

## Spring 2020 National Organic Standards Board (NOSB) Meeting

### The Organic Trade Association's Meeting Report

On April 29-30, the National Organic Standards Board (NOSB) held its biannual public meeting live via webinar. 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 2020 Meeting Resource Website](#). Full text of our comments are included on the website. Our [spring 2020 Meeting 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 57<sup>th</sup> meeting of the National Organic Standards Board. Over the course of the two-day virtual meeting, NOSB considered **1** proposal, **7** discussion documents, and over **50** sunset materials. Over **150** stakeholders joined the webinar each day to listen. NOSB received over **1,460** pages of written comments prior to the meeting, and listened to nearly **10** hours of oral testimony received from approximately **95** commenters during two public comment webinars.

### MEETING HIGHLIGHTS

The spring 2020 NOSB Meeting was atypical in many ways. Most obvious was that the meeting was held virtually instead of in-person for the very first time due to the restrictions on travel and in-person gatherings imposed by the COVID-19 pandemic. The virtual meeting allowed the Board to move forward with deliberations as scheduled in an open and public setting, but there was an overall sentiment that everyone looked forward to returning to the in-person format. Another unique aspect of this meeting is that NOSB did not pass any recommendations. Nearly all the agenda items were for discussion only, and the one proposal on the agenda was sent back to subcommittee for further deliberation.

The Organic Trade Association is highlighting the following outcomes and themes of the spring 2020 NOSB Meeting that are important to the ongoing work of our organization and the organic sector:

- **PAPER-BASED PLANTING AIDS:** NOSB has been deliberating on a petition to allow paper pots since 2018. After several discussion documents and a Technical Report, the Crops Subcommittee finally presented a proposal for listing paper-based crop planting aids on the National List as an allowed crop production aid under certain conditions. There continues to be wide support for allowing these products. However, the public comment indicates there are minor issues in the proposal that need to be fine-tuned prior to finalizing the recommendation. The Board voted to send the proposal back to the Crop Subcommittee for continued work. A revised proposal will be presented at the fall 2020 meeting.
- **SEAWEED- AND FISH-BASED INPUTS:** NOSB is taking a close look at the environmental impact of harvesting seaweed and fish used as inputs in organic production and processing to ensure that organic food systems do not contribute to harm of marine environments. Across the spring 2020 meeting agenda, there were four topics across two subcommittees looking at some aspect of the environmental impact from sourcing of input

materials from the ocean. Commenters even submitted comments on related issues previously discussed by the Board that were not on the agenda this time. Public stakeholders are maintaining strong engagement on these issues and are encouraging NOSB to work across subcommittees to ensure consistency and efficiency. NOSB members agreed to improve communication between subcommittees as they are working on related issues. **OTA ENGAGEMENT OPPORTUNITY!** *OTA Members interested in this issue are invited to join OTA's Marine Materials Task Force.*

- **COMMERCIAL AVAILABILITY AND THE ROLE OF §205.606:** NOSB is conducting Sunset Review of 35 substances currently listed on §205.606 of the National List. This section of the National List is reserved for certain agricultural ingredients and processing aids that are essential for food processing and handling but are not commercially available in organic form. Substances listed on §205.606 can be used in non-organic form only under very restricted circumstances: only if the organic operation can prove that they searched and were not able to find an organic version in the appropriate form, quantity, and quality, and if the non-organic form meets technical criteria including no GMOs or irradiation. If an organic version is available, the organic handler must use it. The question that persists during Sunset Review of a substance on §205.606 is whether there is sufficient organic supply to warrant removal from the list, indicating that the limited exception for non-organic versions is no longer needed. NOSB has always found it to be a difficult decision to determine whether commercial availability is sufficient. These questions will prevail as NOSB moves forward making proposals for the fall 2020 meeting for which substances should be relisted and which are ready for removal.

## AT-A-GLANCE MEETING OUTCOMES

**BACKGROUND:** Check out [OTA's NOSB Meeting Resource Booklet](#) for detailed background on the topics below.

**PROPOSALS:** NOSB considered **1** proposal at this meeting.

- **Paper-based planting aids** – *proposal to allow use for crop production was sent back to subcommittee for further consideration.*

**DISCUSSION DOCUMENTS:** NOSB discussed the following **7** topics with the intent of bringing forward a proposal at a future meeting.

