

## Fall 2019 National Organic Standards Board (NOSB) Meeting

### The Organic Trade Association's Meeting Report

On October 23-25, the National Organic Standards Board (NOSB) held its biannual public meeting in Pittsburgh, PA. 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 2019 NOSB meeting website](#). Full text of our comments are included on the website. The [fall 2019 NOSB Resource Booklet](#) contains background information on each topic and a summary of the Organic Trade Association's position. Live coverage of the meeting is provided on [our 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

This was the **56<sup>th</sup>** meeting of the National Organic Standards Board. Over the course of three days, NOSB voted on **7** proposals, considered **3** discussion documents, and discussed over **50** sunset materials. NOSB received over **10,000** written comments prior to the meeting, and listened to nearly **14** hours of oral testimony received from approximately **121** commenters during two webinars and the in-person meeting. The public comment period was open for **35** days. There were only **13** NOSB members present at the meeting (1 vacancy, 1 absent).

### MEETING HIGHLIGHTS

The National Organic Standards Board meetings continue to be a democratic arena for organic standards development and continuous improvement. The fall 2019 meeting was no exception. 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 Board hosted an expert panel on **marine materials** as a means to gather technical information to support its review of the environmental harm of harvesting seaweeds used in crop fertilizers. In addition to scheduled agenda items, public comments drew attention to the current prohibition of **gene editing** under organic regulations (most of the written comments were form-letter expressing strong opposition to any changes to this current prohibition.) The need for USDA to advance rulemaking on critical issues such as **origin of livestock** was also an overarching theme of commenters, and the slowness of the NOP rulemaking process was highlighted as a major challenge by NOSB Chairperson Harriet Behar in her opening statement. The need for consistent enforcement of **greenhouse and container-based production systems** continues to be a point of interest among the organic community. The Organic Trade Association is highlighting the following **3 critical outcomes** that are particularly important to the ongoing work of our organization and the organic sector:

- **Final recommendation on vaccines from excluded methods:** After a decade, NOSB finally reached a consensus position on the use of vaccines made from excluded methods. Since the regulations were first implemented in 2002, the prohibition on excluded methods has always included one narrow exception for vaccines. Inconsistent interpretations of the regulatory references to vaccines resulted in inconsistencies between certifiers in what vaccines are allowed to be used in organic livestock production. NOSB's final recommendation

from this meeting is to allow vaccines from excluded methods *only when* an equivalent vaccine not produced through excluded methods is not commercially available. This recommendation is effective to add further scrutiny and tighter restrictions on GMO vaccines than what is being done under current practices, codifies a preference for non-GMO versions, ensures that organic producers have timely access to necessary vaccines for preventive healthcare, and ensures that that certifiers reach consistent determinations about which vaccines are allowed.

- **Continued scrutiny of emerging technologies:** NOSB passed two more recommendations to clarify whether specific emerging technologies are classified as excluded methods under the current NOP Regulatory definition. Induced mutagenesis produced via in vitro nucleic acid techniques was recommended to be classified as an excluded method (prohibited for use in producing and handling organic products), and livestock embryo transfer is recommended to not be classified as an excluded method (allowed in producing and handling organic products, provided that recipient animal is not treated with hormones). These recommendations build on years of effort by NOSB to bring scrutiny, consistency, and transparency to the determination of whether emerging technologies are classified as an excluded method and thus prohibited. In fall 2016, NOSB passed a recommendation on Excluded Methods Terminology that provided framework and criteria for determining whether a genetic manipulation meets the definition of an *excluded method* in the NOP regulations. Since then, NOSB has used this framework to classify over a dozen emerging technologies as excluded or not. Each technology is presented for public comment and vote by the NOSB. Notably, gene editing techniques were recommended by unanimous vote in fall 2016 to meet the existing definition of excluded methods. A running list of “to be determined” technologies will continue to appear before the NOSB for consideration. This process represents an ongoing robust dialogue about the appropriateness of new technologies under the NOP regulatory framework. NOSB’s recommendations on these issues continue to be referred to the USDA for inclusion in a NOP Guidance Document on Excluded Methods Terminology.
- **Grant funding for celery powder research shows that commercial availability is working:** Non-organic celery powder is listed at §205.606 for use in the 5% non-organic portion of an organic product provided an organic source is not commercially available. Celery powder contains natural forms of nitrate that are converted to nitrite when added to meat, which, in turn, functions as a curing agent for food safety and color retention purposes. This substance was under Sunset Review at this meeting, and NOSB passed a recommendation to retain its listing and continue its restricted allowance, because organic forms of celery powder are not yet commercially available. Without celery powder, products such as organic bacon and ham would not be possible. The Organic Trade Association, in partnership with The Organic Center and the University of Wisconsin, is working through our National List Innovation Working Group to support research into organic alternatives to non-organic celery powder. After four years of work and two previous submissions to USDA’s Organic Research and Extension Initiative grant program, we were awarded nearly \$2 million in research funds to develop an organic alternative to natural celery powder. When organic meat processors use non-organic celery powder (or any ingredient on §205.606 for that matter), they are required to first conduct a search for an organic alternative. The lack of an organic form and the continuing consumer demand for an all organic processed meat product is an effective signal to the market that there is a strong need for designing, researching, commercializing, and launching an organic alternative. The OREI grant funding shows we are well on our way down the path of materializing an organic solution.

