

Fall 2018 National Organic Standards Board (NOSB) Meeting

The Organic Trade Association's Meeting Report

On October 24-26, the National Organic Standards Board (NOSB) held its biannual public meeting in St. Paul, MN. The primary purpose of NOSB meetings is to provide an opportunity for organic stakeholders to give input on proposed NOSB recommendations and discussion items. The meetings also allow NOSB to receive updates from USDA's National Organic Program (NOP) on issues pertaining to organic agriculture. The full agenda for the meeting as well as all meeting materials are available on the Organic Trade Association's [fall 2018 NOSB meeting website](#). The [fall 2018 NOSB Resources Booklet](#) contains background information on each topic and a summary of the OTA's position. Full text of the OTA's comments are included on the website. Live coverage of the meeting is provided on [OTA's Twitter feed](#). Below is a full report on the NOSB discussions on each agenda item, the meeting outcomes and next steps, and a full list of upcoming work agenda items.

BY THE NUMBERS

Over the course of three days, NOSB voted on **14** proposals, considered **7** discussion documents, completed reviews of over **40** sunset materials, and passed **2** resolutions. NOSB received over **590** written comments prior to the meeting, and listened to nearly **14** hours of oral testimony received from approximately **47** commenters during two webinars and **92** commenters during the in-person meeting. The public comment period was open for only **22** days.

MEETING HIGHLIGHTS

The National Organic Standards Board meetings continue to be a democratic arena for organic standards development and continuous improvement. The fall 2018 meeting was no exception, with great emphasis placed on strengthening enforcement and oversight of the organic standards, increasing the use of organic seed and planting stock, and resolving the regulatory issue around the compliant use of planting pots in organic farming systems. The meeting was productive, the dialogue between NOSB members was thoughtful and they were very engaged with the public, asking many insightful questions during the public comment period. The meeting resulted in numerous outcomes as detailed below. The Organic Trade Association is highlighting four **critical outcomes** that are particularly important to the ongoing work of our organization and the organic sector:

- **Origin of Livestock:** In response to a direct request made by the Organic Trade Association's Executive Director Laura Batcha in public comment, NOSB unanimously passed a resolution urging the Secretary of Agriculture to directly issue a final rule for Origin of Livestock. NOSB made the move after noting that the continued state of varying interpretations and practices around the origin of livestock standards creates market instability for organic producers. In 2015, USDA's National Organic Program offered a proposed rule amending the origin of livestock standards based on six recommendations from NOSB between 1994 and 2006. This responded to findings from a July 2013 USDA Office of Inspector General audit report on organic milk operations showing that certifying agents were interpreting origin of livestock

requirements differently. However, the proposed rule was removed from the federal government's Unified Agenda of Regulatory and Deregulatory Actions in early 2017. Once again, stakeholders are pointing out that strong federal oversight is essential for creating a fair and level playing field for all certified organic operations. We commend NOSB for taking action on this critical matter, and are proactively working to help make this happen.

- **Organic Seed Usage:** After two years of NOSB deliberations and public comment, NOSB passed a recommendation to revise the organic regulations to require continuous improvement of organic seed usage by organic farmers. Organic farmers are currently required to use organic seed when it is commercially available. However, the organic standards do not require farmers to take proactive steps to source or develop organic seed and/or demonstrate continuous improvement of organic seed usage over time. This is the first proposed regulatory change to the organic seed requirements since the implementation of the organic standards. The Organic Trade Association thanks its Organic Seed Task Force for its perseverance and continued support on this issue; we believe our comments and collaborative efforts with other organizations and stakeholders led the charge on this issue.
- **Developing criteria for risk-based accreditation oversight of certification agencies and increased training and oversight of inspectors and review personnel:** NOSB unanimously passed two recommendations that are part of a collection of proposals to NOP that aim to help strengthen the oversight and enforcement of organic imports and the organic standards in general. The Organic Trade Association commends the on-going work of NOSB and NOP to address the critical topic of organic fraud prevention. Competent and consistent application of the organic regulations by certifying agents is critical to the success of the organic sector as is NOP's responsibility to ensure adequate oversight of each certifying agent. Both are principal factors to protecting organic integrity.

[Learn more about the Organic Trade Association's initiative to deter organic fraud](#)

- **Paper Pots:** Paper pots for transplanting are not explicitly listed on the National List of Allowed Inputs and therefore their usage as a production aid in organic farming can be confusing because paper mulch is allowed and may be incorporated into the soil. Regardless, the National Organic Program clarified that rulemaking is needed to explicitly allow the use of paper pots. The public comment periods during both the webinars and the in-person meeting were saturated with commenters voicing support of paper transplant pots. All commenters were also in support of extending the NOP's phase-out period to avoid disruptions in current practice while the petition process proceeds. NOSB unanimously passed a resolution that NOP allow the continued use of paper pots while the review and potential rulemaking proceed. The Organic Trade Association voiced support for this extension through our written and oral comments because it would have a negligible impact on organic integrity. Going forward, we are encouraging NOSB to take a broad approach for reviewing paper-based planting aids to be inclusive of *generic* paper-based production aids 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.