- **Liquid Fish Fertilizers (Crops)** – *evaluation of the impact of harvesting wild, native fish for use in crop fertilizers*
- **Biodegradable Bio-based Mulch Film (Crops)** – *evaluation of current definition and restrictions*
- **Fenbendazole (Livestock)** – *discussion on petitioned use in poultry production as parasiticide for laying hens*
- **L-Malic Acid (Processing)** – *evaluation of manufacturing process for potential reclassification as synthetic*
- **Ion exchange filtration (Processing)** – *evaluation of current uses and continued allowance in organic handling*
- **Fish oil (Processing)** – *proposed prohibition of fish caught directly for the sole use of its oil and from species and regions that are overfished or exploited*
- **2020 Research Priorities** – *proposed list of research topics to prioritize for organic production and processing*

**SUNSET REVIEWS:** NOSB discussed over **50** National List inputs that are scheduled for Sunset Review this year. NOSB will vote on whether these substances should remain on the National List at the fall 2020 meeting.

## NOSB MEMBERS

This 15-person citizen advisory board brings together volunteers from around the United States. It is made up of 4 farmers/growers, 2 handlers/processors, 1 retailer, 1 scientist, 3 consumer/public interest advocates, 3 environmentalists, and 1 USDA accredited certifying agent.



Steve Ela  
 (producer)  
 CHAIR



Emily Oakley  
 (producer)



Jesse Buie  
 (producer)  
 SECRETARY



Nate Powell-Palm  
 (producer)



Asa Bradman  
 (environmentalist)



Rick Greenwood  
 (environmentalist)



Wood Turner  
 (environmentalist)



Dan Seitz  
 (public interest)



A-dae Romero-Briones  
 (public interest)



Sue Baird  
 (public interest)



Kim Huseman  
 (handler)



Jerry D'Amore  
 (handler)



Mindee Jeffery  
 (retailer)



Dave Mortensen  
 (scientist)



Scott Rice  
 (certifier)  
 VICE CHAIR

## USDA REPORT HIGHLIGHTS

Bruce Summers, Administrator for the USDA's Agricultural Marketing Service (AMS), provided opening remarks and an update on the agency's activities of AMS in response to the COVID-19 pandemic. AMS staff are continuing to carry out critical services for its regulatory, marketing, and inspection programs. He thanked the NOSB for its work, and acknowledged that the AMS partnership with NOSB is unique and extremely important.

Dr. Jenny Tucker, Deputy Administrator of the National Organic Program (NOP), provided a report on the activities of NOP. The full recorded presentation is available in the [Organic Integrity Learning Center](#) at Course "NOP-998 - NOP Presentations." *Need a Free Account? [Sign up here.](#)* Dr. Tucker's presentation focused on key program areas including Strong Organic Control Systems, Farm to Market Traceability, Robust Enforcement, Community Engagement, and Organization Updates. Several of the highlights are summarized below.

- **Strengthening Organic Enforcement Proposed Rule:** The Office of Management and Budget (OMB) is currently reviewing the proposed rule. This is the last step of the clearance process. NOP will publish the rule and open public comment once OMB clears it.
- **Origin of Livestock Final Rule:** Over 2,100 public comments were submitted across two comment periods on the Proposed Rule. USDA has finished drafting the final rule, and this is moving through the clearance process. Following USDA review, the final rule will go to OMB for final review.

