

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

### The Organic Trade Association's Meeting Report

On April 24-26, the National Organic Standards Board (NOSB) held its biannual public meeting in Seattle, WA. 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 [spring 2019 NOSB meeting website](#). Full text of our comments are included on the website. The [spring 2019 NOSB Resource Booklet](#) contains background information on each topic and a summary of our 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 **55<sup>th</sup>** meeting of the National Organic Standards Board. Over the course of three days, NOSB voted on **10** proposals, considered **7** discussion documents, and discussed over **50** sunset materials. NOSB received **875** written comments prior to the meeting, and listened to nearly **14** hours of oral testimony received from approximately **114** commenters during two webinars and 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 spring 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 expert panels on several topics as a means to gather technical information to support its review on **Celery Powder, Methionine, and Biodegradable Bio-based Mulch Film**. Notably, the Celery Powder Panel was largely made up of members from the Organic Trade Association's Celery Powder Working Group. A representative from the National Agricultural Statistics Service presented highlights of the **2017 Census of Agriculture** and next steps for the **2019 Organic Producer Survey**. In addition to scheduled agenda items, public comments drew attention to the need for USDA action on **Origin of Livestock rulemaking** and the need for clear policy information from NOP about applying existing organic land and crop requirements to **container-based production**. See the Organic Trade Association's recent letters to USDA requesting [final rulemaking on origin of livestock](#) and [clarifying instruction to certifying agents on container-based production](#). The Organic Trade Association is highlighting **2 critical outcomes** that are particularly important to the ongoing work of our organization and the organic sector:

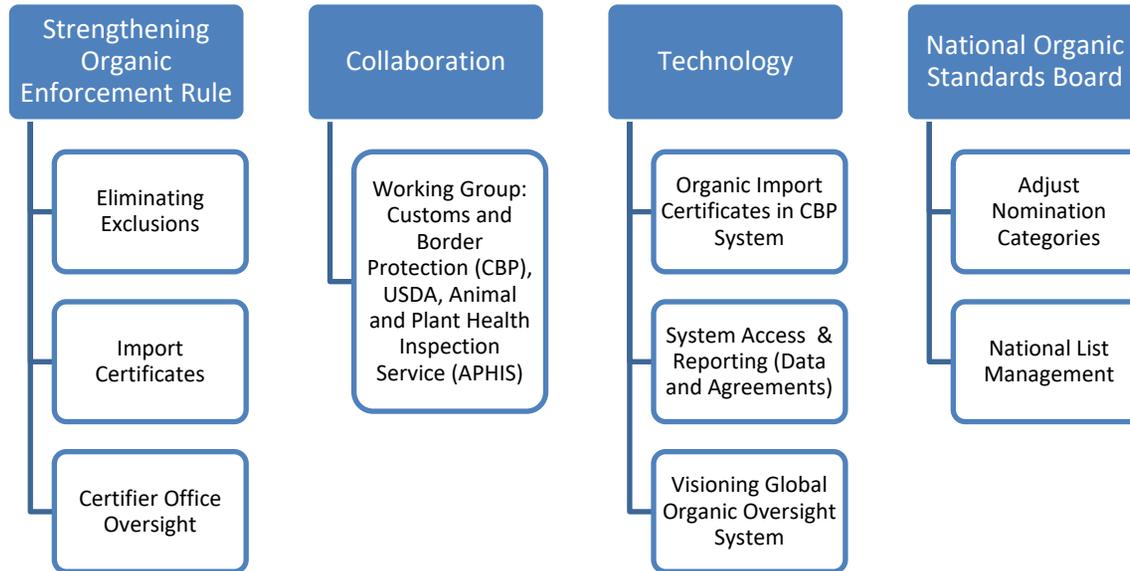
- **Pullulan:** The Organic Trade Association's petition, as supported by its National List Innovation Working Group and the Dietary Supplements Council, passed unanimously by the Board. This decision will protect the ongoing production and availability of USDA-NOP certified encapsulated dietary supplements. NOP will need to implement this decision through rulemaking.
- **Organic Seed Guidance:** After almost four years, NOSB finally passed a proposal to strengthen NOP Guidance 5029 for the required use of

organic seed. This improved guidance, in combination with a previously recommended revision to the regulations, should make a huge impact on increasing the use of organic seed once implemented.