## USDA NATIONAL ORGANIC PROGRAM REPORT HIGHLIGHTS

Dr. Jenny Tucker opened the meeting by providing a report on behalf of the National Organic Program (NOP). The full presentation is available [here](#). NOP's goals and priorities for 2020 are focused on rulemaking, enforcement, import certificates, international arrangements, federal partnerships, certifier training, launching the noncompliance library and certifier portal, and building the NOP organization.

- **Enforcement Updates:** NOP enforcement activities are focus on conducting complaint investigations, market surveillance, and coordinating with federal enforcement agencies. NOP is conducting ongoing risk-based analysis and projects for overseeing organic imports. A certifier in the Black Sea Region was suspended earlier this year as a result of these projects. NOP's Dairy Compliance Project is ongoing, with unannounced visits continuing across the U.S. NOP recently launched a Dairy Training on the Organic Integrity Learning Center to improve consistency in certifier and inspector verification. Continued focus is also on fraud prevention in the grain and oilseed industry, both domestically and abroad. Increased investigation and surveillance are needed to protect the integrity of these high value bulk commodities. Outcomes of NOP strengthened enforcement activities this year include:
  - ✓ *Decertified >275 operations in Black Sea Region*
  - ✓ *Completed 412 investigations*
  - ✓ *Resolved >600 complaints*
  - ✓ *High profile criminal and appeals cases are deterrents*
  - ✓ *Suspension and settlement agreement ensure sound systems*
  - ✓ *Certifiers are issuing more denials and compliance actions*
- **Strengthening Organic Enforcement Proposed Rule:** As required by the 2018 Farm Bill, NOP plans to publish a major proposed rule in late 2019 that will fundamentally transform the regulations in regard to oversight and enforcement. The comment period will be at least sixty days. [\[Join OTA member task force\]](#)

The proposed rule is expected to:

  - Minimize exemptions for organic handlers from organic certification
  - Require use of electronic import certificates
  - Enhance accreditation and certification oversight in the following areas:
    - Robust inspections: unannounced inspections, inspector training, trace-back and mass balance audits, and grower groups
    - Confirming organic status: nonretail labeling, standardized organic certificates, data reporting, certifier information sharing
    - Overseeing certifiers: 90-day notification for new offices, equivalency reviews, adverse action process
- **Origin of Livestock Proposed Rule:** NOP reopened the public comment period for the Origin of Livestock Proposed Rule originally published in 2015. The comment deadline is December 2, 2019, and NOP intends to move rapidly to a final rule. [\[Check out OTA's Action Toolkit\]](#)
- **National List Updates:** NOP has advanced several regulations to amend the National List. A renewal of 2019 Sunset Reviews that were recommended by NOSB for relisting was published in October, as was a final rule to implement NOSB recommendations from the April 2018 meeting. NOP endeavors to complete rulemaking on NOSB recommendations for National List materials within an 18-month timeframe. NOP also published a proposed rule responding to NOSB recommendations from the October 2018 meeting (open for comments until

December 17.) And finally, NOP announced a [new study](#) on **biodegradable biobased mulch film** and encourages NOSB to continue working to resolve the functionally un-usable annotation for this material on the National List.

- **NOP Organizational Structure:** To accommodate growth and refine areas of focus, the NOP division for Accreditation & International Activities has split into two separate divisions, and an additional new division for Trade Systems has been created. The organization structure of NOP now includes a total of five divisions. 1) International Activities, 2) Trade Systems, 3) Standards, 4) Accreditation, and 5) Compliance and Enforcement.
- **Organic Integrity Learning Center:** Since its launch earlier this year, over 1,500 participants have created accounts in the new Organic Integrity Learning Center, and 200 people have completed each lesson. Newly added courses include Dairy Compliance and Tools for Traceability. Check-out [this flyer](#) for instruction on signing up for an account.
- **Gene Editing:** Dr. Tucker clarified that gene editing is a technology that is prohibited in organic production under the current regulatory definition of excluded methods. Changing the definition of excluded methods is not on the USDA regulatory agenda; USDA has encouraged a robust dialogue about the role of new technologies and innovations in organic agriculture. In a Q&A following Dr. Tucker's presentation, NOSB members acknowledged that such dialogue is already occurring at NOSB meeting through the work agenda topics related to excluded methods determinations and livestock vaccines.
- **Containers:** Dr. Tucker clarified that all container-based production systems must meet existing regulatory requirements. It is the responsibility of certifiers to evaluate land use histories for compliance with the regulation, which require that field and farm parcels have had no prohibited substances applied for three years preceding harvest of organic crops.

## **AT-A-GLANCE MEETING OUTCOMES**

**PROPOSALS:** NOSB considered 7 proposals at this meeting. Of the proposals, all **7 PASSED** (referred to USDA for approval and rulemaking)

- **Fatty alcohols** – *proposal to allow use for sucker control in tobacco production is adopted*
- **Potassium hypochlorite** – *proposal to allow use as irrigation water treatment is adopted*
- **Genetic integrity of seed grown on organic land** – *proposed instruction to certifiers is adopted*
- **Vaccines made with excluded methods** – *proposal to permit GMO vaccines only when non-GMO versions are not commercially available is adopted*
- **Excluded methods determinations** – *proposal for guidance to clarify that induced mutagenesis produced via in vitro nucleic acid techniques is prohibited and livestock embryo transfer is allowed is adopted*
- **Research priorities** – *proposed research priorities are adopted*
- **Policy and Procedures Manual** – *proposed updates are adopted*

**SUNSET REVIEWS:** NOSB completed its 2021 Sunset Review process which included reviewing over **50** currently allowed generic inputs. Of

these, **2** are recommended for **REMOVAL** from the National List.