- **Upcoming National List Rules to be published this year:** NOP plans to publish rules for these National List inputs by fall 2020.
  - Blood Meal with sodium citrate – final rule to add to §205.601 as an allowed crop production fertilizer ingredient
  - Natamycin – final rule to add to §205.602 as a prohibited input in crop production
  - Tamarind Seed Gum – final rule to add to §205.606 as a food processing ingredient
  - Oxalic Acid – proposed rule to add to §205.603 for varroa mite control in apiculture (honeybee) production
  - Pullulan – proposed rule to add to §205.605(a) as a processing ingredient for making encapsulated dietary supplements
  - Collagen Gel – proposed rule to add to §205.606 for use as casings in sausage production using a co-extrusion system
  - Fatty alcohols – proposed rule to add to §205.601 for use as sucker control in tobacco production
  - Potassium Hypochlorite – proposed rule to add to §205.601 for use as an irrigation water treatment
  - Dairy Cultures – proposed rule to remove redundant listing from §205.605(a) but its allowance continues under the existing broader listing of Microorganisms. This action will not result in any changes to the current allowance of dairy cultures in organic processing and handling.
- **Dairy Compliance Initiative:** NOP is embarking on the third year of its Dairy Compliance Initiative to conduct unannounced compliance investigations of certified dairy operations to evaluate multiple aspects of the livestock regulations. Compliance with the pasture rule is still a primary focus of the project. This year the project will expand to cover more geographic regions and more parts of the value chain. Results from the 2019 initiative show that most dairies are in compliance, although some received noncompliance and adverse actions. To further ensure consistent oversight of organic dairy operations, NOP hosted a two-day training in March on organic pasture regulations in California for staff from the California Department of Food and Agriculture, county extension staff, USDA auditors, certifiers, and inspectors. The training included classroom instruction and a mock on-site inspection.
- **International Equivalency Arrangements:** NOP provided updates on forthcoming new and/or revised equivalence agreements with countries including Taiwan, Japan, United Kingdom, Mexico, EU and Canada.
- **Electronic Import Certificates:** NOP announced its release of a new electronic NOP Import Certificate in the Customs and Border Protection import shipment filing system. The new certificate system is an option for now, but may become a requirement as part of the Strengthening Organic Enforcement Rulemaking. [Learn more!](#)
- **Results of NOP Peer Review:** NOP contracts with the American National Standards Institute (ANSI) to conduct peer reviews of the NOP accreditation process and decisions. The results of the 2019 Peer Review are [now available](#). The findings identified six opportunities for improvement of the NOP accreditation program relating to updating quality management documents and formalizing procedures for identifying and addressing risks to impartiality. In response to the findings, NOP is implementing a quality control document update project and a procedure for impartiality risk analysis.

## DISCUSSION ON AGENDA TOPICS (BY SUBCOMMITTEE)

### HANDLING SUBCOMMITTEE

- **L-MALIC ACID RECLASSIFICATION (DISCUSSION):** This is a highly technical topic about whether the manufacturing process of this substance should be classified as synthetic or non-synthetic based on the NOP regulatory definition of ‘synthetic’ and NOP policy documents. A third-party Technical Report indicated that most commercial quantities are derived from enzymatic conversion of synthetic fumaric acid derived from a petroleum source. Commenters agreed that the NOP policy documents need to be clearer to provide consistent decisions on products of fermentation, including products that are derived through enzymolysis. NOSB discussed the extent to which GMOs are used in fermentation substrates and the prohibition of GMOs under the organic regulations. The presentation of the topic also considered the option of classifying the commercial form of L-malic acid as synthetic but requiring the use of non-synthetic when it is commercially available. The Handling Subcommittee will continue to work on this topic and find agreement on classification before bringing forward any proposal for amending the listings. [\[Read OTA Comments on L-Malic Acid\]](#)
- **ION EXCHANGE FILTRATION (DISCUSSION):** At the direction of NOP, NOSB is exploring which materials used in the ion exchange filtration process need to be listed on the National List: just the recharge substances or also the resins themselves. Public comments fell across three camps: 1) support listing recharge materials only, 2) list everything in the process including ion exchange resins, or 3) list some materials and not others. NOSB emphasized that a key part of argument is the FDA’s legal definitions about whether FDA classifies ion exchange resins as food contact substances and/or also secondary direct food additives. A third-party technical report has been commissioned to sort out the FDA definitions and legal status. NOSB acknowledged that a large number of organic products are made using ion exchange filtration, and therefore its recommendation will have significant implications on the organic sector. [\[Read OTA Comments on Ion Exchange Filtration\]](#)
- **FISH OIL ANNOTATION (DISCUSSION):** Comments were received on this topic from a range of organizations, non-profit groups, and manufacturers. Commenters drew comparisons to other related topics on NOSB’s work agenda item, e.g. wild native fish used in liquid fish fertilizers, and encouraged that the Handling Subcommittee work across subcommittee to ensure consistency. Generally, commenters supported a requirement for sourcing fish oil from by-catch only. Organic handling operations expressed concern about how the restrictions would impact availability of ingredients. Fish oil manufacturers identified concerns with the Subcommittee’s approach of using third-party definitions from National Oceanic and Atmospheric Administration (NOAA) and United Nations Food and Agricultural Organization (FAO). Other commenters questioned if new restrictions are needed since the fishing industry is already regulated by other legal statutes. NOSB agreed that the Crops and Handling Subcommittees would share information with each other about their respective work agenda items related to fish harvesting. [\[Read OTA Comments on Fish Oil Annotation\]](#) [\[Read Supplementary Information: NOSB Tackles Seaweed and Fish-Based Inputs\]](#)
- **2022 SUNSET REVIEWS:** 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 2020 meeting on whether these substances should remain listed. [\[Read OTA](#)

