

SPRING 2017 National Organic Standards Board (NOSB) The Organic Trade Association (OTA) Summary Report

On April 19-21, the National Organic Standards Board (NOSB) held its biannual public meeting in Denver, CO. Over the course of three days, NOSB, under the leadership of NOSB Chair Tom Chapman, discussed eight proposals, 43 Sunset 2019 inputs and eight discussion documents. NOSB received 2,045 written comments prior to the meeting, and listened to oral testimony from approximately 150 commenters (over 13 hours of oral comments) on a wide range of issues.

NOSB welcomed five new board members at this meeting, all of whom appeared engaged and highly motivated to work with their fellow board members on civil discussions and compromise approaches to tricky subjects. The hot topic included whether hydroponically grown crops align with organic production principles and should continue being allowed under organic production standards. Despite widely differing views on hydroponics in organic production, NOSB engaged in a lengthy discussion to lay the groundwork for further discussion documents and proposals aimed to succinctly define each type of production system under consideration and propose specific guidelines for these systems. NOSB will continue its work on organic hydroponics leading up to and at the fall 2017 meeting.

Other topics generating significant discussion included how to best strengthen the requirement for using organic seed, eliminating incentives to convert native ecosystems to organic production, and whether Bisphenol A (BPA) should be prohibited from use in packaging that contacts organic food.

Although NOSB was scheduled to vote on eight proposals, all but two proposals were referred back to subcommittee for further work. In an unusual move, NOSB also passed a unanimous resolution at the end of the meeting urging the U.S. Department of Agriculture (USDA) and the Secretary of Agriculture, Sonny Perdue, to allow the recently finalized Organic Livestock and Poultry Practices final rule to become effective without delay. NOSB cited the decade of work that went into the recommendation for this rule, and the stakeholder support from the industry and consumers for the rule as justification for the final rule.

Below is a summary report of the meeting including an at-a-glance review of the meeting highlights and votes followed by discussion of the major topics.

More Resources? Live coverage of the meeting is provided on OTA's Twitter Account: <https://twitter.com/organictrade>.

At-A-Glance Meeting Highlights:

- **NOP UPDATES:**

- [NOP Update \(pdf\)](#) - Miles McEvoy, NOP Deputy Administrator
- [Materials Update \(pdf\)](#) – Dr. Lisa Brines, NOP National List Manager
- [2016 Count of Certified Organic Operations Shows Continued Growth in U.S. Market](#)

- **PROPOSALS:** NOSB considered EIGHT proposals at this meeting but only took action (voted) on TWO. The Board unanimously voted to **ADD** L-Methionine to the National List at 205.605(b) as an essential non-organic nutrient allowed only in nutritionally complete pediatric enteral infant formulas. The board unanimously **DENIED** the petition to allow Short DNA Tracers as a method to help support traceability of organic products. The following SIX proposals were sent back to subcommittee for further work: Ancillary Substances for Cellulose; Strengthening the Requirements for Use of Organic Seed; Marine/Algae Listings on the National List (one proposal for handling and a second for crops); Performance Evaluation of Inspector; and Annotation Change for Tocopherols.

- **DISCUSSION DOCUMENTS:** Hydroponics, BPA in Packaging, Conversion of Native Ecosystems to Organic Farms and the Definition of “Emergency Treatment” for Livestock will remain on NOSB’s work plan for proposal development (see discussion below) and further consideration at the fall 2017 meeting in Jacksonville, FL.

- **SUNSET 2019:** NOSB discussed 43 National List inputs undergoing the 2019 Sunset Review. Public comments were generally in favor of relisting the majority. Inputs that were highlighted due to concerns raised by the public included:

- **Crops:** Herbicidal Soaps, Biodegradable Biobased Mulch Film, Boric Acid, Copper Sulfate, Fixed Coppers, Humic Acids, Vitamin B1
- **Livestock:** Oxytocin, Copper Sulfate, Procaine
- **Handling:** Attapulгите, Magnesium Chloride, Sodium Phosphates, Casings, Konjac Flour and Pectin

NOSB encourages stakeholders to submit public comments about the necessity or essentiality of these materials for production/handling, their effects on the environment and human health, and the availability of natural/organic forms.