## USDA NATIONAL ORGANIC PROGRAM REPORT HIGHLIGHTS

- **Update on National List Rulemaking**
  - Final Rule published December 27, 2018, included 35 changes, most of which went into effect January 28, 2019
  - Final Rule in clearance to implement fall 2017 NOSB Recommendation on sulfur (livestock) and potassium acid tartrate (handling)
  - Proposed Rule recently published to implement spring 2018 NOSB Recommendations on sulfur (crops), polyoxin D zinc salt (crops), and magnesium chloride (handling)
  - 2019 Sunset Material Renewals expected to be published in summer 2019
  - 2019 Sunset Material Removals are under review: Vitamin B1 (crops), Procaine (livestock), and Konjac Flour (handling)
  - Proposed Rule in development to implement fall 2019 NOSB Recommendations on natamycin and tamarind seed gum to be published in fall 2019
- **New Compliance Database:** In March, NOP launched a new database that will better tracking compliance issues, helps see patterns across compliance cases, and help support investigations and enforcement work.
- **NOP Staff Expansions:** NOP has hired four new staff members: Associate Deputy Administrator; Trade Systems Director; Accreditation Manager; Quality Manager. NOP will post new positions: Livestock Compliance Specialists (multiple positions) and Remote Accreditation Auditors (multiple positions)
- **Oversight of Organic Imports:** NOP is working with the Office of Inspector General to conduct risk-based oversight of organic supply chains through the following initiatives: 1) Farm-Level Yield Analysis, 2) Supply Chain Research, 3) Fumigation Investigations with APHIS at ports, 4) Ship-Specific Surveillance, 4) Certifier Investigations, 6) Country-Commodity Studies. As a result of new directive on unannounced inspections and residue/GMO testing, 180 operations (60%) in the Black Sea Region have lost certification, and remaining operations are under continued scrutiny. The impact of reduced organic grain and oilseed imports from Black Sea Region represents 49% (dollar value of these imports) in 2016, and 21% (dollar value of these imports) in 2018. Increased importer awareness and partnership with APHIS have resulted in fumigated organic products re-labeled and not sold as organic. Additional noncompliance, proposed suspensions for certifiers and farms continued to be issued as needed to ensure integrity of organic imports.
- **Dairy Compliance Project:** NOP working with AMS Auditors, NOP Compliance Specialists, APHIS Staff and Certifiers have been conducting unannounced inspections of organic dairy operations nationwide to verify compliance with dairy livestock standards. All operations have demonstrated at least 120 days of grazing and at least 30% dry matter intake. Investigations at some operations are ongoing, and a civil penalty has been levied against one operation. The inspections have identified areas where additional training is needed for certifiers and operators, which will be addressed through the NOP's new Organic Integrity Learning Center.

- **Organic Integrity Learning Center – now available!** The new Learning Center will offer online training that supports the professional development and continuing education of organic certifiers, inspectors, reviewers, and other professionals working to protect organic integrity. Check-out [this flyer](#) for instruction on signing up for an account.
- **Farm Bill:** New provisions in the 2018 Farm Bill cross all NOP’s Priority Areas



- **Strengthening Organic Enforcement proposed rule to be published in fall 2019, and will address the following topics:**
  - Applicability & Exemptions from Certification (Excluded Handlers)
  - Imports to U.S. (Import Certificates)
  - Labeling of Nonretail Containers
  - On-Site Inspections (Unannounced)
  - Certificates of Organic Operations
  - Continuation of Certification (Certificate Expirations)
  - Paperwork Submissions to the Administrator
  - Personnel Training and Qualifications
  - Oversight of Certification Activities (Certified Office Oversight)
  - Accepting Foreign Conformity Assessment Systems (International Oversight)
  - Compliance—General
  - Noncompliance Procedure for Certified Operations
  - Mediation
  - Adverse Actions—General, Appeals
  - Producer Group Operations
  - Calculating the Percentage of Organically Produced Ingredients
  - Supply Chain Traceability and Organic Fraud Prevention

- **Call for NOSB nominations:** USDA is seeking nominations for five seats on the National Organic Standards Board. Nominations are due May 20. Open seats include: Owner/operator or employee of a handling operation (2 seats), Owner/operator or employee of a farming operation (1 seat), Owner/operator or employee of a retail establishment (1 seat), and expert in environmental protection and resource conservation (1 seat).