- **Dairy cultures (Handling)** - *recommended that the redundant listing is removed but its allowance continues under the existing broader listing of Microorganisms. This recommended action will not result in any changes to the current and continued allowance of dairy cultures in organic processing and handling.*
- **Alginic acid (Handling)** - *recommended removal and prohibition of non-organic alginic acid*

**DISCUSSION DOCUMENTS:** NOSB considered **3** discussion documents at this meeting.

- **Paper pots and other crop production aids** - *petitioned for use as planting aids in crop production*
- **Marine materials** - *discussion about ensuring sustainable harvesting of seaweeds for use in crop fertilizers and soil amendments*
- **Fenbendazole** - *petitioned for use in poultry production as a parasiticide for laying hens*

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

- Chair: **Steve Ela**
- Vice Chair: **Scott Rice**
- Secretary: **Jesse Buie**

The Organic Trade Association thanks outgoing NOSB members **Tom Chapman, Ashley Swaffar, Lisa de Lima, and Harriet Behar** for their years of dedicated service on the Board.

## **DISCUSSION ON AGENDA TOPICS (BY SUBCOMMITTEE)**

### **HANDLING**

- **2021 SUNSET REVIEWS:** NOSB unanimously voted to renew nearly all of the non-agricultural substances under Sunset Review at this meeting (citric acid, lactic acid, calcium chloride, enzymes, L-malic acid, magnesium sulfate, microorganisms, perlite, potassium iodide, activated charcoal, ascorbic acid, calcium citrate, ferrous sulfate, hydrogen peroxide, nutrient vitamins and minerals, peracetic acid, potassium citrate, potassium phosphate, sodium acid pyrophosphate, sodium citrate, tocopherols). These substances were all determined to continue to meet criteria for inclusion on the National List. [[Read OTA's comment on 2021 Sunset Reviews](#) and [Nutrient Vitamins and Minerals](#)]

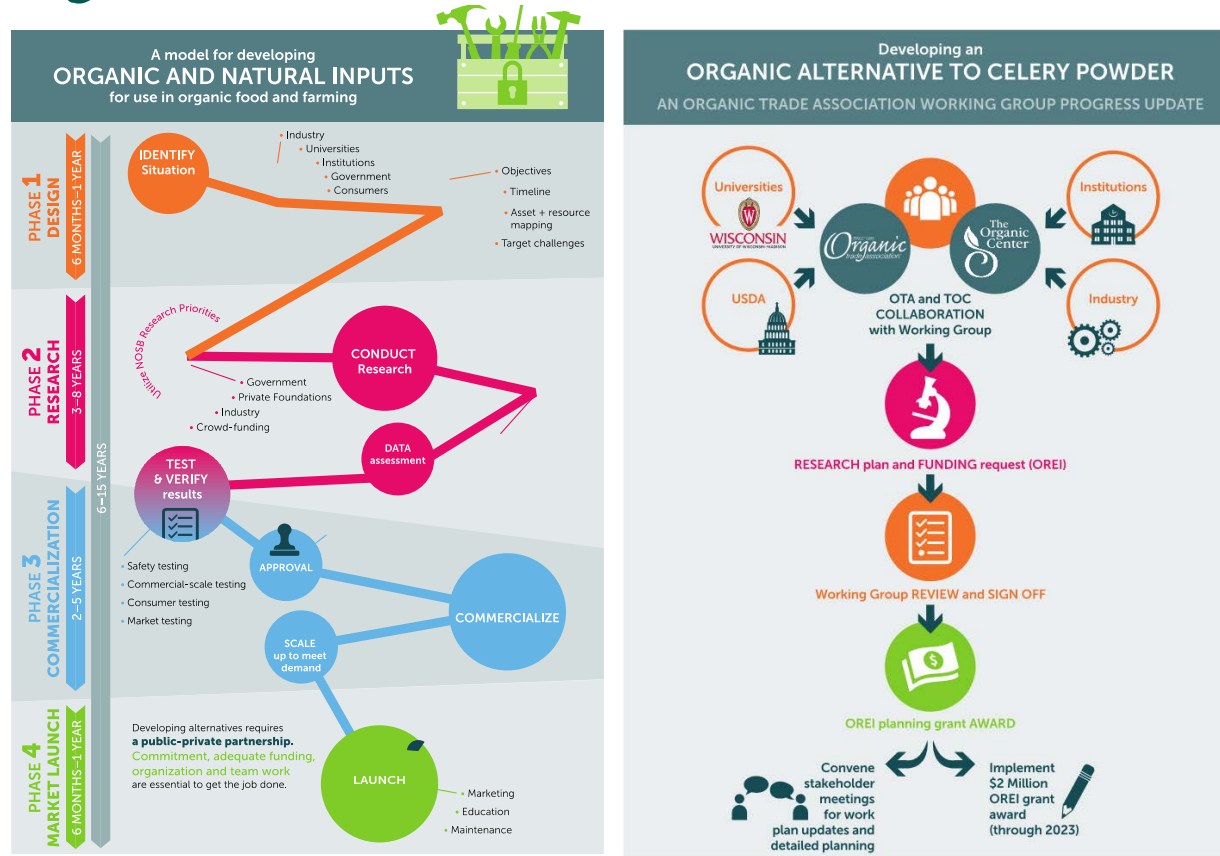
NOSB widely agreed that **dairy cultures** also continue to meet National List criteria for continued allowance, but the Board voted to remove its listing because it is seen as redundant to the listing of Microorganisms which already appears on §205.605(a). This action would tidy up and better organize the National List. Dairy cultures would remain allowed under the broader listing of Microorganisms on §205.605(a). The Board confirmed with NOP that this is an appropriate action to take during Sunset Review, and would not require a separate NOSB work agenda item or proposal. The Board was not convinced that consumers needed to have exact matches between product label ingredient

statement and listings on the National List. Overall, the recommended action will not result in any changes to the current and continued allowance of dairy cultures in processing and handling of organic foods. USDA rulemaking is required to implement this action, which will involve another public comment period. [[Read OTA's comments on dairy cultures](#)]