USDA NATIONAL ORGANIC PROGRAM REPORT HIGHLIGHTS

Dr. Jenny Tucker opened the meeting by proving a report on behalf of the National Organic Program. The full presentation is available here: <https://www.ams.usda.gov/sites/default/files/media/NOSBUpdateTuckerFall2018.pdf>. Dr. Tucker highlighted NOP's priorities for 2019 and the specific goals intended to achieve each goals (see table below). Dr. Tucker also announced the upcoming launch of the **Organic Integrity Learning Center**, an online training platform to support the professional development and continuing education of organic professionals working to protect organic integrity. To learn more about the Organic Integrity Learning Center, ask questions, and provide your feedback about course topics for the center, join the NOP webinar on November 15 at 1 p.m. Eastern. More info: <https://content.govdelivery.com/accounts/USDAAMS/bulletins/21349ee>.

National Organic Program Priorities and Goals for 2019	
1. Strong organic control systems	<ul style="list-style-type: none"> - Publish the strengthening organic enforcement proposed rule - Populate and launch Learning Management System for organic certifiers and inspectors - Conduct face-to-face training sessions with certifiers - Develop a risk-based certifier oversight model - Maintain and negotiate organic equivalency with other governments, emphasizing oversight and enforcement
2. Farm to market traceability	<ul style="list-style-type: none"> - Contract with customs and border protection (CBP) to program organic message sets into CBP automated commercial enforcement (ACE) - Institutionalize business processes for fumigation data analysis, investigations, and industry notifications - Develop concept of operations and architecture for a global organic oversight and traceability system - Complete Memorandum of Agreement for access to CBP-ACE across all Harmonized Trade Codes
3. Robust enforcement	<ul style="list-style-type: none"> - Launch new Compliance and Enforcement Database System - Resolve 90% of appeals within 180 days - In FY 2019, resolve 80% of compliant cases opened in FY 2017 and earlier. By end of FY 19, be trending towards resolving 75% new complaints within 180 days. - Complete 2018 Dairy Compliance Project and Initiate 2019 Dairy Compliance Project
4. Support the standards	<ul style="list-style-type: none"> - Institutionalize streamlining actions to reduce National List rulemaking timeframe - Recruit highly qualified individuals for NOSB vacancies and for key NOP staff positions - Host two NOSB meetings in FY 2019 - Host public engagement events and engage the community for feedback and input

AT-A-GLANCE MEETING OUTCOMES

- **PROPOSALS:** NOSB considered **14** proposals at this meeting. Of the proposals, **8 PASSED**, **3 FAILED**, and **3** were **TABLED**.
 - **PASSED** (referred to USDA for approval and rulemaking)
 - **2018 Research Priorities** – *proposal is adopted*
 - **Excluded Methods Determinations** – *only embryo rescue section of proposal is adopted*
 - **Developing Criteria for Risk-Based Accreditation Oversight** – *proposal is adopted*
 - **Training and Oversight of Inspector and Certification Reviewer Personnel** – *proposal is adopted*
 - **Tamarind Seed Gum** – *proposal to allow is adopted*
 - **Sodium Citrate** – *proposal to allow is adopted*
 - **Natamycin** – *proposal to prohibit is adopted*
 - **Strengthening the Organic Seed Guidance & Usage** – *only the regulatory section of proposal is adopted*
 - **FAILED**
 - Petition to add **Sodium Chlorite for the generation of chlorine dioxide gas** to the National List
 - Petition to add **Japones Pepper** to the National List
 - Petition to add **Ethiopian Pepper** to the National List
 - **TABLED** (referred back to subcommittee for additional work)
 - Petition to add **Allyl Isothiocyanate** to the National List
 - Petition to add **Silver dihydrogen citrate** to the National List
 - **Genetic Integrity Transparency of Seed Grown on Organic Land (Seed Purity)**
- **SUNSET REVIEWS:** NOSB discussed and voted on over 40 National List inputs. Public comments were generally in favor of relisting the majority. See the complete list of items reviewed in the chart at the end of this report. NOSB recommended relisting of all materials except for **sucrose octanoate esters** for both crops and livestock production (referred to NOP for approval and rulemaking)
- **DISCUSSION DOCUMENTS:** One of the discussion documents focused on **Marine Materials in Organic Crop Production**. The other six discussion documents were for individual petitioned materials: **Oxalic Acid, Pullulan, Collagen Gel, Ammonium citrate and Ammonium glycinate, Calcium acetate and Paper Pots**.

- **RESOLUTIONS:**

- **Origin of Livestock:** In response to a request made by the Organic Trade Association in public comments, NOSB unanimously passed a resolution urging the Secretary of Agriculture to directly issue a final rule for Origin of Livestock that incorporates public comments submitted in response to the proposed rule.
- **Paper Pots:** NOSB unanimously passed a resolution that NOP allow the continued use of paper pots while the review and potential rulemaking proceed.

- **OFFICER ELECTIONS:** NOSB elected the following officers:

- Chair: **Harriet Behar**
- Vice Chair: **Steve Ela**
- Secretary: **Scott Rice**

The Organic Trade Association thanks **Tom Chapman** for his 2 years of excellent service as Chair.

- **LOOKING FORWARD TO THE SPRING 2019 NOSB MEETING:** The next NOSB meeting will take place April 24 – 26, 2019, at the Renaissance Seattle Hotel in Seattle, WA. Notable **work agenda topics** will include Import oversight, Liquid fish production annotation, Sanitizers, Genetic Integrity of Seed, petitioned materials (e.g. Pullulan, Paper Pots, and others), and discussions on 2021 sunset materials.