Comments on 2022 Handling Sunset Review]

- **Kaolin** (anticaking agent) – Very few comments were submitted on this substance. The Subcommittee seeks information from stakeholders about whether this substance is essential or if there are alternatives. NOSB member identified a concern about kaolin produced in nano particles.
- **Sodium bicarbonate** (leavening agent) – Many comments were submitted in support of this substance. There is a question about the classification of this substance as non-synthetic or synthetic, but this would need to be pursued through a separate agenda item.
- **Wood Rosin** (fruit wax) – Most commenters supported relisting of this substance. One commenter suggested an annotation to prohibit volatile solvents. Other commenters say that consumers expect there be a label stating if organic produce includes a non-organic coating. This topic would need to be considered outside of the sunset process. Overall the relisting of the product is supported.
- **Ammonium bicarbonate** (leavening agent) – Solid support for relisting.
- **Ammonium carbonate** (leavening agent) – Little or no record of use from certifiers. The Subcommittee seeks information from stakeholders about whether this substance is essential or if ammonium bicarbonate (listed separately) is a sufficient alternative.
- **Calcium phosphates** (leavening agent) – Most comments in support of relisting. General consensus is that there is not a consistent reliable alternative at the moment.
- **Ozone** (disinfectant) – Strong support for relisting from public comments. Widely used in organic processing.
- **Sodium hydroxide** (caustic bath for pretzels) – Comments are generally supportive of relisting. A technical report has been requested.
- **Carnauba wax** (fruit wax) – Comments on this substance were mixed. Over a dozen certified organic manufacturers have been identified, while others say there is still not sufficient organic supply.
- **Colors** – There are 18 individual listings of colors on §205.606 that will be reviewed and voted on individually. A fair number of comments were submitted, some referring to specific colors and other referring to colors in general. Some colors received conflicting information about commercial availability of organic forms. NOSB seeks clarity on which of the following specific colors are essential (and in which form) and if they are available in organic form.
  - Strong candidate for DELISTING:
    - Paprika color—derived from dried powder or vegetable oil extract of *Capsicum annuum* L.
  - NOSB received conflicting information on the following colors and is QUESTIONING whether to relist
    - Beet juice extract color—derived from *Beta vulgaris* L., except must not be produced from sugar beets
    - Black currant juice color—derived from *Ribes nigrum* L.
    - Black/purple carrot juice color—derived from *Daucus carota* L.
    - Elderberry juice color—derived from *Sambucus nigra* L.
    - Grape juice color—derived from *Vitis vinifera* L.
    - Grape skin extract color—derived from *Vitis vinifera* L.