NOSB voted to remove **alginic acid** from §205.605(a). NOSB did not receive any indication from organic processors that they are using this substance, and therefore concluded that the substance is not necessary and not eligible for continued listing on the National List. A recommendation for removal of alginic acid from the National List will be referred to USDA, which would result in this material being prohibited in organic processing and handling. USDA rulemaking is required to implement this action, which will involve another public comment period. NOSB encourages organic processors that use alginic acid in organic processing and handling to participate in the public comment process during rulemaking.

All of the substances on §205.606 under review at this meeting were relisted, but only Gelatin was supported by a unanimous vote. All other substances had at least one abstention. **Celery powder** was a major focus at this meeting, soliciting many comments about its use in processed organic meat products to provide “cured” meat attributes without using prohibited synthetic nitrites. Celery powder adds nitrates that are converted to nitrite when added to meat, which, in turn, functions as a curing agent for food safety and color retention purposes. Comments in opposition cited the health concerns association with consumption of processed meats. Commenters in support of relisting celery powder cited its necessity for making organic processed meats such as bacon, the lack of organic alternatives, and the freedom of consumer choice to buy organic processed meat products. Board members engaged in a substantive discussion of these points and others raised in the comments. The theory that conventional celery powder is spiked with synthetic nitrogen fertilizer to obtain higher nitrate levels is not substantiated by any scientific studies or data, so this argument was not compelling to the Board. Also, Board members cited the importance of consumer choice to consumer “unhealthy” foods like bacon and hot dogs, and drew comparisons to sweets and alcohols which consumers should have the freedom to indulge in moderation at their own discretion. The Organic Trade Association & partners are actively working on developing organic alternatives, citing the \$2 million OREI grant recently awarded to The Organic Center and University of Wisconsin on organic celery research. Prohibiting celery powder without a commercially available alternative would halt the production of organic processed meat products, causing products to disappear from shelves, and significantly limit markets for organic livestock producers. Board member did agree with commenters that wanted to see more accurate and transparent labeling of processed meats made with natural curing agents, but that is an issue for USDA's Food Safety and Inspection Service (FSIS) and is outside the scope of NOSB's purview. When called for a vote, 11 members voted to relist, 1 voted to remove, and 1 abstained. [[Read OTA's comments on celery powder](#)]





[Check out OTA's NOSB Resource Booklet for more information on our work to develop organic and natural alternatives.](#)

**Fish oil** was recommended for relisting (11 relist, 2 abstain), despite concerns from commenters about environment impacts of sourcing fish for use in this ingredient. Because there are no aquaculture standards under the National Organic Program, it is not possible to require organic certification of fish or fish oil, and therefore organic alternatives remain absent. Two other ocean-derived materials **Pacific kombu seaweed** and **Wakame seaweed** were also recommended for relisting although environmental impacts of seaweed harvesting were a point of discussion (for each material, the vote was 9 to relist, 3 to remove, and 1 abstain). These seaweed ingredients are widely used in processed organic foods such as miso soup and canned beans. Commercially available certified organic forms are not available, but some members of NOSB want to see these materials being certified organic under the wild crop standard. (There is a concurrent discussion in the Materials Subcommittee about a potential future proposal for seaweeds used in crop fertilizers to be certified organic.)

**Orange pulp, dried** was recommended for re-listing, although NOSB was split on this decision. Organic orange producers commented that organic orange pulp is available, but the Board could not confirm if there are processors using the organic source material to manufacture organic dried pulp (also called citrus fiber). The manufacturer of the non-organic dried pulp provided oral testimony to the Board and explained that the limiting factor in using organic orange pulp is the distance between the organic pulp producers and their processing plant. The manufacturer has a patent on the manufacturing process for dried orange pulp. Board members voting to remove felt that the manufacturer was not doing enough to develop organic alternatives and/or that there is not sufficient comment from organic processors that are actually using this ingredient. 5 members voted to relist, 7 to remove, 1 abstain. Under the Sunset Review voting procedures, a two-thirds majority is needed to amend the National List. A “hung jury” results in no change to the regulations.

