trade Association's (OTA's) strongest assets as an organization is the diversity and breadth of its membership.

Unlike many trade associations, OTA is uniquely structured to include the full value chain for the organic industry, ensuring that all segments, from farm to marketplace, have a strong voice within the organization. In this way, it is possible to work together to catalyze solutions, form coalitions and collaborate, whether it be on issues before Congress and government agencies, or to strategize on strengthening the organic message and movement to the public.

OTA represents its members to government on sector needs, market development and promotion, and strong organic standards and regulations. Members also receive the latest information and quick answers on organic regulations and standards in the U.S. and around the world.

OTA's membership continues to grow, spurred by interest at all levels of the supply chain in the booming organic sector, and the need and desire to be a part of a network of engaged organic stakeholders. OTA now represents more than 9,500 businesses through direct membership and formal agreements with organic farmer-governed organizations that make up OTA's Farmers Advisory Council (FAC). These businesses cover every state in the union, from small organic producers to major growers, from local family-run organic operations to nationwide companies. All of OTA's direct members and FAC organizations are listed on OTA.com.

The Organic Trade Association's Board of Directors is democratically elected by the association's Trade members. Each Trade member company, regardless of size, has one vote. One of the Board seats is designated to a Farmer Board member.

#### HOW ARE POLICIES SET?

OTA Member Forums offer informal, ongoing conversation on issues of common interest, and help members network with peers, share their expertise, and discuss common challenges.

OTA Sector Councils offer a more formal avenue to build community among groups of members and to provide ongoing opportunities for networking, leadership development, and education. While Sector Councils do not act as policy-setting groups, they communicate sector issues, ideas, and concerns to OTA staff and Board.

OTA Task Forces, meanwhile, are time-bound, task-oriented, and outcome-focused groups charged with accomplishing a definite objective. Task forces can be convened by the Board, staff or members in order to recommend a course of action or accomplish a specific goal. Task forces provide transparent and inclusive opportunities for issue resolution and policy-setting, and are open to the membership at-large.

#### WHAT IS OTA'S COMMENT PROCESS?

The Organic Trade Association submits comments on behalf of its membership. Our positions and policies are primarily shaped through our task forces. In all cases, OTA's regulatory and legislative staff carry out an extensive process of membership engagement to capture how current issues and activities such as proposed rules or NOSB recommendations will impact certified farmers and handlers. Prior to submission of final comments, draft comments are distributed to membership at least a week in advance. Members have an opportunity to weigh in and shape any changes that may be needed prior to final submission. For a meaningful comment process under OTA's governance structure, a comment period needs at least 30 days.

# NETWORKING RECEPTION

for stakesholders attending the National Organic Standards Board meeting

2018

For a networking reception featuring delicious organic cocktails and hors d'oeuvres

Intercontinental Hotel Ballrooms 2&3 Thursday, October 25th 6:30 pm - 9:00 pm

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