- NOSB didn't identify significant concerns with relisting
  - Beta-carotene extract color—derived from carrots (*Daucus carota* L.) or algae (*Dunaliella salina*)
  - Blueberry juice color—derived from blueberries (*Vaccinium spp.*).
  - Carrot juice color—derived from *Daucus carota* L.
  - Cherry juice color—derived from *Prunus avium* (L.) L. or *Prunus cerasus* L.
  - Chokeberry, aronia juice color—derived from *Aronia arbutifolia* (L.) Pers. or *Aronia melanocarpa* (Michx.) Elliott.
  - Pumpkin juice color—derived from *Cucurbita pepo* L. or *Cucurbita maxima* Duchesne.
  - Purple sweet potato juice color—derived from *Ipomoea batatas* L. or *Solanum tuberosum* L.
  - Red cabbage extract color—derived from *Brassica oleracea* L.
  - Red radish extract color—derived from *Raphanus sativus* L.
  - Saffron extract color—derived from *Crocus sativus* L.
  - Turmeric extract color—derived from *Curcuma longa* L.
- **Glycerin** (solvent) – Nearly all comments supported relisting. The substance is widely used and considered essential. NOSB questions whether maintaining the listing is keeping the organic glycerin market from further developing or if is needed to support a currently immature market.
- **Inulin-oligofructose enriched** (dietary fiber) – About 75% of the comments received were in support of relisting. The remainder were opposed or expressed points of concern. Organic handlers expressed concern about the consistent availability of alternatives if this listing were removed.
- **Kelp** (thickener/dietary supplement) – Many comments were submitted on this substance. Relevant comments on environmental impact of harvesting kelp also overlapped with other related issues on this meeting agenda, e.g. aquatic plant extracts in the Crops Subcommittee. Commenters expressed concern with the generic terminology used in this listing and sought more specificity. Questions remain about whether there is sufficient supply of certified organic kelp to meet demands of organic food processors.
- **Orange shellac-unbleached** (fruit and vegetable coating) – Most comments were in support of relisting.
- **Cornstarch** (thickener) – Several comments were in support of relisting due to the lack of a reliable organic source and form. NOSB members question whether a sufficient organic supply can become available given that organic corn is widely produced in the U.S. Comments identified insufficient infrastructure to support organic cornstarch processing.
- **Sweet Potato Starch** (texturizer for bean threads) – Comments were mixed in support and opposed to the relisting of this ingredient. NOSB seeks more information about the market demand to help with this analysis, and also information about the regional origin of its source.
- **Turkish bay leaves** (flavor development) – Comments generally supported removal. Sufficient organic supply appears to be commercially available.
- **Whey protein concentrate** (nutritional enrichment) – Comments generally supported removal. Sufficient organic supply appears to be

## CROPS SUBCOMMITTEE

- **PAPER-BASED PLANTING AIDS (PROPOSAL):** Many comments were submitted on the Crops Subcommittee’s proposal for a new definition and listing to be added to the NOP regulations to allow the use of paper-based planting aids under certain conditions. Most commenters are supportive of the allowance of paper-based planting aids; some wanted the proposal to pass at this meeting as-is, and others indicated areas for further development. Commenters questioned a range of issues regarding terminology, testing, and commercial availability. In many places, the Subcommittee’s intent was not clearly communicated with the wording presented in the proposal, such as the scope of products covered by the definition, and the allowable composition of bio-based versus non-bio-based content. Commenters questioned whether other products besides pots would be able to meet the requirement for bio-based content (at least 85%); manufacturers of other product types are encouraged to submit information to the Subcommittee about whether their products can comply. Commenters also questioned the appropriateness of the ASTM testing requirement or if alternative verification methods would be allowed. The Subcommittee appeared open to allowing alternative methods.

Ultimately, the Board decided that the proposal needs fine-tuning to get the terminology and definitions right, and sent it back to subcommittee by unanimous vote. The proposal is very close but there are minor changes that need additional attention. The Subcommittee is confident that it can arrive at a final recommendation at the fall 2020 meeting. The Subcommittee is aware that growers are eager for a timely decision on this substance so they can make decisions about investing in this new technology. NOP previously issued a policy statement to certifiers that provides continued allowance of paper pots and other paper-based planting aids while the NOSB completes its deliberation; this clarification still stands.