## CROPS

- **FATTY ALCOHOLS (PROPOSAL):** Numerous organic tobacco growers provided public comments to support the petitioned use of fatty alcohols for sucker control in organic tobacco production. According to these growers, fatty alcohols are necessary for safe and efficient sucker control. Removing suckers manually exposes farm workers to harmful contact with tobacco leaves. Farm worker safety was the most compelling argument for NOSB members who voted in favor of the petition. Supportive NOSB members also were compelled by comments that that organic tobacco is a keystone crop and has provided an economic means for organic tobacco grower to expand organic acreage. NOSB members who opposed the petition cited concern that fatty alcohols do not fit into any of the allowable categories of synthetic substances for the National List as identified in the Organic Foods Production Act. Also, concern was raised that fatty alcohols used palm kernel oil as a source material which may contribute to deforestation. Some NOSB members felt that fatty alcohols were an overall benign substance, but were conflicted about its exclusive use for producing tobacco which is itself harmful to human health. Other members felt it is not within NOSB purview to judge the allowance of a legal crop, and that members with that view should abstain from the vote. Ultimately, the majority of the Board concluded that this substance meets the National List criteria, and the final vote was 8 yes, 3 no, and 2 abstained. A recommendation for listing fatty alcohols on the National List will be referred to the USDA for rulemaking.
- **POTASSIUM HYPOCHLORITE (PROPOSAL):** NOSB voted to approve the petition for potassium hypochlorite for use only as an irrigation system cleaner (13 yes, 0 no). To clarify this specific use, the Board amended its listing motion to add the word “only.” NOSB also amended the motion to properly cite the relevant section on the National List (“a”) and will defer to the NOP during its rulemaking procedure to determine where in section “a” the listing for potassium hypochlorite should appear. The support for the petition is based on the need to give organic producers options for controlling pathogens in crop production.
- **2021 SUNSET REVIEWS:** NOSB voted to relist all of the crop inputs undergoing Sunset Review at this meeting (hydrogen peroxide, ammonium soaps, horticultural oils, pheromones, ferric phosphate, potassium bicarbonate, magnesium sulfate, hydrogen chloride, ash from manure burning, and sodium fluoaluminate). All of the votes were unanimous (13 to relist, 0 to remove). [[Read OTA’s comments](#)]
- **PAPER PLANT POTS AND OTHER CROP PRODUCTION AIDS (DISCUSSION):** NOSB thanked the public for engaging in another robust comment period on paper pots and the Board’s request for feedback on a potential future listing and annotation. The Board agreed with



commenters that suggested limiting the scope of review only to products that will degrade in the soil. The Crops Subcommittee will continue to work on a proposed annotation, and expect that it will address the quantity of added synthetic fibers (e.g. 15-20% synthetic fibers, not including cellulose) and/or a biodegradability standard (e.g. same ASTM standard used in the biodegradable biobased mulch film annotation). Dr. Jenny Tucker (NOP) reminded the Board of the NOP's decision to continue current allowances of paper pots throughout the board's deliberation on this topic. [\[Read OTA's comments\]](#)

## MATERIALS

- **EXCLUDED METHODS DETERMINATIONS (PROPOSAL):** In alignment with the support of public comments, NOSB unanimously passed the Materials Subcommittee's proposal on excluded methods determinations (13 yes, 0 no):
  - Induced mutagenesis developed via use of in vitro nucleic acid techniques = Excluded Method.
  - Embryo transfer in animals. Use of hormones not allowed in recipient animals = Not an Excluded Method.

Some public commenters thought that hormones should not be allowed in donor animal as well as in the recipient animal. However the organic regulations only require that certifiers verify organic management of animals as the last third of gestation. NOSB member emphasized that cloned animals are not allowed. [\[Read OTA's Comments on Induced Mutagenesis and Embryo Transfer\]](#)

- **GENETIC INTEGRITY TRANSPARENCY OF SEED GROWN ON ORGANIC LAND – INSTRUCTIONS TO CERTIFIERS (PROPOSAL):** This proposal solicited many public comments, most of which were in agreement with the proposed instructions to certifiers. The language is advisory and not mandatory, which allowed for broader support than the previous proposal which mandated testing and was met with significant concern from the public. Some commenters expressed opposition to setting any tolerance for GE contamination in seeds, and NOSB clarified that this proposal does not set a tolerance. There was agreement among commenters and NOSB members that NOP should establish a task force to further explore this issue, and to develop guidance for certifiers on sampling and testing for GE contamination. NOSB unanimously passed the proposal (13 yes, 0 no). [\[Read OTA's comments on genetic integrity transparency of seed\]](#)
- **NOSB RESEARCH PRIORITIES (PROPOSAL):** NOSB unanimously passed the recommendation for research priorities (13 yes, 0 no). NOSB explained that this year's list of priorities is longer than in previous years because of the increased funding for organic research that was authorized in the 2018 Farm Bill. [\[Read OTA's comments on research priorities\]](#)
- **MARINE MATERIALS IN ORGANIC CROP PRODUCTION (DISCUSSION):** NOSB received many public comments on this discussion document which presented several options for addressing environmental impact of marine materials harvested for use in crop inputs (e.g. kelp/seaweed fertilizers and soil amendments). There continues to be a lack of consensus in the public comment about the extent of environmental harm caused by seaweed harvesting, and which direction/option can adequately address potential environmental concerns. An Expert Panel composed of two scientists (Dr. Allison Schmidt, *Dalhousie University* and Dr. Nichole Price, *Bigelow Laboratory for Ocean Sciences*), one harvester (Dr. Rahul Ugarte, *Acadian Seaplants Ltd.*), and one certifier (Chis Grigsby, *Maine Organic Farmers and Gardeners Association (MOFGA) Certification Services*) presented information to the Board at this meeting. Their full presentations are available [here](#).