## AT-A-GLANCE MEETING OUTCOMES

- **PROPOSALS:** NOSB considered **10** proposals at this meeting. Of the proposals, **5 PASSED** and **5 FAILED**.
  - **PASSED** (referred to USDA for approval and implementation)
    - **Excluded methods determinations** – *proposed updates to NOP Guidance are accepted*
    - **Strengthening Organic Seed Guidance** – *proposed updates to NOP Guidance are accepted*
    - **Oxalic acid** – *petition to allow in livestock production is accepted*
    - **Pullulan** – *petition to allow in processing/handling (“made with” only) is accepted*
    - **Collagen gel** – *petition to allow in processing/handling is accepted*
  - **FAILED**
    - **Silver dihydrogen citrate** – *petition to allow in processing/handling is rejected*
    - **Allyl isothiocyanate** – *petition to allow in crop production is rejected*
    - **Ammonium citrate** – *petition to allow in crop production is rejected*
    - **Ammonium glycinate** – *petition to allow in crop production is rejected*
    - **Calcium acetate** – *petition to allow in crop production is rejected*
- **DISCUSSION DOCUMENTS:** NOSB discussed the following topics with the intent of bringing forward a proposal at a future meeting.
  - **Excluded methods: Induced mutagenesis and embryo transfer in livestock**
  - **Marine materials in organic crop production**
  - **Genetic integrity transparency of seed grown on organic land**
  - **Assessing cleaning and sanitation materials used in organic crop, livestock and handling**
  - **Oversight improvements to deter fraud**
  - **Use of excluded methods vaccines in organic livestock production**
  - **Paper (Plant Pots and Other Crop Production Aids)**
- **SUNSET REVIEWS:** NOSB discussed over 50 National List inputs that are scheduled for Sunset Review this year. See below the complete list of substances under review. NOSB will vote on whether these substances should remain on the National List at the fall 2019 meeting.

- **LOOKING FORWARD TO THE FALL 2019 NOSB MEETING:** The next NOSB meeting will take place October 23 – 25, 2019, at the DoubleTree by Hilton Hotel & Suites Pittsburgh City Center in Pittsburgh, PA. Notable work agenda topics will include Marine Materials in crop production, Embryo Transfer in livestock, Research Priorities, petitions for Paper Pots, Potassium Hypochlorite, and Fatty Alcohols, and votes on 2021 sunset materials.

## DISCUSSION ON AGENDA TOPICS (BY SUBCOMMITTEE)

### MATERIALS

- **EXCLUDED METHODS DETERMINATIONS (PROPOSAL):** NOSB amended the proposal to remove the item related to transposons developed through environmental stress. The remaining parts of the proposal were passed unanimously (14-0) by the Board. [\[Read OTA's comments\]](#)
  - **Transposons developed via use of in vitro nucleic acid techniques** = retained in the proposal as an excluded method. In the final recommendation, the text “Transposons developed via use of intro nucleic acid techniques,” will appear in the Methods and Synonyms column of the excluded methods determinations table.
  - **Transposons developed through environmental stress, such as heat, drought, or cold** = removed from the proposal.
  - **Cisgenesis** = definition is retained in the proposal, which reads “The gene modification of a recipient plant with a natural gene from a crossable-sexually compatible-plant. The introduced gene includes its introns and is flanked by its native promoter and terminator in the normal-sense orientation.”
  - **Intragenesis** = definition is retained in the proposal, which reads “The full or partial coding of DNA sequences of genes originating from the sexually compatible gene pool of the recipient plant, and arranged in sense or antisense orientation. In addition, the promoter, spacer and terminator may originate from a sexually compatible gene pool of the recipient plant.”
- **INDUCED MUTAGENESIS AND EMBRYO TRANSFER IN LIVESTOCK (DISCUSSION):** Public commenters weighed in on the discussion questions about induced or directed mutagenesis, and NOSB will use this information to bring forward a proposal at a future meeting. On the practice of embryo transfer in livestock, public commenters said there is a need for this tool on farm operations, although NOSB expressed a need for more information on the impact of the calf produced by the donated embryo. NOSB will bring forward a proposal on embryo transfer at a future date, although it will not be considered within the context of excluded methods determinations, because this practice is not an excluded method.
- **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 wide agreement that this is a legitimate area for continued work, but a lack of consensus on which direction/option can adequately address the environmental concerns. Commenters also asked for the current discussion document to remain open through to the fall meeting, and NOSB members expressed agreement with that approach. NOSB

plans to have an expert panel on this subject at the fall meeting to cover two main areas: 1) regulatory certification and legal oversight of marine algae harvesting, 2) ecology and environmental considerations of marine algae production and harvesting. [\[Read OTA's comments\]](#)