[\[Read OTA Comments on Paper-based Crop Planting Aids\]](#)

- **WILD, NATIVE FISH FOR LIQUID FISH PRODUCTS (DISCUSSION):** The Crops Subcommittee accepted comments on a discussion document about the environmental impact of harvesting fish for use in fertilizers. During the last Sunset Review of liquid fish products, comments indicated there could be wild native fish being harvested specifically for use in crop fertilizers. An expert third-party Technical Report was commissioned, and confirmed that there were *not* any species of wild, native fish harvested exclusively for use in liquid fish fertilizer products. Despite the report’s findings, some commenters indicated there may still be a need for the Board to implement restrictive language in the organic regulations to assure that only waste products from fish processing are used to manufacturer organic fertilizers. The Crops Subcommittee intends to continue studying this issue with particular focus on how the sourcing of fish waste for fertilizer production is connected to the larger industry of harvesting fish for manufacturing fish meal, fish oil, and fish solubles for other industry applications. [\[Read OTA Comments on Wild, Native Fish for Liquid Fish Products\]](#) [\[Read Supplementary Information: NOSB Tackles Seaweed and Fish-Based Inputs\]](#)
- **BIODEGRADABLE BIOBASED MULCH FILM ANNOTATION (DISCUSSION):** Comments widely supported the allowance of biodegradable bio-based mulch film as an alternative plastic mulch and urged NOSB to find a regulatory solution that will allow the use of commercially available products. The current regulatory language requires 100% bio-based content whereas commercially available products contain much less (around



20%). Commenters suggested an annotation that allows commercially available products and encourages continuous improvement towards 100% bio-based content over time. NOSB members discussed the current prohibition on GMOs in the manufacturing of these mulches and the extent to which it is used in commercially available products. NOSB members also raised questions about whether additional restrictive language is needed to ensure complete biodegradability of mulch films in different environments. [\[Read OTA Comments on Biodegradable Biobased Mulch Film Annotation\]](#)

- **2022 SUNSET REVIEWS:** 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 2020 meeting whether these substances should remain listed. [\[Read OTA Comments on 2022 Crops Sunset Review\]](#)
  - **Soap-based algicide/demosser** – No opposition to relisting this substance.
  - **Ammonium carbonate** (for use as bait in insect traps) – All commenters either supported relisting or were not opposed to relisting. Important in fruit production for trapping fruit flies.
  - **Insecticidal soap** – No opposition to relisting this substance.
  - **Vitamin D3** (rodenticide) – Comments were strongly weighted towards relisting or no opposition to relisting. This substance is essential for a lot of producers. Several comments pointed out this material is ineffective. One commenter expressed concern about painful death for rodents.
  - **Aquatic plant extracts** (fertilizer) – A large number of comments were submitted on this topic. This substance is essential for many producers across a wide range of crops, regions, and scales of production. Some commenters identify that natural extracts are available as alternatives. Manufacturers of alkali-extracted products explain that a small amount of extractant is used, and that non-synthetic alternatives require more seaweed biomass to achieve the same benefits. Commenters are concerned about the environmental impact of harvesting seaweed. NOSB members seem supportive of relisting this substance due to essentiality, but plan to continue pursuing the question of its environmental impact through separate work agenda items. [\[Read OTA Comments on Aquatic Plant Extracts\]](#) [\[Read Supplementary Information: NOSB Tackles Seaweed and Fish-Based Inputs\]](#)
  - **Lignin sulfonate** (chelating agent, dust suppressant) – No opposition to relisting this substance.
  - **Sodium silicate** (floating agent in post-harvest handling) – Most comments are in favor of relisting. Mechanical alternatives would require reconstructing packing lines, which would be difficult for small producers. No indication about whether this substance is used in fiber processing.
  - **EPA List 4 inerts** – A large number of comments were submitted on this topic. There is universal dissatisfaction with the current situation in which the regulations reference the outdated EPA List 4; the situation is stifling innovation of new safer products. There was strong support that NOP should move forward to implement the NOSB 2015 Recommendation to update the listing with a new annotation that references the EPA Safer Choice Program. Dr. Jenny Tucker of NOP said that NOP is aware of the problematic nature of the outdated

reference. She went on to say that although NOP had previously not had the time or resources to move it forward, the landscape has shifted and the time may now be ripe for rulemaking. NOSB members agree to work with NOP to figure out how to best approach this topic for the fall 2020 meeting. There is interest in relisting the EPA List 4 reference to avoid disruption in conjunction with a recommendation for NOP to move forward with implementing rulemaking to update the listing. [\[Read OTA Comments on Inerts\]](#)