- **NEW NOSB MEMBERS:** OTA welcomed five new board members: Joelle Mosso (Handler, CA); Sue Baird (Consumer Rep, MO); Asa Bradman (Environmentalist, CA); Steve Ela (Producer, CO); and David Mortensen (Scientist, PA)

- **FALL 2017 NOSB MEETING:** Jacksonville, FL from October 31 – November 2 at the Omni Jacksonville Hotel

At-A-Glance Chart of Motions and Votes:

PETITIONS TO ADD INPUTS TO THE NATIONAL LIST

Use Area	Petitioned Input	Subcommittee Motion & Vote	Outcome
Handling	L-Methionine (Petition)	Classification: Synthetic Motion: List on 205.605(b) with the annotation, “for use in nutritionally complete pediatric enteral formulas based on soy protein.” Vote: 15 Yes, 0 No. Motion passes.	PASSED – Will be added to 205.605(b)
Handling	Short DNA Tracers (Petition)	Classification: Synthetic Motion: List on 205.605(b) Vote: 15 No, 0 Yes. Motion passes.	FAILED – Input will remain prohibited

*(National List References: 205.601=allowed synthetics for crops / 205.603=allowed synthetics for livestock / 205.603(b)=prohibited non-synthetic in livestock / Handling: 205.605(a)=allowed non-synthetics / 205.605(b) = allowed synthetics / 205.606=allowed non-OG agricultural ingredient when OG is not available)

PRACTICE STANDARDS AND OTHER RECOMMENDATIONS

Use Area	Agenda Topic	Motion & Vote	Outcome
Handling	Tocopherols – Annotation Change	Motion: CHANGE the annotation of the listing of tocopherols at §205.605(b) of the National List: “Derived from vegetable oil when rosemary extracts are not a suitable alternative TO: to the following annotation – “Derived from plant oils. Non-synthetic or organic tocopherols are to be used when commercially available.” Vote: 15 Yes, 0 No. Motion passes.	Referred back to subcommittee
Handling	Marine Algae Listings	Final Motion: To refer proposal back to subcommittee. Vote: 15 Yes, 0 No. Motion passes.	Referred back to subcommittee
Handling	Ancillary Substances permitted in Cellulose	Final Motion: To refer proposal back to subcommittee. Final Vote: 15 Yes, 0 No. Motion passes.	Referred back to subcommittee
CACS	Personnel performance evaluations of inspectors (NOP 2027)	Motion: To refer proposal back to subcommittee. Vote: 15 Yes, 0 No. Motion passes.	Referred back to subcommittee

Crops	Strengthening the Organic Seed Guidance Requirements	Final Motion: To refer proposal back to subcommittee. Vote: 15 Yes, 0 No. Motion passes.	Referred back to subcommittee
Crops	Marine Algae Listings	Final Motion: To refer proposal back to subcommittee. Vote: 15 Yes, 0 No. Motion passes.	Referred back to subcommittee

At-A-Glance Discussion of Major Topics

- **HYDROPONICS:** NOSB held a lengthy discussion on the issue of hydroponics and its alignment with the organic standards. There were diverging views on the board about whether these systems are or should be allowed under organic regulations, and a respectful but spirited discussion ensued. The board discussion covered inputs, media, biological activity, philosophical principles, and consumer perceptions. The discussion showed that there was a lot of additional work that the board needed to do to arrive at a compromise approach, but all seemed to agree that agreeing to a common set of definitions was the best first step to attaining resolution and compromise. NOSB members indicated they will continue to work on definitions and standards for hydroponics and container production methods for the fall meeting in Jacksonville, FL.
- **ORGANIC SEED USAGE REQUIREMENTS:** NOSB started soliciting public comment in 2016 on ways the NOP organic seed guidance could be strengthened to better help organic producers achieve full compliance with the requirement to use organic seed when it is commercially available. NOSB’s proposal recommended a regulatory change as well as several revisions to existing existing guidance (NOP 5029) on the use of seeds, annual seedlings and planting stock used in organic crop production. Commenters were generally supportive of the intent behind the proposal, but several stakeholder groups expressed the need for revisions in multiple sections to ensure that the both the regulations and guidance can be reasonably implemented by certifiers and organic producers and to ensure that the organic seed requirements do not inadvertently result in the lost of seed diversity. Commenters also expressed the need to clearly state the requirement to use non-GMO seed in the seed guidance but develop more specific guidance on seed purity and GMO contamination prevention separately.
- **MARINE ALGAE LISTINGS:** NOSB’s work on this topic covers both crops and handling. During the recent Sunset Review of almost 200 National List items, NOSB and the public noted that the listings of (9) marine materials include overlap in species and lack scientific clarity. A discussion document was posted for the fall 2016 meeting and commenters recommended that Latin binomials be added where possible, or by Class, and that NOP clarify the listing of “kelp” used in organic production and if marine materials should be classified as agricultural or non-agricultural. The discussion surrounding the proposal for this meeting recognized that crop inputs are subject to different criteria than handling ingredients. Several commenters also expressed