- **GENETIC INTEGRITY TRANSPARENCY OF SEED GROWN ON ORGANIC LAND (DISCUSSION):** The overwhelming majority of comments received on this discussion document were opposed to the pilot project, as described in the document, moving forward. NOSB chairperson took time to explain the rationale behind the pilot project, and the reason that the work agenda shifted from “seed purity” in previous years to “genetic integrity transparency” in this meeting’s agenda—the intent was to give information to farmers about purity level of seeds so that they can control their starting level of purity and protect themselves if they sell to sensitive markets. NOSB does not want only organic farmers to have the burden of testing seed, and is looking to other area of the industry and value chain to share the responsibility. Although there is unanimous interest in preventing GMO contamination, questions still remain about how regulatory solutions can best address the challenges within our industry. Commenters continue to call for NOP to update the Guidance on Residue Testing to address GMO sampling and testing. [\[Read OTA's comments\]](#)
- **ASSESSING CLEANING AND SANITATION MATERIALS USED IN ORGANIC CROP, LIVESTOCK AND HANDLING (DISCUSSION):** Although NOSB members repeatedly stated that this work agenda item is not intended to remove sanitizers from the National List, public commenters were not shy in voicing opposition to that goal, and expressed their view of essentiality of these substances to ensure food safety. NOSB explains that this work agenda item is intended to develop reference information for NOSB members to aid in better evaluation of petitions for new sanitizers to see where they fit in to the constellation of sanitizers already in use. There is no intent to change OFPA or remove materials from the National List. “Uniqueness,” a term used in the discussion document, is meant to describe the mode of action of a sanitizer, and they do not intend to limit materials to only one of each mode of action. NOSB is working with NOP staff to refine the scope of the technical report. Some NOSB members felt that it is too soon to request a technical report because it is still unclear what specific information needs to be collected—a concern that was shared by several public commenters. [\[Read OTA's comments\]](#)

## COMPLIANCE, ACCREDITATION AND CERTIFICATION

- **OVERSIGHT IMPROVEMENTS TO DETER FRAUD (DISCUSSION):** Commenters weighed in with substantive comments on priorities for oversight improvements to deter fraud. Dr. Jenny Tucker of NOP identified new projects that NOP is considering for future projects, such as building out an “alert system” for accredited parties to indicate revocations of certification and other areas of risk. NOSB members discussed possible next steps for NOSB to accomplish in tandem with NOP efforts on enforcement rulemaking. Some ideas include: hear from California’s State Organic Program about how their enforcement experiences; explore ways to capture data from operations in countries for which we have recognition or equivalency agreement (and therefore are not directly certified to NOP nor captured in the Organic Integrity Database), and learning more about the fresh produce supply chain. [\[Read OTA's comments\]](#)

## LIVESTOCK

- **OXALIC ACID (PROPOSAL):** Commenters and NOSB members were generally supportive of allowing oxalic acid for varroa mite control in apiculture (honeybee) production, as it is a less harmful alternative to allowed formic acid, has a unique application for use in package bees, and is approved in other international organic standards. One NOSB member objected to the listing of materials on the National List for production systems that are not addressed in the NOP standards (certifiers are currently applying the livestock standards to apiculture operations). Another NOSB member identified a lack of apiculture production in the U.S., and questioned if this was an indicator of not being essential. However, there are NOP-certified apiculture operations in other countries (Brazil), and organic honey is a widely used ingredient in processed organic products sold in the U.S. Ultimately, NOSB passed a motion (12 Yes, 0 No, 2 Abstain) to add oxalic acid to §205.603(b) “as topical treatment, external parasiticide or local anesthetic as applicable” with the annotation “For use as a pesticide solely for apiculture.” The recommendation will be referred to USDA for approval and rulemaking.
- **USE OF EXCLUDED METHOD VACCINES IN ORGANIC LIVESTOCK PRODUCTION (DISCUSSION):** Of the three options presented in the discussion document for addressing the use of vaccines from excluded methods, comments were most supportive of the second (to allow excluded methods vaccines as a class) and third (to allow excluded methods vaccines only if non-excluded method alternative is not commercially available) options. The first option (to review and list individual vaccines on the National List) was not supported because it would involve listing brand names on the National List, which is not feasible. NOSB will continue to explore aspects of Option 3 regarding the verification of commercial availability, and may present a proposal for this option at the fall meeting. [[Read OTA’s comments](#)]
- **2021 SUNSET REVIEWS (DISCUSSION):** The following substances are currently on the National List and are undergoing Sunset Review this year. At this meeting, NOSB received public comments and discussed these substances (brief summaries below). NOSB will utilize these comments, as well as comments received in advance of the fall meeting, before voting at the fall 2019 in-person meeting whether these substances should remain listed. [[Read OTA’s comments](#)]
  - **Atropine** (medical treatment) – Not widely used but is considered essential in the rare times that it is used.
  - **Hydrogen peroxide** (disinfectant and teat dip) – Wide support for continued allowance.
  - **Iodine** (disinfectant and teat dip) – Wide support for continued allowance. Some concern about formulations that include Nonylphenol Ethoxylates (NPE’s) as excipients, and NOSB may bring forward a proposal to prohibited NPE.
  - **Magnesium sulfate** (medical treatment) – No comments opposing continued allowance.
  - **Fenbendazole** (parasiticide) – No significant issues raised. Comments in support of continued allowance.
  - **Moxidectin** (parasiticide) – No significant issues raised. Comments in support of continued allowance.
  - **Peracetic acid** (equipment sanitizer) – No comments opposing continued allowance.
  - **Xylazine** (sedative) – No comments opposing continued allowance. Some concerns regarding environmental impact from improper

use and disposal.