- **Arsenic** (prohibited) – No opposition to relisting this as a prohibited substance.
- **Strychnine** (prohibited) – No opposition to relisting this as a prohibited substance.

## MATERIALS SUBCOMMITTEE

- **NOSB RESEARCH PRIORITIES 2020 (DISCUSSION):** Every year, NOSB develops a recommendation on a list of research priorities for organic food and agriculture. This year, NOSB is making it a two-step processes where a draft of the research priorities is presented for public comment in the spring, and then the Board presents a final version at the fall meeting for a vote. Over 27 public comments were submitted to NOSB during the spring 2020 comment period, all of which supported the discussion document while also suggesting edits to enhance the document. Commenters supported the new item regarding ecosystem service provisioning, and want to see an expanded focus on soil health. Commenters also identified a need for the Subcommittee to be more explicit in *how* the research is done (e.g. participatory farmer involvement) instead of just focusing on the topic of the research. The Subcommittee will integrate the comments into a final version of the research priorities to be presented for vote at the fall 2020 NOSB Meeting. [\[Read OTA Comments on NOSB Research Priorities 2020\]](#)
- **MARINE MATERIALS (VERBAL UPDATE):** The Materials Subcommittee’s work agenda topic for Marine Materials was not on the spring 2020 Meeting agenda although public commenters still submitted comments. For the last several meetings, the Subcommittee has presented discussion documents exploring the environmental impact of harvesting seaweeds for use in crop fertilizers and is considering whether additional restrictions are warranted to minimize environmental harm. This topic is closely related to the Crops Subcommittee’s agenda items for the Sunset Review of aquatic plant extracts, as well as the Handling Subcommittee’s agenda item for Sunset Review of kelp as a processing food ingredient. As strongly suggested by the Organic Trade Association, several commenters are requesting that NOSB take a comprehensive look at all marine sourced inputs (Seaweeds and Fish) used across subcommittee to ensure consistency and efficiency of their work on protecting ocean environments. NOSB Member Emily Oakley, the lead on the Marine Materials topic in the Materials Subcommittee, agrees that cross-subcommittee efforts are ideal but is concerned about the feasibility. If the Board were to combine all topics together, it may be too large of a topic and pose challenges for developing discrete recommendations for rulemaking. The possibilities will continue to be discussed with the Materials Subcommittee.
- **EXCLUDED METHODS (VERBAL UPDATE):** Materials Subcommittee Chair Dave Mortensen reported that he expects Excluded Methods to return to the Subcommittee’s work agenda in the fall. This item is related to the Board’s effort to clarify the specific technologies that are classified as “excluded” (prohibited) under the NOP regulatory definition of “excluded methods.”

## LIVESTOCK SUBCOMMITTEE

- **FENBENDAZOLE (DISCUSSION):** This substance is the result of a petition to expand its current allowance as an emergency treatment parasiticide to poultry (laying hens and replacement chickens to become laying hens). NOSB continues to accept public comments on this topic while it awaits the results of a third-party Technical Report. Public comments from livestock producers expressed concern with the lack of efficacy of an alternative and the need for tools to protect animal health in emergencies. NOSB members expressed hesitation about the ability of certifiers to enforce the ‘emergency only’ restriction, and whether the residues in eggs would pose any negative human health effects to consumers. [\[Read OTA Comments on Fenbendazole\]](#)
- **2022 SUNSET REVIEWS:** 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 2020 meeting whether these substances should remain listed. [\[Read OTA Comments on 2022 Livestock Sunset Review\]](#)
  - **Butorphanol** (anesthetic) – Commenters support relisting because alternatives are not effective.
  - **Flunixin** (analgesic/anti-inflammatory) – All commenters support relisting.
  - **Magnesium hydroxide** (antacid/laxative) – No concerns were raised.
  - **Poloxalene** (emergency bloat treatment) – Commenters are in favor of relisting because; essential and natural alternatives are not available.
  - **Formic acid** (pesticide in beehives) – Comments were submitted in support of relisting.
  - **EPA List 4 inerts** (non-active ingredients in pesticide formulations) – NOSB addressed this topic in the Crops Subcommittee. No further discussion.
  - **Excipients** (non-active ingredients in healthcare formulations) – Comments in support of relisting. Widely used in health care formulations.
  - **Strychnine** (prohibited) – No objections to relisting as a prohibited substance.