DISCUSSION ON AGENDA TOPICS (BY SUBCOMMITTEE)

MATERIALS

- **2018 RESEARCH PRIORITIES (PROPOSAL):** NOSB's proposal for 2018 Research Priorities was widely supported by the public. Topics in the existing proposal that gained the most attention in public comments included: Evaluating methionine for poultry production; Organic livestock breeding for animals adapted to outdoor life; Examination of decomposition rates and effects of biodegradable bio-based mulch film; Organic no-till practices for diverse climates, crops, and soil types; Production of organic celery powder for use in cured meats; and alternatives to BPA (Bisphenol-A) for linings of cans used for various products. Commenters also identified several new topics for NOSB to consider for future research priorities relating to soil health, climate change, and pathogen prevention for raw manure applications (these three topics were recommended by The Organic Center) as well as alternatives to fatty alcohols for tobacco sucker control and other topics related to sustainable marine material production and harvesting. NOSB ultimately passed the proposal by unanimous vote (15 yes, 0 no). Going forward, NOSB encourages the public to continuously and proactively provide ideas for research priorities. Each year, NOSB accepts public comments on research priorities in the spring, and then votes on the research priorities in the fall. Thus, the most effective means of providing these ideas is at the spring meeting, so that tNOSB can incorporate them in the final proposal.

- **GENETIC INTEGRITY TRANSPARENCY OF SEED GROWN ON ORGANIC LAND (PROPOSAL):** A significant amount of public comments was submitted in response to the proposal on genetic integrity transparency of seed used in organic production. Most comments identified challenges with the proposal as presented in the meeting materials. Main concerns focused on the burden that the proposed procedures would put on farmers. During the discussion, NOSB clarified that all organic seed producers would be mandated to test for presence of genetic contamination under this proposal. Farmers who choose to use non-organic seed can ask their seed supplier to provide that information. If the non-organic seed supplier chooses not to test, then the farmer would be required to do the testing and provide that in the OSP to their certifier. In response to public comment and significant concerns raised by organic stakeholders, NOSB unanimously voted to send the proposal back to subcommittee for additional work. NOSB welcomes additional comments on this topic in advance of its next proposal.
- **EXCLUDED METHODS DETERMINATION (PROPOSAL):** The proposal on excluded methods terminology addresses two specific excluded methods: transposons and embryo rescue in plants. Public comments were supportive of the NOSB proposal that embryo rescue in plants is *not* considered an excluded method under NOP definitions. Public commenters said transposons are not an excluded method in themselves, but rather they are a *result of* a production method that may or may not be excluded. Thus, NOSB decided to send the issue of transposons back to subcommittee to further discuss the specific methods that may result in a transposon, and develop a proposal specific to those methods.
- **MARINE MATERIALS IN ORGANIC CROP PRODUCTION (DISCUSSION):** The discussion document on Marine Materials in Crop Production initiated a robust response among public commenters. In sum, there was unanimous support throughout the comments that the issue of sustainability in marine plant harvesting is that that should be addressed. However, the challenge lies in how we define, measure, and verify “sustainability” in this case. Commenters took positions across a wide spectrum, from staunch opposition to any harvesting of marine plants for any commercial purposes, to a preference for maintaining status quo. Some comments raised concern with certification requirement of crop inputs, and NOSB clarified that its intent in the discussion document was only to require organic certification of the *ingredient*, not the final product. Commenters also raised concern that by certifying a crop input ingredient, there might be a domino effect of increased scrutiny of other natural crop inputs that may lead to requests for certification of many others. Even though NOSB does not intend to set precedent or create this domino effect, NOSB members said they should not stop looking deeply at natural materials that are applied in algae quantities, and draw comparisons to other synthetic materials that are highly scrutinized even if they are applied in small amounts. Many comments suggested various type of annotations that could be used to ensure sustainable harvesting of marine plant ingredients. NOSB may consider some of the suggestions as this discussion continues to evolve. NOSB would like to create a working group of diverse stakeholders and experts who could continue to work on this issue, and will submit a request for the new working group to NOP.

COMPLIANCE, ACCREDITATION AND CERTIFICATION

- **DEVELOPING CRITERIA FOR RISK-BASED ACCREDITATION OVERSIGHT (PROPOSAL):** NOSB unanimously accepted this proposal for developing criteria for risk-based accreditation oversight of certification agencies. The unanimous support aligned with public comments that also supported the overall goals of the proposal and movement towards strengthened oversight and enforcement. Comments suggested several clarifications and improvements to existing content of the proposal, as well as new areas and criteria that could be integrated into a risk assessment of certification agencies. NOSB will forward the proposal to NOP for consideration and integration into its accreditation procedures. NOP staff also commented that it would review the comments submitted to NOSB on this topic and consider integrating those ideas as well.
- **TRAINING AND OVERSIGHT OF INSPECTOR AND CERTIFICATION REVIEWER PERSONNEL (PROPOSAL):** NOSB unanimously accepted this proposal for training and oversight of inspector and certification review personnel. Commenters were very much in agreement with the content of the proposal, and identified areas of highest priority to organic stakeholders. NOSB will refer this proposal to NOP for consideration and implementation.