- **Methionine** (feed additive for poultry) – Expert Panel summarized efforts to develop organic alternatives to synthetic methionine supplements, and identified the challenge of blending organic alternative ingredients into a properly balanced feed ratio. Industry-supported Methionine Task Force identified lack of commercially available natural alternatives but that research efforts are ongoing. Poultry producers, including pasture-based operations, identified a continued need for this material.
- **Trace minerals** (feed additive) – Wide support for continued allowance. Important in offsetting seasonal variability in forage nutrition.
- **Vitamins** (feed additive) – Wide support for continued allowance. Some discussion on the extent to which certifiers verify the status of vitamins manufactured using excluded methods.

## HANDLING

- **SILVER DIHYDROGEN CITRATE (PROPOSAL):** NOSB identified several concerns regarding this material, some of which have been resolved and some of which were unable to be resolved, leading to the rejection of this petition (0 Yes, 13 No, 1 Abstain). The abstaining member voiced support for continued subcommittee work to see if there could be an annotation developed to address concerns around nanotechnology and locations of use. To the remaining NOSB members, the use of the substance failed National List criteria for compatibility with organic principles and environmental impact. The Board members felt they did not receive impartial information regarding the use of nanomaterials in the formulation of the substance, and therefore employed the precautionary principle. Also, members identified ongoing concern about environmental impact of the disposed materials after use, and whether bioaccumulation of silver and/or antibiotic resistance could occur.
- **PULLULAN (PROPOSAL):** Public commenters widely supported the Organic Trade Association’s petition for the addition of pullulan to the National List as a non-agricultural substance used in dietary supplements labeled as “made with organic (specified ingredients of food group(s))”. In fact the only controversial aspect of this petition was how to pronounce the word “pullulan” (POOL-you-lawn). NOSB agreed with the merits of the petition, concluded that use of pullulan meets the National List criteria, and unanimously voted on a motion to pass the petition (14-0). [[Read OTA’s comments](#)]
- **COLLAGEN GEL (PROPOSAL):** Public comments were split in terms of support and concern for the petitioned use of collagen gel casings. Concerns mostly centered on the use of a byproduct from conventional Concentrated Animal Feeding Operations (CAFOs), although the same could be said for other materials on 205.606, such as intestinal casings and gelatin. NOSB members identified support for this substance as a means of growing the market for organic meat market, which ultimately tipped the scales in favor of the petition. The final vote on the motion to add collagen gel as petitioned to 205.606 was 11 yes, 0 no, and 3 abstain. (Note: Although the petitioner described the use of collagen gel in sausage production using a co-extrusion system, the petition did not request a specific annotation. The Board engaged in discussion about what language, if any, should accompany the listing of collagen gel on the National List, and ultimately decided

to leave the motion as is, and rely on the National Organic Program to suggest an annotation, if need, and allow the public to weigh in during the public comment during rulemaking.)

- **2021 SUNSET REVIEWS (DISCUSSION):** The following substances are currently on the National List and are undergoing Sunset Review this year. At this meeting, NOSB received public comments on these substances. NOSB will utilize these comments, as well as comments received in advance of the fall meeting before voting at the Fall 2019 in-person meeting whether these substances should remain listed. [\[Read OTA's comments\]](#)
  - **Citric acid** – Wide support for continued allowance.
  - **Lactic acid** – Wide support for continued allowance.
  - **Calcium chloride** – No significant issues identified.
  - **Dairy cultures** – Wide support for continued allowance.
  - **Enzymes** – Wide support for continued allowance.
  - **L-Malic acid** – Subcommittee may consider reclassifying as synthetic based on information contained in a new technical report. Some organizations opposed relisting.
  - **Magnesium sulfate** – Subcommittee may consider reclassifying as synthetic.
  - **Microorganisms** – Wide support for continued allowance. Suggestion for subcommittee to clarify exactly what materials are covered under this listing (spirulina, microalgae, bacteriophages, etc.).
  - **Perlite** (filtering aid) – Support for continued allowance.
  - **Potassium iodide** – Support for continued allowance as dietary supplement and use in infant formula. No significant issues identified.
  - **Yeast** – Wide support for continued allowance. Organic forms are not commercially available for all uses.
  - **Alginic acid** – Unclear whether this is an essential material for organic processing and handling. Technical Report identified several alternative. NOSB needs more feedback from the industry during public comment.
  - **Activated charcoal** (filtering aid) – Support for continued allowance. Suggestion of an annotation to limit use to specific uses, such as water filtration only.
  - **Ascorbic acid** – Support for continued allowance.
  - **Calcium citrate** – No significant issues identified.
  - **Ferrous sulfate** – Support for continued allowance in infant formula. Some commenters want it to be phased out.
  - **Hydrogen peroxide** (sanitizer) – Wide support for continued allowance.