concern about the Crops Subcommittee proposing a major annotation change to the listing for Aquatic plants, limiting the source to brown seaweed only. NOSB will be working to ensure those distinguishing criteria are incorporated into its proposal on marine algae listings for crop inputs at the fall 2017 meeting.

- **NATIVE ECOSYSTEMS:** NOSB was unanimous in its discussion that organic production requirements should not be incentivizing the conversion of native ecosystems to organic farming. Reducing or eliminating the incentive, however, is particularly challenging. The board indicated it would continue work on this topic by first identifying and defining the type of land that should never be converted to organic production, and look for regulatory changes that could prevent this conversion.
- **PERFORMANCE EVALUATION OF INSPECTORS:** In 2013, USDA released instruction to certifiers (NOP 207) that required every inspector be evaluated while conducting an inspection every year. Certifiers have raised concerns to NOSB regarding the cost and burden of this requirement and potential negative impact it could have on organic in the marketplace over time. NOSB agrees that inspectors must be qualified and must undergo in-field evaluations. However, NOSB also acknowledges that these requirements must strike a balance to not overburden certifiers with redundancy. NOSB will focus on detailing what qualifications should be required for inspectors conducting inspections in various production and handling scopes for a proposal to be presented at the fall 2017 meeting.
- **CLARIFYING “EMERGENCY USE” OF PARASITICIDES IN LIVESTOCK:** Synthetic parasiticides are allowed for use in organic livestock production only on dairy animals not destined for organic slaughter and only under emergency situations. NOSB discussed whether there was need for additional guidance on the situations that would justify the “emergency” use of synthetic parasiticides on organic dairy animals. The board reviewed the comments it had received on the discussion document posted prior to the meeting, and indicated that it would bring forth a full proposal for the fall meeting. Depending on the nature of the proposal, USDA will determine whether rulemaking or guidance will be issued to clarify what constitutes an “emergency” on an organic dairy farm justifying the use of synthetic parasiticides should it pass.
- **BPA IN PACKAGING (DISCUSSION):** Bisphenol A (BPA) is a component of packaging that has raised concerns regarding its potential to contaminate food and negatively affect human health. In response, NOSB released a discussion document to gather information on whether changes are needed in the regulations to ensure that harmful substances such as BPA do not come in contact with organic food. The subcommittee discussed the comments received, and shared its current thinking on the issue. There appeared to be an interest in prohibiting BPA, but there was also some concern about how the prohibition could be codified in the regulations, and whether it would impact the review of thousands of other packaging materials. NOSB decided that while the topic is a “can of worms,” it is an important topic that should be explored further. It will be revisited alongside with a Technical Review that should be made available in the near future.
- **ANNOTATION CHANGE ON TOCOPHEROLS (PROPOSAL):** Tocopherols are currently classified on the National List as a synthetic substance. However, tocopherols are derived from plant oils and non-synthetic forms are available. Organic forms are

potentially available as well. To encourage industry to source non-synthetic and organic forms, the Handling Subcommittee proposed an annotation change. NOSB received comments with suggestions for revising the wording of the annotation that would help assist with classification materials, and suggestions for companion listings at §205.605(a) and/or §205.606. NOSB referred the issue back to subcommittee for further consideration.