LIVESTOCK

- **2020 SUNSET REVIEWS:** NOSB completed Sunset Reviews of ten materials currently on the National List for use in livestock production. Most materials received wide support for relisting through the public comment process. Alcohol sanitizers, aspirin, vaccines, electrolytes, and glycerin teat dips are widely considered essential for livestock health care and were unanimously voted to be relisted. Hydrated lime also received unanimous support for relisting as an external parasiticide. NOSB also began discussing its potential future use to deodorize animal wastes (a use which is currently prohibited), and acknowledged that this discussion would need to involve the Crops Subcommittee because treated bedding would eventually be spread on fields. Mineral oil was relisted as a topical treatment and as a lubricant with unanimous support. The only livestock material that did not receive support for relisting was sucrose octanoate esters (“SOEs”), which are currently allowed as an external parasiticide. This material was originally registered by EPA for control of varroa mites in honeybee hives. However, the primary concern expressed at the NOSB meeting for this material is that there are no brand name products with this material currently registered by EPA, suggesting that this material is not in use and may not be necessary. Most of the USDA certified organic honey is produced in Brazil, and NOSB did not receive any comments from beekeepers in Brazil at this meeting or at the spring meeting. Concern was also raised about the challenge of reviewing materials for which we do not have production standards (NOP regulations do not currently contain practice standards specific to apiculture). Ultimately, NOSB voted by two-thirds majority to remove sucrose octanoate esters from the National List for use in livestock production (10 yes, 5 no). The recommendation for removal will be referred to USDA for rulemaking, which will include an additional public comment opportunity.
- **OXALIC ACID (DISCUSSION):** NOSB did not receive any comments from the public regarding the discussion document on the petitioned use of oxalic acid for varroa mite control in beehives. A Technical Report has been requested, and will be available to NOSB to support its

review of this material. So far, it appears to be available and effective, which are positive traits in comparison to the sucrose octanoate esters (discussed above). NOSB will conduct its review of the Technical Report once available, and prepare a proposal for the next meeting. NOSB still encourages comments from stakeholders in response to the questions posed in the discussion document regarding necessity of the material, availability of alternatives, and concerns around EPA's classification of this material as very hazardous.

- **ORIGIN OF LIVESTOCK:** The topic of origin of livestock was not a part of the planned agenda for the fall 2018 NOSB meeting. However, the Organic Trade Association's CEO/Executive Director highlighted the essential need for rulemaking on this issue during public comment and called for NOSB to issue a resolution urging the Secretary of Agriculture to directly issue a final rule for Origin of Livestock. On the last day of the meeting, NOSB acted on our call and unanimously passed the following resolution:

"It has come to the attention of the National Organic Standards Board (NOSB) that the continued state of varying interpretations and practices around the Origin of Livestock standards is creating market instability for organic producers. The 2015 USDA Origin of Livestock Proposed Rule was based on six recommendations from the NOSB between 1994 and 2006. The proposed rule responds to findings from the July 2013 USDA Office of Inspector General (OIG) audit report on organic milk operations stating that certifying agents were interpreting the origin of livestock requirements differently¹. Rulemaking is necessary to ensure consistent interpretation and enforcement of the standards for origin of livestock and provide industry with additional clarity of application of the organic dairy standards. In early 2017, the Origin of Livestock Proposed Rule was removed from the government's Unified Agenda of Regulatory and Deregulatory Actions. Support for this rule has been expressed through public comment by the majority of organic stakeholders². Strong federal oversight is essential for creating a fair and level playing field for all certified organic operations. **Therefore be it resolved by unanimous vote, the National Organic Standards Board—as USDA's Federal Advisory Board on organic issues and representing organic farmers, ranchers, processors, retailers and consumers—urges the Secretary to directly issue a final rule for Origin of Livestock that incorporates public comments submitted in response to the Proposed Rule (Docket Number AMS-NOP-11-0009).**

1 <https://www.usda.gov/oig/webdocs/01601-0002-32.pdf>

2 <https://www.regulations.gov/docket?D=AMS-NOP-11-0009>"

HANDLING

- **2020 SUNSET REVIEWS:** Most of the handling materials undergoing Sunset Review received widespread support by public commenters and were approved by NOSB by unanimous vote for continued listing (Calcium carbonate, Flavors, Oxygen, Potassium chloride, Alginates, Calcium hydroxide, Ethylene, Glycerides, Magnesium stearate, Phosphoric acid, Potassium carbonate, Sulfur dioxide, Arabic gum, Carob bean gum, Guar gum, Locust bean gum, and Tragacanth gum). The remaining materials were relisted as well, but not by a unanimous

decision. One NOSB member voted against relisting of Gellan gum and Xanthan gum due to concerns about the composition of the substrate materials used in the fermentation process, even though reassurance was provided that certifiers require non-GMO affidavits for all handling materials. The other 14 NOSB members voted to relist both Gellan gum and Xanthan gum, citing the need for this material as an alternative to other gums and essentiality for processing of a variety of food products. On the review of Fructooligosaccharides, 14 members voted in favor of relisting and one member voted for removal, citing concerns about the highly processed nature of this agricultural materials. Lecithin, currently required as certified organic except for de-oiled (fluid) forms when organic is not commercially available, garnered much discussion. Although organic supplies of fluid lecithin derived from soy appear to be commercially available, organic fluid lecithin from *sunflower* are inconsistent, and sunflower lecithin is essential for allergen-free products. Three NOSB members voted to remove de-oiled lecithin from the National List so that organic forms would always be required. The remaining 12 members voted in favor of relisting so that non-organic forms of fluid lecithin can still be used while the supplies of organic forms continue to be developed. In the future, the Handling Subcommittee may consider a work agenda item to limit the current listing of de-oiled lecithin only to non-soy forms.