- **Nutrient vitamins and minerals** – Many comments were submitted on this topic. Subcommittee will discuss and see what next steps are needed for this listing in light of the previously published NOP proposed rule and other NOSB Recommendation on nutrients. [\[Read OTA's comments\]](#)
- **Peracetic acid** (sanitizer) – Wide support for continued allowance.
- **Potassium citrate** – Support for continued allowance. No significant issues identified.
- **Potassium phosphate** – Received little public comment on this. No significant issues identified.
- **Sodium acid pyrophosphate** (leavening agent) – Support for continued allowance as this is the only chemical leavener allowed.
- **Sodium citrate** – Support for continued allowance. No significant issues identified.
- **Tocopherols** (antioxidant) – Support for continued allowance. No significant issues identified.
- **Celery powder** – An Expert Panel largely made up of members from the Organic Trade Association's Celery Powder Working Group summarized efforts to develop organic alternatives to conventional celery powder curing agents, and identified the challenge of non-organic alternative ingredients. Public comments identified support for continued allowance. NOSB members acknowledge this is an important and essential material, and also wish to get past a reliance on a conventional celery production for organic cured meat products. It's critical that this be a research priority, and that USDA should support research in this area. [\[Read OTA's comments\]](#) [See NOSB Resource Booklet for Spotlight on Celery Powder Working Group](#)



*Celery Powder Panelists: Dr. Andrew L. Milkowski (Univ of Wisconsin), Dr. Erin Silva (Univ of Wisconsin), Logan Peterman (Organic Valley/CROPP), Jennifer Wasieleski (Kerry Foods)*



- **Fish oil** – Some commenters are concerned for essentiality and whether it should be added to foods in the first place. NOSB may consider developing a recommendation for an annotation to address contaminants and/or conservation concerns.
- **Gelatin** – Questions from NOSB regarding the availability of organic alternatives. Some concerns about animal sources of gelatin from Concentrated Animal Feeding Operations.
- **Orange pulp, dried** – One commenter suggest delisting because of concern with conventional production practices and pesticide use. No comments received from organic processors using this substance (also called “citrus fiber”). NOSB needs more public comments from organic processors that use dried non-organic orange pulp as a minor ingredient under its listing on 205.606.
- **Seaweed, Pacific kombu** – Concerns of overharvesting and need to protect the environment. Some concern about accumulation of heavy metals. No comments received from organic processors using this substance.
- **Seaweed, Wakame** – Concerns of overharvesting and need to protect the environment. Some concern about accumulation of heavy metals. No comments received from organic processors using this substance.

## CROPS

- **ALLYL ISOTHIOCYANATE (PROPOSAL):** Although this substance could be a tool for increasing the market of organic planting stock, its mode of action as a broad spectrum fungicide was a non-starter for NOSB. The Board voted unanimously to reject the petition to add allyl isothiocyanate to the National List (0-14).
- **AMMONIUM CITRATE (PROPOSAL):** There was mixed feedback in the public comments. Some supported the allowance of this tool, while other comments indicates it is not necessary and that there are sufficient alternative practices and materials. NOSB unanimously voted against the petition to add ammonium citrate to the National List (0-14).
- **AMMONIUM GLYCINATE (PROPOSAL):** There was mixed feedback in the public comments. Some supported the allowance of this tool, while other comments indicates it is not necessary and that there are sufficient alternative practices and materials. NOSB unanimously voted against the petition to add ammonium glycinate to the National List (0-14).
- **CALCIUM ACETATE (PROPOSAL):** No comments were submitted from any growers expressing interested in using the material, indicating a lack of essentiality, and that alternative allowed substances are sufficient. NOSB unanimously voted against the petition to add calcium acetate to the National List (0-14).
- **STRENGTHENING THE ORGANIC SEED GUIDANCE (PROPOSAL):** Lots of comments were submitted on these proposed changes to the NOP Guidance on Organic Seed Usage. Despite minor areas where adjustments could be made, commenters widely supported the passage of this proposal. NOSB voted unanimously to pass the proposal as it appears in the meeting materials (14-0). (Note: Commenters identified a proposed change to part 4.1.6 of guidance would conflict with NOP regulations. During the meeting, NOSB attempted to revise the proposal

to remove changes to that part, but it would have resulted in the proposal being deemed a “substantive” change, thus needing to be deferring back to subcommittee. In order to prevent further delays, NOSB agreed to pass the proposal as is, and will include a cover letter with the final recommendation to the NOP to help resolve unintended regulatory conflicts of 4.1.6.) [\[Read OTA’s comments\]](#)