The Materials Subcommittee will integrate the technical information from the panel into its continued work on this complex topic. The subcommittee continues to express interest in a requirement for organic certification of marine materials used in crop inputs, but only if: 1) NOP can commit to establishing a task force to develop more specific guidelines for organic production and certification of marine materials; and 2) the requirement is paired with an ample implementation time period. The subcommittee will also consider the option of narrowing its focus only on the species that are more highly used. There is agreement across the board with general sentiments about the importance of protecting the environment, but conflicting opinions about how to move forward with this particular issue. Some board members identified a need for information that is more globally representative, as much of the discussion thus far is focused on Maine and Nova Scotia. There are outstanding questions about the logistics and practicality of certification of marine production systems. Overall, there is interest in taking a slow and careful approach to this complex issue. A clear path forward is not yet apparent. [[Read OTA's comments on marine materials](#)]

- **ASSESSING CLEANING AND SANITATION MATERIALS USED IN ORGANIC CROP, LIVESTOCK AND HANDLING (VERBAL UPDATE):** At the Spring 2019 meeting, the Materials Subcommittee presented a discussion document to explore a new framework for reviewing cleaners and sanitizers across the National List to a consistent set of criteria. NOP did not end up accepting the subcommittee's request for a Technical Report on this subject, as the scope of the report was too large and complex for a contractor to take on. Next spring the board plans to host an Expert Panel on this subject, and welcomes ideas from the public about who should serve on the panel and what questions should be posed.

## POLICY DEVELOPMENT SUBCOMMITTEE

- **POLICY AND PROCEDURES MANUAL (PROPOSAL):** NOSB unanimously voted to adopt the proposed updates to the Policy and Procedures Manual (13 yes, 0 no). [[Read OTA's comments on PPM updates](#)]

## LIVESTOCK

- **USE OF EXCLUDED METHOD VACCINES IN ORGANIC LIVESTOCK PRODUCTION (PROPOSAL):** NOSB reached consensus on the recommendation for allowing vaccines from excluded methods only when vaccines not from excluded methods are commercially unavailable (12 yes, 0 no, 1 abstain). Nearly all NOSB members felt this is a reasonable middle ground approach that safeguards against the proliferation of excluded methods in organic, yet acknowledges that some necessary vaccines are only available from excluded methods. The abstaining NOSB member preferred to see individual excluded method vaccines listed on the National List, although other NOSB members felt it is not appropriate or feasible to list brand name products in the regulations. Commenters were generally in favor of this direction, although certifiers signaled a need for more guidance and resources to ensure consistent determination on which vaccines are made using excluded methods. NOSB members encouraged the Accredited Certifiers Association to support the work of certifiers in

developing a list of excluded methods vaccines. [[Read OTA's comments on vaccines](#)]

- **2021 SUNSET REVIEWS:** Nearly all of the livestock materials undergoing Sunset Review received unanimous support from NOSB members for relisting (atropine, hydrogen peroxide, iodine, magnesium sulfate, fenbendazole, moxidectin, peracetic acid, trace minerals, and vitamins). Xylazine was recommended for relisting with one NOSB member abstaining from the vote. **Methionine**, an essential amino acid in poultry diets, was recommended for relisting with only one abstention and garnered significant discussion among the board. Although public commenters identified opposition to this substance in favor of birds accessing natural sources through outdoor access, NOSB responded that there is no scientific research or data to substantiate this claim. Synthetic methionine feed additives, under its restrictive annotation, remains necessary for providing proper nutrition to poultry and natural or organic alternatives are not available. [[Read OTA's comments on livestock sunset reviews](#) and [methionine](#)]

## COMPLIANCE, ACCREDITATION, & CERTIFICATION SUBCOMMITTEE

- **INTEGRITY OF THE SUPPLY CHAIN/OVERSIGHT IMPROVEMENTS TO DETER FRAUD (VERBAL UPDATE):** NOSB is awaiting the publication of the Proposed Rule on Strengthening Organic Enforcement. Upon publication, the CAC Subcommittee will review the content and identify items that aren't address in the rule and could be taken up by the NOSB for future work. One of these items is likely to be issues regarding the fresh produce trade.

## AT-A-GLANCE VOTING CHART

Only 13 voting members were present at this meeting (1 vacancy, 1 absent). Unless otherwise noted below, there were no abstentions or recusals. Recommendations are not official policy unless adopted by the USDA National Organic Program.

SUBCOMMITTEE	AGENDA ITEM	MOTION & FULL BOARD VOTE	OUTCOME AND NEXT STEPS
CROPS	<b>Fatty Alcohols</b> (Petition)	Motion to add fatty alcohols C6, C8, C10, C12 Naturally Derived Fatty Alcohol at §205.601 for sucker control on organic tobacco crops. 8 Yes, 3 No, 2 Abstain, 1 Absent. Motion passes.	<b>PASSED:</b> A recommendation for addition of substance to the National List will be referred to USDA for approval and rulemaking.
CROPS	<b>Potassium hypochlorite</b> (Petition)	Motion to add potassium hypochlorite at §205.601(a): Chlorine materials - For use in water for irrigation purposes only. Residual chlorine levels in the water in direct crop contact or as water from cleaning irrigation systems applied to soil must not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act. 13 Yes, 0 No, 1 Absent. Motion passes.	<b>PASSED:</b> A recommendation for addition of substance to the National List will be referred to USDA for approval and rulemaking.