- **SODIUM CHLORITE FOR GENERATION OF CHLORINE DIOXIDE GAS (PROPOSAL):** The petition for sodium chlorite for generation of chlorine dioxide gas (originally petitioned as “chlorine dioxide gas”) was rejected by NOSB (6 yes, 9 no). Several concerns were raised in the public comment process that resulted in the Handling Subcommittee members changing their minds from originally being in favor of listing to being opposed. Their original support was based on the need for producers to have more food safety tools. However, the concerns over the negative health impacts of chlorine, particularly in gas form, were moving to several NOSB members. NOSB members also cited significant concerns regarding the “conditional” EPA registration status of the petitioned material. Another concern is that there was not any public comment from the industry that this material is needed.
- **SILVER DIHYDROGEN CITRATE (PROPOSAL):** The petition for silver dihydrogen citrate garnered a sizeable amount of public comment – some in favor of listing without any annotation, some asking for prohibition, some asking for additional technical review. None of the comments were in favor of listing the material with the annotation as it was presented in the subcommittee proposal (limited to particle sizes greater than 300 nm). Due to the lack of support for the current proposal, NOSB unanimously voted to send the issue back to subcommittee for further work. This will focus on several key areas of concerns: the use of nanotechnology; the use of antimicrobial in food applications that is also used in medical applications; the toxicity and environmental impact of silver in rinse water; and the necessity of this material and availability of alternative. The Handling Subcommittee will work to address these issues in advance of the next meeting.
- **JAPANESE PEPPER (PROPOSAL):** Comments received on this topic were in opposition to the petition for Japanese peppers to be listed as allowed in non-organic form when organic forms are not commercially available. NOSB members aligned with public commenters that the petition should not be approved and unanimously agreed not to list. The main reason was there was not sufficient proof provided by the petitioner that organic forms were thoroughly sought out and/or that an organic supply chain was attempted to be developed. NOSB felt that the petitioner made no effort to source organic forms of the ingredient, and the burden of proof to justify an allowance for non-organic

forms has not been satisfied.

- **ETHIOPIAN PEPPER (PROPOSAL):** NOSB unanimously rejected this proposal for the same reasons described above for Japanese pepper.
- **TAMARIND SEED GUM (PROPOSAL):** NOSB narrowly approved the petition for non-organic tamarind seed gum to be approved for use in processed products when organic forms are not available (11 yes, 4 no). The petition and public comments explained that the supply chain for tamarind seed gum is quite complex. It may take some time to develop organic supplies, which justified NOSB to provide an allowance for non-organic forms in the meantime while the organic supply chain is developed. As with any material on 205.606, organic forms are required to be used when commercially available.
- **PULLULAN (DISCUSSION):** All comments were in support of the petition for pullulan as an allowed non-agricultural, non-synthetic ingredient used in vegetarian capsules for dietary supplements labeled “made with organic.” No concerns or objections were raised by any commenters or any NOSB members. NOSB will continue to evaluate the comments, as well as the results of the recently released Technical Report, to prepare a proposal for consideration at the next meeting.
- **COLLAGEN GEL (DISCUSSION):** NOSB summarized the comments received on the discussion document presented in response to the petition for collagen gel casings. No significant concerns or objections were raised. A proposal will be prepared for consideration at the next meeting.

CROPS

- **2020 SUNSET REVIEWS:** Of the crops materials undergoing Sunset Review most received unanimous support from public comments and from NOSB members for relisting (Ethanol, Isopropanol, Sodium carbonate peroxyhydrate, Newspapers and other recycled paper, elemental sulfur, Lime sulfur, Hydrated lime, Liquid fish products, Sulfurous acid, Ethylene, Microcrystalline cheesewax, and Potassium chloride). Plastic mulch was relisted with 14 NOSB members in favor of relisting and one member who abstained from the vote. The discussion on the Sunset Review of aqueous potassium silicate showed mixed opinions of NOSB members. Several NOSB members (less than two thirds) voted for removal of this aqueous potassium silicate because of concerns about its systemic functionality and its impact on the environment. All other NOSB members voted to relist, citing its minimal environmental impact and essentiality among many public commenters and organic farmers. The only material resulting in a two-thirds majority to remove from the National List is sucrose octanoate esters (11 yes, 5 no). The objections to this material align with the concerns raised in the Livestock Subcommittee (see previous discussion).
- **ALLYL ISOTHIOCYANATE (PROPOSAL):** NOSB considered the petition for allyl isothiocyanate and ultimately decided to send the issue back to the Crops Subcommittee for additional work. Several issues were raised as concerns because of the Technical Report for this material, and the petitioner provided responses to those concerns through a petition addendum. The Crops Subcommittee requested more time to

understand the petitioner's responses and compare them with the technical information provided in the report.