- **PAPER PLANT POTS AND OTHER CROP PRODUCTION AIDS (DISCUSSION):** Commenters continue to express the necessity of paper transplanting pots in their organic operations. NOSB is taking a closer look at use of synthetic fibers in these materials, and has requested a Technical Report for more information. NOSB is also being cognizant of the other allowed uses of synthetic paper, and is trying to avoid creating inconsistencies across all listings of paper on the National List. [\[Read OTA’s comments\]](#)
- **2021 SUNSET REVIEWS (DISCUSSION):** The following substances are currently on the National List and are undergoing Sunset Review this year. At this meeting, NOSB received public comments on these substances. NOSB will utilize these comments, as well as comments received in advance of the fall meeting, before voting at the fall 2019 in-person meeting whether these substances should remain listed. [\[Read OTA’s comments\]](#)
  - **Hydrogen peroxide** (disinfectant and fungicide) – Wide support for continued allowance.
  - **Ammonium soaps** (animal repellent) – No objection to continued allowance.
  - **Horticultural oils** (for pest and disease control) – Wide support for continued allowance. Commenters unanimous that alternative allowed materials are not adequate substitutes and this material remains necessary.
  - **Pheromones** (for insect management) – Wide support for continued allowance.
  - **Ferric phosphate** (slug or snail bait) – No significant objections to continued allowance. However, the subcommittee is taking a close look at the role of formulants such as EDTA, which greatly increases the activity and efficacy of ferric phosphate, in impacting the review of the active ingredient against the National List criteria for environmental harm.
  - **Potassium bicarbonate** (for disease control) – No significant issues identified.
  - **Magnesium sulfate** (nutrient fertilizer) – Wide support for continued allowance. No significant issues identified.
  - **Hydrogen chloride** (for delinting cotton seed) – Wide support for continued allowance. Important for supporting organic cotton industry.
  - **Ash from manure burning** (prohibited for use) – No objections to continued prohibition.
  - **Sodium fluoaluminate** (prohibited for use) – No objections to continued prohibition.
- **FATTY ALCOHOLS:** Although not an item on this meeting’s agenda, many public commenters provided written and oral testimony in support of a petition to allow fatty alcohols as a sucker control in tobacco production. The government shutdown earlier this year caused a delay that prevented this petition from being considered at this meeting, but it will be included in the fall 2019 meeting agenda.

## AT-A-GLANCE VOTING CHART

14 board members were present. Unless otherwise noted below, there were no abstentions or recusals.

**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
<b>MATERIALS</b>	<b>Excluded methods determinations</b>	Motion to adopt the proposal (as amended to remove transposons developed through environmental stress). Yes: 14 No: 0 Motion passes.	<b>PASSED:</b> The proposal is accepted and will be referred to USDA for approval and implementation in NOP Guidance.
<b>LIVESTOCK</b>	<b>Oxalic acid</b> (Petition)	Motion to add oxalic acid dihydrate to §205.603(b) with the annotation “For use as a pesticide solely for apiculture.” Yes: 12 No: 0 Abstain: 2 Motion passes.	<b>PASSED:</b> A recommendation for addition of substance to the National List will be referred to USDA for approval and rulemaking.
<b>HANDLING</b>	<b>Silver dihydrogen citrate</b> (Petition)	Motion to add silver dihydrogen citrate at §205.605(b). Yes: 0 No: 13 Abstain: 1 Motion fails.	<b>FAILED:</b> No change to National List. Substance remains prohibited.
<b>HANDLING</b>	<b>Pullulan</b> (Petition)	Motion to add pullulan as petitioned, at §205.605(a) – For use only in tablets and capsules for dietary supplements labeled “made with organic (specified ingredients or food group(s)). Yes: 14 No: 0 Motion passes.	<b>PASSED:</b> A recommendation for addition of substance to the National List will be referred to USDA for approval and rulemaking.
<b>HANDLING</b>	<b>Collagen gel</b> (Petition)	Motion to add collagen gel as petitioned at §205.606. Yes: 11 No: 0 Abstain: 3 Motion passes.	<b>PASSED:</b> A recommendation for addition of substance to the National List will be referred to USDA for approval and rulemaking.
<b>CROPS</b>	<b>Allyl isothiocyanate</b> (Petition)	Motion to add allyl isothiocyanate (AITC) at §205.601. Yes: 0 No: 14 Motion fails.	<b>FAILED:</b> No change to National List. Substance remains prohibited.
<b>CROPS</b>	<b>Ammonium citrate</b> (Petition)	Motion to add ammonium citrate as petitioned at §205.601. Yes: 0 No: 14 Motion fails.	<b>FAILED:</b> No change to National List. Substance remains prohibited.
<b>CROPS</b>	<b>Ammonium glycinate</b> (Petition)	Motion to add ammonium glycinate as petitioned at §205.601. Yes: 0 No: 14 Motion fails.	<b>FAILED:</b> No change to National List. Substance remains prohibited.
<b>CROPS</b>	<b>Calcium acetate</b> (Petition)	Motion to add calcium acetate at §205.601. Yes: 0 No: 14 Motion fails.	<b>FAILED:</b> No change to National List. Substance remains prohibited.
<b>CROPS</b>	<b>Strengthening Organic Seed Guidance</b>	Motion to adopt the proposal. Yes: 14 No: 0 Motion passes.	<b>PASSED:</b> The proposal is accepted and will be referred to USDA for approval and implementation in NOP Guidance.