- **ANCILLARY SUBSTANCES FOR CELLULOSE (PROPOSAL):** Ancillary substances are intentionally added to a formulated generic handling substance on the National List. These substances do not have a technical or functional effect in the finished product, and are not considered part of the manufacturing process that has already been reviewed by NOSB. NOSB considered a proposal to specify the ancillary substances permitted within cellulose, a material currently listed at §205.605(b) for use in regenerative casings, as an anti-caking agent, and as a filtering aid. The proposed list of permitted ancillary substances contained an error, so NOSB referred the issue back to subcommittee for further consideration.

SUNSET REVIEW 2019 – NOSB must review every substance (input) on the National List every five years to confirm that it continues to meet all required criteria under the Organic Foods Production Act and USDA organic regulations. This review is known as “Sunset Review.” Any substance NOSB votes for removal moves forward for USDA approval and additional rulemaking.

***Asterisk** indicates inputs flagged by NOSB due to concerns raised by the public. NOSB encourages stakeholders to submit public comments about the necessity or essentiality of these materials for production/handling, their effects on the environment and human health, and the availability of natural/organic forms.

Use Area	National List Input	Discussion
Handling	Attapulgit	3 votes of support for relisting; 2 certified clients use for oil filtration; 2 comments to remove due to lack of support—thereby not meeting essentiality requirements; 2 certifiers reported no use in their client base
Handling	Bentonite	11 supported relisting and that bentonite is critical to their products (wine industry especially); 2 requested further review to examine mining activities and alternatives (no new information on these issues were provided in comment); 1 certifier reported no use; 1 certifier reports 39 clients use; 1 certifier reports 7 clients use
Handling	Diatomaceous Earth (food filtering aid only)	16 total comments. 14 to relist and 2 to review mining practices. Strong support from wine industry.
Handling	Nitrogen	All comments were in support.
Handling	Sodium carbonate	Most comments were in support. One comment requested a Technical Review (TR) for production and one organization wanted clarification on the manufacturing and processing practices that are permitted.

Handling	Acidified sodium chlorite	Several comments in support stated it is critical and essential to food safety. Some commenters requested a comprehensive review of sanitizers in general.
Handling	Chlorine Materials	Broad support for relisting. One commenter said it is the primary sanitizer and vital for food safety. As with ASC, some commenters request a comprehensive review of sanitizers.
Handling	Carbon dioxide	All comments in favor for retaining; NOSB voted unanimously in 2015 to relist. No new information.
Handling	*Magnesium chloride (derived from sea water)	NOSB requested public comment on whether this material should be listed as Nonsynthetic. TR stated it can be classified as synthetic and non-synthetic. Commenters said NOSB should clarify what should and should not be allowed in terms of manufacturing practices.
Handling	Potassium acid tartrate	Request for an updated TR. Comments in favor although encourage that it be made only from organic grapes. Another question is whether to classify as non-synthetic or agricultural. Most in favor of listing into agricultural. Hot water extraction process.
Handling	*Sodium phosphates (for use only in dairy foods)	Comment was split. On one end support, especially as an emulsifier in cheese production and high protein smoothies. Other commenters would like to see it removed due to potential of human health impacts and lack of essentiality. Concerns rise from accumulative impact not from isolated use. More comments are needed and further research on health impacts.
Handling	*Casings, from processed intestines	Very few public comments. 5 or 6 in favor stating that there is no organic source for sausage production. This material brought to the forefront a discussion about critical mass and how NOSB determines when an ingredient is commercially available in organic form and how it understands the barriers to organic production. How can NOSB get a better handle on what is available in organic form?
Handling	*Konjac flour	9 to relist and 5 to remove. There appears to be increased availability in organic. During this first round, NOSB asked if organic is sufficient. 3 certifiers indicated that no one is using it. OTA did not receive any indication of its use. 3 organizations support its listing citing quality and validity of organic claims on international forms. Those against relisting are concerned about GE sources on the market. Others pointed out the use of pesticides associated with the conventional form. NOSB members would like more information on what is constraining the organic production.
Handling	*Pectin (non-amidated forms only)	Extensive comments about essentiality. One commenter said that only high-methoxy be allowed, and noted that pesticides are used during the non-organic raw material production.
Crops	Chlorine Materials (Calcium Hypochlorite, Chlorine Dioxide, Sodium Hypochlorite)	NOSB recognized that EPA is undergoing comprehensive review of sanitizers and will incorporate changes at EPA into NOSB review of sanitizers.