- **SODIUM CITRATE (PROPOSAL):** The petition for use of sodium citrate as an anticoagulant in the production of blood meal fertilizers was unanimously accepted by NOSB. As explained in the background information for this agenda topic, NOSB does not typically review processing aids used to produce crop inputs, and is unclear about how their approval of this singular anticoagulant may or may not affect the review and approval of any other processing aids. NOSB plans to include a cover letter with its final recommendation to explain the intended implications of NOSB approval of this material.
- **NATAMYCIN (PROPOSAL):** NOSB unanimously agreed with the petitioner that natamycin should be classified as a non-synthetic material under NOP definitions and guidance on the classification of materials. However, NOSB disagreed with the petition to allow this material for disease control in organic crop production, and unanimously voted to add this material to 205.602 as a non-synthetic substance prohibited in organic crop production. Public commenters were widely against this material, raising significant concerns about the human health and environmental impacts about antimicrobials that have functionality in the human healthcare sector. Also, NOSB did not appear to receive sufficient comments from industry that natamycin is essential for production.
- **STRENGTHENING ORGANIC SEED GUIDANCE (PROPOSAL):** Public comments were widely supportive of the regulatory portion of the proposal, which recommended a regulatory change to 205.204 to require continuous improvement of organic seed usage. The other portion of the proposal that recommended edits to NOP Guidance 5029 were contested in public comments. The main concerns with the guidance document proposals were related to: using seed catalogue descriptions to justify availability of equivalent organic seed, the requirement for variety trials; the number of seed suppliers that must be contacted to source organic seed; and how certifiers can define and enforce "improvement" when seeking organic seed. In response to commenters, NOSB revised its proposal and related motions to only address the regulatory change, and table any proposed changes to the guidance document. NOSB welcomes additional comments on this topic in advance of its next proposal.
- **AMMONIUM CITRATE AND AMMONIUM GLYCINATE (DISCUSSION):** NOSB has request a Technical Report to sort out the deceptively complex chemistry of chelated micronutrients, and to clarify the definitions around chelates and chelating agents. After reviewing the Technical Report, once available, NOSB plans to present a proposal at the next meeting that will include three stages: 1) Clarify ambiguous language around chelating agents and chelated materials, 2) Require that future Sunset Reviews and new additions to the National List would be held to those clarifications, and 3) Complete review of the two petitioned materials.
- **CALCIUM ACETATE (DISCUSSION):** Public comment were generally in support of the petition for calcium acetate. However, some commenters suggested that the material should be annotated similarly to other calcium spray on the National List: only permitted for use as a foliar spray to treat a physiological disorder associated with calcium uptake.

"The NOSB thanks the NOP for enforcing the National List and for its close review of this issue. Paper pots are not explicitly listed on the National List and therefore its usage as a production aid can be confusing. Different certifiers have viewed this differently, with decisions made in good faith, and with equally compelling perspectives. In the opinion of the NOSB, Paper pots that may include virgin paper and adhesives, are used as a nursery production aid like many other types of pots. At the time of field planting, the paper should be considered used and therefore recycled since they have been used in the nursery. If this paper material is applied to the field, it would be considered a recycled paper for use as mulch. Based on comments received at the Fall 2018 NOSB meeting, we have heard universal support for this material in this application. Its moratorium on usage will create a substantial financial burden on those growers who have used this system in good faith with the consent of their certifiers. We understand that the National List could be clearer in this regard and the NOSB is in the process of considering a petition on paper pots. **Therefore, be it resolved by unanimous vote, to ensure a full and timely review of paper pots, we request the NOP allow the continued use of paper pots usage while this review and potential rule making proceed. We believe the interpretation offered in this resolution allows the program to take this path while maintaining fidelity to the existing regulations that the program is charged with protecting.**"

AT-A-GLANCE VOTING CHART

All 15 Board members were present for all votes. Unless otherwise noted below, there were no abstentions or recusals. Highlighted items are those that resulted in a recommended change to NOP regulations or National List, or other information being referred to USDA.

NOTE: Recommendations are not official policy unless adopted by the National Organic Program.

Subcommittee	Agenda Item	Motion and Full Board Vote	Outcome and Next Steps
MATERIALS	2018 Research Priorities	Motion to Adopt the Proposal Yes: 15 No: 0 Motion passes.	PASSED: The proposal is accepted and will be referred to USDA.
MATERIALS	Genetic Integrity Transparency of Seed Grown on Organic Land	To refer back to subcommittee Yes: 15 No: 0 Motion passes.	TABLED: The proposal is referred back to subcommittee for further development.
MATERIALS	Excluded Methods Determinations	Motion to remove references to transposons from the proposal and amend the motion to read, “The NOSB recommends the NOP add the following to the table of excluded or not excluded methods in the NOP excluded methods guidance: 1. “Transposons, when produced from chemicals, artificial ultraviolet radiation or other synthetic methods,” is to be added to the table listing excluded methods; 2. “Embryo rescue in plants” should be listed “not an excluded method.” Yes: 15 No: 0 Motion passes. Motion to add the following to the table of excluded or not excluded methods in the NOP excluded methods guidance: “Embryo rescue in plants” should be listed “not an excluded method.” Yes: 15 No: 0 Motion passes.	PASSED: A recommendation regarding embryo rescue in plants will be referred to the USDA, which would result in this practice being allowed in the production and handling of products labeled as organic. (Transposons remain “TBD” until a new proposal is presented at a future meeting.)
COMPLIANCE, ACCREDITATION & CERTIFICATION	Developing Criteria for Risk Based Accreditation Oversight	Motion to Adopt the Proposal Yes: 15 No: 0 Motion passes.	PASSED: The proposal is accepted and will be referred to USDA.
COMPLIANCE, ACCREDITATION & CERTIFICATION	Training and Oversight of Inspector and Certification Reviewer Personnel	Motion to Adopt the Proposal Yes: 15 No: 0 Motion passes.	PASSED: The proposal is accepted and will be referred to USDA.
LIVESTOCK	Ethanol (Sunset)	Motion to Remove from §205.603(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
LIVESTOCK	Isopropanol (Sunset)	Motion to Remove from §205.603(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
LIVESTOCK	Aspirin (Sunset)	Motion to Remove from §205.603(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
LIVESTOCK	Biologics, vaccines (Sunset)	Motion to Remove from §205.603(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List