SUBCOMMITTEE	AGENDA ITEM	MOTION & FULL BOARD VOTE	OUTCOME AND NEXT STEPS
MATERIALS	<b>Excluded Methods: Induced mutagenesis and embryo transfer in livestock</b>	Motion to accept the proposal on excluded methods determinations. <ul style="list-style-type: none"> <li>Excluded: Induced mutagenesis developed via use of in vitro nucleic acid techniques.</li> <li>Not excluded: Embryo transfer in animals. Use of hormones not allowed in recipient animals.</li> </ul> 13 Yes, 0 No, 1 Absent. Motion passes.	<b>PASSED:</b> The proposal is accepted and will be referred to USDA for approval and implementation in NOP Guidance.
MATERIALS	<b>Genetic Integrity Transparency of Seed Grown on Organic Land – Instructions to Certifiers</b>	Motion to accept the “Genetic Integrity Transparency of Seed Grown on Organic Land Instructions to Certifiers” Proposal. 13 Yes, 0 No, 1 Absent. Motion passes.	<b>PASSED:</b> The proposal is accepted and will be referred to USDA for approval and implementation in NOP Guidance.
MATERIALS	<b>Research Priorities</b>	Motion to adopt the proposal on 2019 NOSB Research Priorities. 13 Yes, 0 No, 1 Absent. Motion passes.	<b>PASSED:</b> The proposal is accepted and will be referred to USDA.
POLICY DEVELOPMENT	<b>Updates to Policy and Procedures Manual</b>	Motion to accept the changes to the NOSB Policy & Procedures Manual (PPM). 13 Yes, 0 No, 1 Absent. Motion passes.	<b>PASSED:</b> The proposal is accepted and will be referred to USDA for approval and implementation in NOSB Policy and Procedures Manual.
LIVESTOCK	<b>Vaccines made with Excluded Methods</b>	Motion to change the USDA organic regulations at §205.105(e): (Addition to the current rule noted in bold) <i>(e) Excluded methods, except for vaccines: Provided, That, <b>vaccines produced through excluded methods may be used when an equivalent vaccine not produced through excluded methods is not commercially available.</b></i> 12 Yes, 0 No, 1 Abstain, 1 Absent. Motion passes.	<b>PASSED:</b> A recommendation for amending the regulations will be referred to USDA for approval and rulemaking.

## Sunset Reviews:

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

SUBCOMMITTEE	AGENDA ITEM	SUBCOMMITTEE MOTION & VOTE	REMOVE/RELIST
CROPS	<b>Hydrogen peroxide (Sunset)</b>	Motion to remove from §205.601(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
CROPS	<b>Hydrogen peroxide (Sunset)</b>	Motion to remove from §205.601(i). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
CROPS	<b>Soaps, Ammonium (Sunset)</b>	Motion to remove from §205.601(d). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List

SUBCOMMITTEE	AGENDA ITEM	SUBCOMMITTEE MOTION & VOTE	REMOVE/RELIST
CROPS	<b>Oils, horticultural</b> (Sunset)	Motion to remove from §205.601(e). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
CROPS	<b>Oils, horticultural</b> (Sunset)	Motion to remove from §205.601(i). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
CROPS	<b>Pheromones</b> (Sunset)	Motion to remove from §205.601(f). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
CROPS	<b>Ferric phosphate</b> (Sunset)	Motion to remove from §205.601(h). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
CROPS	<b>Potassium bicarbonate</b> (Sunset)	Motion to remove from §205.601(i). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
CROPS	<b>Magnesium sulfate</b> (Sunset)	Motion to remove from §205.601(j). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
CROPS	<b>Hydrogen chloride</b> (Sunset)	Motion to remove from §205.601(n). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
CROPS	<b>Ash from manure burning</b> (Sunset)	Motion to remove from §205.602. 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
CROPS	<b>Sodium fluoaluminate</b> (Sunset)	Motion to remove from §205.602. 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
LIVESTOCK	<b>Atropine</b> (Sunset)	Motion to remove from §205.603(a). 0 Yes, 12 No, 2 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
LIVESTOCK	<b>Hydrogen peroxide</b> (Sunset)	Motion to remove from §205.603(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
LIVESTOCK	<b>Iodine</b> (Sunset)	Motion to remove from §205.603(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
LIVESTOCK	<b>Iodine</b> (Sunset)	Motion to remove from §205.603(b). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
LIVESTOCK	<b>Magnesium sulfate</b> (Sunset)	Motion to remove from §205.603(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
LIVESTOCK	<b>Fenbendazole</b> (Sunset)	Motion to remove from §205.603(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
LIVESTOCK	<b>Moxidectin</b> (Sunset)	Motion to remove from §205.603(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
LIVESTOCK	<b>Peracetic acid</b> (Sunset)	Motion to remove from §205.603(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List

SUBCOMMITTEE	AGENDA ITEM	SUBCOMMITTEE MOTION & VOTE	REMOVE/RELIST
LIVESTOCK	<b>Xylazine</b> (Sunset)	Motion to remove from §205.603(a). 0 Yes, 12 No, 1 Abstain, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
LIVESTOCK	<b>Methionine</b> (Sunset)	Motion to remove from §205.603(d). 0 Yes, 12 No, 1 Abstain, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
LIVESTOCK	<b>Trace Minerals</b> (Sunset)	Motion to remove from §205.603(d). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
LIVESTOCK	<b>Vitamins</b> (Sunset)	Motion to remove from §205.603(d). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Citric acid</b> (Sunset)	Motion to remove from §205.605(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Lactic acid</b> (Sunset)	Motion to remove from §205.605(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Calcium chloride</b> (Sunset)	Motion to remove from §205.605(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Dairy cultures</b> (Sunset)	Motion to remove from §205.605(a). 13 Yes, 0 No, 1 Absent. Motion passes.	<b>REMOVE:</b> A recommendation for <u>removal</u> of the redundant listing for dairy cultures on the National List will be referred to USDA. <b>Dairy cultures remain allowed under the broader listing of Microorganisms on §205.605(a).</b> The recommended action will not result in any changes to the current and continued allowance of dairy cultures in processing and handling of organic foods. USDA rulemaking is required to implement this action, which will involve another public comment period.
HANDLING	<b>Enzymes</b> (Sunset)	Motion to remove from §205.605(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>L-Malic acid</b> (Sunset)	Motion to remove from §205.605(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Magnesium sulfate</b> (Sunset)	Motion to remove from §205.605(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Microorganisms</b> (Sunset)	Motion to remove from §205.605(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Perlite</b> (Sunset)	Motion to remove from §205.605(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Potassium iodide</b> (Sunset)	Motion to remove from §205.605(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List