Crops	*Herbicides, soap-based	Most comments support relisting, and NOSB will be looking at a possible annotation change to expand use pattern of this material.
Crops	*Biodegradable bio-based mulch film	NOSB recognizes that no materials meet current annotation restrictions. New science indicates that the polymers are fully biodegradable regardless of source (i.e. bio-based vs. petroleum-based), and NOSB will be looking at a possible annotation change for the fall meeting.
Crops	*Boric acid	NOSB recognizes the need for effective structural pest control materials, including boric acid.
Crops	Sticky traps/barriers	Comments all support relisting, and NOSB recognizes that scouting and monitoring pests is a foundational element of integrated pest management systems.
Crops	*Copper sulfate	NOSB recognizes that there are no alternatives for some of the uses for copper materials, and that these substances should not be removed.
Crops	*Coppers, fixed	NOSB recognizes that there are no alternatives for some of the uses for copper materials, and that these substances should not be removed.
Crops	*Humic acids	NOSB discussed sustainability of some parent materials for manufacturing of humic acids (i.e. coal), but did not hear comments strongly opposed to relisting humic acids. Comments indicated humic acid is important for transitioning farmers and organic farmers in arid regions where soil biological activity is low.
Crops	Micronutrients – (i) Soluble boron products, (ii) Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt	NOSB recognizes that micronutrients are necessary and continue to support the annotation change passed in 2015.
Crops	*Vitamin B1, C, and E	NOSB appears to be leaning towards removal of Vitamin B1, but removal proposal could be challenging. Crops subcommittee will consider this for fall 2017 meeting.
Crops	Lead salts - Prohibited	NOSB believes lead salts should continue to be prohibited.
Crops	Tobacco dust (nicotine sulfate) - Prohibited	NOSB believes Tobacco dust should continue to be prohibited.
Livestock	Chlorine Materials (Calcium hypochlorite, Chlorine Dioxide, Sodium Hypochlorite)	General support, but similar to comments for Handling, some stakeholders would like to see a comprehensive review done on all sanitizers.
Livestock	Chlorhexidine	Minimal comments; no concerns were expressed.
Livestock	Glucose	Minimal comments; no concerns were expressed.
Livestock	*Oxytocin	Very few comments received; it appears to be used rarely. Prohibited by some companies stating that it is not necessary. Other stakeholders said it should be retained as a tool in the

		toolbox. One commenter said it was essential for animal welfare.
Livestock	Tolazoline	Very few comments were received and none indicated it should be removed.
Livestock	*Copper sulfate	Zinc sulfate is an alternative, and NOSB recently received a petition to add thymol as a potential effective alternative. However, NOSB agrees that copper sulfate should not be removed until alternatives are added and proven to be effective.
Livestock	Lidocaine	No discussion – will be relisted
Livestock	*Procaine	NOSB expressed concerns that formulations of procaine may include antibiotics, and it doesn't appear as though procaine is used by organic livestock producers. Livestock subcommittee will evaluate whether it should be removed at the Fall 207 meeting.

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Plan to attend the fall 2017 NOSB meeting! The next NOSB meeting will take place October 31-November 2, 2017, in Jacksonville, Florida. Mark your calendar and stay tuned for more information to come!

Organic Trade Association's NOSB Report: As a service to its members, OTA attends National Organic Standards Board meetings. The *NOSB Report*, a member publication, summarizes the meeting and provides an overview of the agenda topics, public commentary, and key decisions made by NOSB. The items included in this report represent recommendations that NOSB developed and reviewed at its meetings. If accepted by the Board, recommendations pass to the National Organic Program, which determines the final form of the NOSB recommendations. OTA members are alerted to steps in rulemaking through OTA's *News Flash* or other member communications.

OTA's [NOSB Report archives](#) are available on OTA's website. Please contact [Gwendolyn Wyard](#), OTA's Vice President of Regulatory and Technical Affairs or [Nathaniel Lewis](#), OTA's Farm Policy Director, for more information.