LIVESTOCK	Electrolytes (Sunset)	Motion to Remove from §205.603(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
LIVESTOCK	Glycerin (Sunset)	Motion to Remove from §205.603(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
LIVESTOCK	Phosphoric acid (Sunset)	Motion to Remove from §205.603(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
LIVESTOCK	Lime, hydrated (Sunset)	Motion to Remove from §205.603(b) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
LIVESTOCK	Mineral oil (Sunset)	Motion to Remove from §205.603(b) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
LIVESTOCK	Sucrose octanoate esters (Sunset)	Motion to Remove from §205.603(b) Yes: 10 No: 5 Motion passes.	REMOVED: A recommendation for removal of sucrose octanoate esters from National List will be referred to USDA, which would result in this material being prohibited in organic livestock production.
LIVESTOCK	Origin of Livestock	Motion to adopt the resolution: "Be it resolved by unanimous vote, the National Organic Standards Board—as USDA's Federal Advisory Board on organic issues and representing organic farmers, ranchers, processors, retailers and consumers—urges the Secretary to directly issue a final rule for Origin of Livestock that incorporates public comments submitted in response to the Proposed Rule (Docket Number AMS-NOP-11-0009)." Yes: 15 No: 0 Motion passes.	PASSED: The resolution is adopted and will be referred to USDA.
HANDLING	Calcium carbonate (Sunset)	Motion to Remove from §205.605(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
HANDLING	Flavors (Sunset)	Motion to Remove from §205.605(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
HANDLING	Gellan gum (Sunset)	Motion to Remove from §205.605(a) Yes: 1 No: 14 Motion fails.	RELISTED: Remains on National List
HANDLING	Oxygen (Sunset)	Motion to Remove from §205.605(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
HANDLING	Potassium chloride (Sunset)	Motion to Remove from §205.605(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List

HANDLING	Alginates (Sunset)	Motion to Remove from §205.605(b) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
HANDLING	Calcium hydroxide (Sunset)	Motion to Remove from §205.605(b) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
HANDLING	Ethylene (Sunset)	Motion to Remove from §205.605(b) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
HANDLING	Glycerides (mono and di) (Sunset)	Motion to Remove from §205.605(b) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
HANDLING	Magnesium stearate (Sunset)	Motion to Remove from §205.605(b) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
HANDLING	Phosphoric acid (Sunset)	Motion to Remove from §205.605(b) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
HANDLING	Potassium carbonate (Sunset)	Motion to Remove from §205.605(b) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
HANDLING	Sulfur dioxide (Sunset)	Motion to Remove from §205.605(b) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
HANDLING	Xanthan gum (Sunset)	Motion to Remove from §205.605(b) Yes: 1 No: 14 Motion fails.	RELISTED: Remains on National List
HANDLING	Fructooligosaccharides (Sunset)	Motion to Remove from §205.606 Yes: 1 No: 14 Motion fails.	RELISTED: Remains on National List
HANDLING	Gums: Arabic, Carob bean, Guar, Locust bean (Sunset)	Motion to Remove from §205.606 Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
HANDLING	Lecithin – de-oiled (Sunset)	Motion to Remove from §205.606 Yes: 3 No: 12 Motion fails.	RELISTED: Remains on National List
HANDLING	Tragacanth gum (Sunset)	Motion to Remove from §205.606 Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
HANDLING	Sodium chlorite for the generation of chlorine dioxide gas (Petition)	Motion to Add sodium chlorite, for the generation of chlorine dioxide gas at §205.605(b) Yes: 6 No: 9 Motion fails.	FAILED: No change to the National List. Chlorine Dioxide Gas remains prohibited in organic processing and handling. (Existing listings for chlorine dioxide, liquid forms, and acidified sodium chlorite are unaffected.)
HANDLING	Silver dihydrogen citrate (Petition)	To refer back to subcommittee Yes: 10 No: 5 Motion passes.	TABLED: The proposal is referred back to subcommittee for further development.
HANDLING	Japones pepper (Petition)	Motion to Classify as Agricultural Yes: 15 No: 0 Motion passes.	FAILED: No change to the National List. Japones peppers continue to be required in

		Motion to Add to §205.606 Yes: 0 No: 15 Motion fails.	organic form when used in products labeled "organic."
HANDLING	Ethiopian pepper (Petition)	Motion to Classify as Agricultural Yes: 15 No: 0 Motion passes. Motion to Add to §205.606 Yes: 0 No: 15 Motion fails.	FAILED: No change to the National List. Ethiopian peppers continue to be required in organic form when used in products labeled "organic."
HANDLING	Tamarind seed gum (Petition)	Motion to Classify as Agricultural Yes: 15 No: 0 Motion passes. Motion to Add Tamarind seed gum, limited to non-hydrolyzed forms at §205.606 Yes: 11 No: 4 Motion passes.	PASSED: A recommendation for addition of Tamarind Seed Gum to National List will be referred to NOP, which may result in the non-organic Tamarind Seed Gum being allowed when organic forms are commercially unavailable.
CROPS	Ethanol (Sunset)	Motion to Remove from §205.601(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
CROPS	Isopropanol (Sunset)	Motion to Remove from §205.601(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
CROPS	Sodium carbonate peroxyhydrate (Sunset)	Motion to Remove from §205.601(a) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
CROPS	Newspaper or other recycled paper (Sunset)	Motion to Remove from §205.601(b) and (c) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
CROPS	Plastic mulch and covers (Sunset)	Motion to Remove from §205.601(b) Yes: 0 No: 14 Abstain: 1 Motion fails.	RELISTED: Remains on National List
CROPS	Aqueous potassium silicate for insect control (Sunset)	Motion to Remove from §205.601(i) Yes: 5 No: 10 Motion fails.	RELISTED: Remains on National List
CROPS	Aqueous potassium silicate for disease control (Sunset)	Motion to Remove from §205.601(e) Yes: 4 No: 11 Motion fails.	RELISTED: Remains on National List
CROPS	Elemental sulfur (Sunset)	Motion to Remove from §205.601(e), (i), and (j) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
CROPS	Lime sulfur (Sunset)	Motion to Remove from §205.601(e) and (i) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
CROPS	Sucrose octanoate esters (Sunset)	Motion to Remove from §205.601(e) Yes: 11 No: 4 Motion passes.	REMOVED: A recommendation for removal of sucrose octanoate esters from National List will be referred to USDA, which may result in this material being prohibited in