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 FALL 2019 WORK AGENDA

The next NOSB meeting will take place October 23 – 25, 2019, at the DoubleTree by Hilton Hotel & Suites Pittsburgh City Center in Pittsburgh, PA. Notable work agenda topics are expected to include Marine Materials in crop production, Embryo Transfer in livestock, Research Priorities, petitions for Paper Pots, Potassium Hypochlorite, and Fatty Alcohols, and votes on 2021 Sunset Reviews.

SUBCOMMITTEE	TOPIC
Crops	<b>Paper Pots and other Paper-based production aids</b> (Petition for use as crop production aid)
Crops	<b>Potassium Hypochlorite</b> (Petition for use as a chlorine sanitizer for irrigation water systems)
Crops	<b>Fatty Alcohols</b> (Petition for use as tobacco sucker control)
Materials	<b>Marine Materials in organic crop production</b> (Discussion)
Materials	<b>Embryo Transfer in livestock</b> (Proposal)
Materials	<b>Research Priorities</b> (Proposal)
PPM	<b>Review of policy &amp; procedures manual</b> (Proposal)
Crops	<b>2021 Sunset Reviews:</b> Hydrogen peroxide (disinfectant and fungicide); Ammonium soaps (animal repellent); Horticultural oils (for pest and disease control); Pheromones (for insect management); Ferric phosphate (slug or snail bait); Potassium bicarbonate (for disease control); Magnesium sulfate (nutrient fertilizer); Hydrogen chloride (for delinting cotton seed); Ash from manure burning (prohibited for use); Sodium fluoaluminate (prohibited for use)
Livestock	<b>2021 Sunset Reviews:</b> Atropine (medical treatment); Hydrogen peroxide (disinfectant and teat dip); Iodine (disinfectant and teat dip); Magnesium sulfate (medical treatment); Fenbendazole (parasiticide); Moxidectin (parasiticide); Peracetic acid (equipment sanitizer); Xylazine (sedative); Methionine (feed additive for poultry); Trace minerals (feed additive); Vitamins (feed additive)
Handling	<b>2021 Sunset Reviews</b> Alginate acid; Citric acid; Lactic acid; Calcium chloride; Dairy cultures; Enzymes; L-Malic acid; Magnesium sulfate; Microorganisms; Perlite (filtering aid); Potassium iodide; Yeast; Activated charcoal (filtering aid); Ascorbic acid; Calcium citrate; Ferrous sulfate; Hydrogen peroxide (sanitizer); Nutrient vitamins and minerals; Peracetic acid (sanitizer); Potassium citrate; Potassium phosphate; Sodium acid pyrophosphate (leavening agent); Sodium citrate; Tocopherols (antioxidant); Celery powder; Fish oil; Gelatin; Orange pulp, dried; Seaweed, Pacific kombu; Seaweed, Wakame

**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.



*NOSB Members from left to right: Emily Oakley (producer), Steve Ella (Vice Chair, producer), Sue Baird (public interest), Jesse Buie (producer), Scott Rice (Secretary, certifier), Dan Seitz (public interest), Harriet Behar (Chair, resource conservationist), A-dae Romero-Briones (public interest), Asa Bradman (environmentalist), Dave Mortensen (Scientist), Tom Chapman (handler), Lisa de Lima (retailer), Ashley Swaffar (producer), Rick Greenwood (resource conservationist)*