SUBCOMMITTEE	AGENDA ITEM	SUBCOMMITTEE MOTION & VOTE	REMOVE/RELIST
HANDLING	<b>Yeast</b> (Sunset)	Motion to remove from §205.605(a). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Activated charcoal</b> (Sunset)	Motion to remove from §205.605(b). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Alginic acid</b> (Sunset)	Motion to remove from §205.605(b). 13 Yes, 0 No, 1 Absent. Motion passes.	<b>REMOVE:</b> A recommendation for <u>removal</u> of alginic acid from the National List will be referred to USDA, which would result in this material being <u>prohibited</u> in organic processing and handling. USDA rulemaking is required to implement this action, which will involve another public comment period.
HANDLING	<b>Ascorbic acid</b> (Sunset)	Motion to remove from §205.605(b). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Calcium citrate</b> (Sunset)	Motion to remove from §205.605(b). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Ferrous sulfate</b> (Sunset)	Motion to remove from §205.605(b). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Hydrogen peroxide</b> (Sunset)	Motion to remove from §205.605(b). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Nutrient vitamins and minerals</b> (Sunset)	Motion to remove from §205.605(b). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Peracetic acid</b> (Sunset)	Motion to remove from §205.605(b). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Potassium citrate</b> (Sunset)	Motion to remove from §205.605(b). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Potassium phosphate</b> (Sunset)	Motion to remove from §205.605(b). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Sodium acid pyrophosphate</b> (Sunset)	Motion to remove from §205.605(b). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Sodium citrate</b> (Sunset)	Motion to remove from §205.605(b). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Tocopherols</b> (Sunset)	Motion to remove from §205.605(b). 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Celery powder</b> (Sunset)	Motion to remove from §205.606. 1 Yes, 11 No, 1 Abstain, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Fish oil</b> (Sunset)	Motion to remove from §205.606. 0 Yes, 11 No, 2 Abstain, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List

SUBCOMMITTEE	AGENDA ITEM	SUBCOMMITTEE MOTION & VOTE	REMOVE/RELIST
HANDLING	<b>Gelatin</b> (Sunset)	Motion to remove from §205.606. 0 Yes, 13 No, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Orange pulp, dried</b> (Sunset)	Motion to remove from §205.606. 7 Yes, 5 No, 1 Abstain, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Pacific kombu seaweed</b> (Sunset)	Motion to remove from §205.606. 3 Yes, 9 No, 1 Abstain, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List
HANDLING	<b>Wakame seaweed</b> (Sunset)	Motion to remove from §205.606. 3 Yes, 9 No, 1 Abstain, 1 Absent. Motion fails.	<b>RELIST:</b> Remains on National List

**LOOKING FORWARD TO THE SPRING 2020 NOSB MEETING:** The next NOSB meeting will take place April 29 – May 1, 2020, at the Westin Crystal City in Arlington, Virginia. Notable work agenda topics are expected to include Marine Materials in crop production, Paper Pots (petition for crop use), Sodium carbonate lignin (petition for crop use), Low Acetyl Gellan Gum (petition for handling), Red Jalapeño Pepper (petition for handling), Fenbendazole (petition for livestock use), Biodegradable biobased mulch film, and discussions on 2022 Sunset Reviews.

**Full NOSB Work Agenda:**

SUBCOMMITTEE	Spring 2020 Work Agenda Topic
CACS	<b>Strengthening organic enforcement</b> (follow-up on areas not addressed by NOP Enforcement Rulemaking)
Crops	<b>Paper Pots and other Paper-based production aids</b> (petition for use as crop production aid)
Crops	<b>Sodium carbonate lignin</b> (petition for use as xxx)
Crops	<b>Liquid fish products annotation</b>
Crops	<b>Biodegradable biobased mulch film annotation</b>
Materials	<b>Marine Materials in organic crop production</b>
Handling	<b>Fish oil annotation</b>
Handling	<b>L-Malic acid reclassification</b>
Handling	<b>Ion exchange filtration</b>
Handling	<b>Low acetyl gellan gum</b> (petition)
Handling	<b>Red jalapeño pepper</b> (petition)
Livestock	<b>Fenbendazole</b> (petition)
Crops	<b>2021 Sunset Reviews:</b>
Livestock	<b>2021 Sunset Reviews:</b>
Handling	<b>2021 Sunset Reviews:</b>

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



*NOSB Members from left to right: Emily Oakley (producer), Dave Mortensen (scientist), Scott Rice (certifier), Lisa de Lima (retailer), Tom Chapman (handler), Ashley Swaffar (producer), Harriet Behar (resource conservationist), Steve Ela (producer), Dan Seitz (public interest), Sue Baird (public interest), Jesse Buie (producer), Asa Bradman (environmentalist), Rick Greenwood (resource conservationist)*