			organic crop production.
CROPS	Hydrated lime (Sunset)	Motion to Remove from §205.601(i) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
CROPS	Liquid fish products (Sunset)	Motion to Remove from §205.601(j) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
CROPS	Sulfurous acid (Sunset)	Motion to Remove from §205.601(j) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
CROPS	Ethylene (Sunset)	Motion to Remove from §205.601(k) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
CROPS	Microcrystalline cheesewax (Sunset)	Motion to Remove from §205.601(o) Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
CROPS	Potassium chloride (Sunset)	Motion to Remove from §205.602 Yes: 0 No: 15 Motion fails.	RELISTED: Remains on National List
CROPS	Allyl isothiocyanate (Petition)	To refer back to subcommittee Yes: 10 No: 5 Motion passes.	TABLED: The proposal is referred back to subcommittee for further development.
CROPS	Sodium citrate (Petition)	Motion to Classify as Synthetic Yes: 15 No: 0 Motion passes. Motion to Add to §205.601 with the annotation "For use as an anticoagulant in the production of blood meal." Yes: 15 No: 0 Motion passes.	PASSED: A recommendation for addition of Sodium Citrate to National List will be referred to USDA, which may result in this material being allowed for use as an anticoagulant in the production of blood meal.
CROPS	Natamycin (Petition)	Motion to Classify as Non-synthetic Yes: 15 No: 0 Motion passes. Motion to Add to §205.602 - non-synthetic substances prohibited for use in organic crop production Yes: 15 No: 0 Motion passes.	PASSED: A recommendation for addition of Natamycin to National List will be referred to USDA, which may result in this material being prohibited for use in organic crop production.
CROPS	Strengthening the Organic Seed Guidance (Proposal)	To remove all information related to the NOP Guidance 5029 from the proposal and amend the motion to read: "Accept all additions as described in the proposal section above to both the National Organic Program Regulation and the National Organic Program Guidance 5029." Yes: 15 No: 0 Motion passes. To accept all additions as described in the proposal section above to the National Organic Program Regulation. Yes: 15 No: 0 Motion passes.	PASSED: A recommendation for revision of NOP regulations at §205.204 to require improvement in sourcing and usage of organic seed will be referred to USDA. (No changes to NOP Guidance 5029 are recommended until a new proposal is presented at a future meeting.)
CROPS	Paper Pots	Motion to adopt the resolution: "Be it resolved by	PASSED: The resolution is adopted and will

		<p>unanimous vote, to ensure a full and timely review of paper pots we request the NOP allow the continued use of paper pots usage while this review and potential rule making proceed. We believe the interpretation offered in this resolution allows the program to take this path while maintaining fidelity to the existing regulations that the program is charged with protecting.”</p> <p>Yes: 15 No: 0 Motion passes.</p>	be referred to NOP.
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National List References: §205.601 = allowed synthetics for crops / §205.602 = prohibited non-synthetics for crop / §205.603 = allowed synthetics for livestock / §205.604 = prohibited non-synthetics for livestock / §205.605(a) = allowed non-agricultural non-synthetics for processing/handling / §205.605(b) = allowed non-agricultural synthetics for processing/handling / §205.606 = allowed agricultural for processing/handling

NOSB SPRING 2019 WORK AGENDA

The next NOSB meeting will take place April 24 – 26 2019 at the Renaissance Seattle Hotel in Seattle, WA and will address the following issues on NOSB Subcommittee Work Agendas.

SUBCOMMITTEE	TOPIC
Compliance, Accreditation and Certification	Import Oversight
Crops	Ammonium citrate (petition)
Crops	Ammonium glycinate (petition)
Crops	Calcium acetate (petition)
Crops	Paper pots (petition)
Crops	Allyl Isothiocyanate (petition)
Crops	Liquid fish production annotation (discussion)
Crops	Biodegradable bio-based mulch (TBD)
Crops	Protecting the Genetic Integrity of Seed Grown on Organic Land
Crops	2021 Sunset Reviews (discussion)
Handling	Silver hydrogen citrate (petition)
Handling	Pullulan (petition)
Handling	Collagen Gel (casing) (petition)
Handling	2021 Sunset Reviews (discussion)
Livestock	Oxalic Acid (petition)
Livestock	2021 Sunset Reviews (discussion)
Materials	Marine materials (marine algae and extracts)
Materials	Excluded Methods Terminology/Determinations

Materials	Research priorities (discussion)
Materials	Genetic Integrity Transparency
Materials	Sanitizers (TBD)
Policy Development	Review of Policy and Procedures Manual

About the Organic Trade Association’s *NOSB Report*: As a service to its members, the Organic Trade Association 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.

The Organic Trade Association’s [NOSB Report archives](#) are available on OTA’s website. Please contact [Gwendolyn Wyard](#), OTA’s Vice President of Regulatory and Technical Affairs, or [Johanna Mirenda](#), OTA’s Farm Policy Director, for more information.