## COMPLIANCE, ACCREDITATION, & CERTIFICATION SUBCOMMITTEE

- The Compliance, Accreditation and Certification (CAC) Subcommittee did not have any agenda items at this meeting. Subcommittee Chair Scott Rice provided a brief update on how the COVID-19 pandemic is impacting certification activities, in particular the limitations imposed on the ability to conduct on-site inspections. The Accredited Certifiers Association has established a working group to develop interim best practices for continuing certification activities, using creative and unique techniques based in NOP regulations. The CAC Subcommittee will stay informed on relevant issues during this challenging time. The CAC Subcommittee is also tracking the progress of the NOP Strengthening Organic Enforcement Rulemaking. As we see the effects of the new rule roll out across the industry, new agenda items will emerge for the CACS to take up.

## LOOKING AHEAD TO FALL 2020 MEETING

The next NOSB meeting will take place October 27-29, 2020, in Cedar Rapids, Iowa. Work agenda topics are listed below. Highlighted items are expected to be particularly important for stakeholder input based on the discussions at the recent meeting.

SUBCOMMITTEE	Fall 2020 NOSB Work Agenda Topic
CACS	<b>Integrity of the supply chain / Oversight improvements to deter fraud</b> – <i>specific topics to be determined</i>
Materials	<b>Marine Materials in organic crop production</b> – <i>evaluation of environmental impact of harvesting seaweed for fertilizer</i>
Materials	<b>Excluded Methods</b> – <i>specific topics to be determined</i>
Materials	<b>NOSB 2020 Research Priorities</b> – <i>proposed list of research topics to prioritize for organic production and processing</i>
Crops	<b>Paper-based crop planting aids</b> – <i>petition for use as crop production aid (including paper pots and seed tapes)</i>
Crops	<b>Sodium carbonate lignin</b> – <i>petition for use as a dust suppressant</i>
Crops	<b>Chitosan</b> – <i>petition for use as crop disease control</i>
Crops	<b>Biochar</b> – <i>petition for use of cow-manure derived biochar as a soil amendment</i>
Crops	<b>Liquid fish products annotation</b> – <i>evaluation of the impact of harvesting wild, native fish for use in crop fertilizers</i>
Crops	<b>Biodegradable biobased mulch film annotation</b> – <i>evaluation of current definition and restrictions</i>
Handling	<b>Low acyl gellan gum</b> – <i>petition to add to §205.605(b) as a stabilizer and gelling agent in food handling</i>
Handling	<b>Whey protein concentrate</b> – <i>petition to remove from §205.606 thereby requiring only organic forms</i>
Handling	<b>Cetylpyridinium chloride (CPC)</b> – <i>petition for use as an antimicrobial processing aid for poultry processing</i>
Handling	<b>Phosphoric acid annotation</b> – <i>petition to allow for use as a pH adjuster for extractions of plants of the Lamiaceae family</i>
Handling	<b>Zein</b> – <i>petition for use as a processing aid and glaze in food handling</i>
Handling	<b>Fish oil annotation</b> – <i>proposed prohibition of fish caught directly for the sole use of its oil and from species and regions that are overfished or exploited</i>
Handling	<b>L-Malic acid reclassification</b> – <i>evaluation of manufacturing process for potential reclassification as synthetic</i>
Handling	<b>Ion exchange filtration</b> – <i>evaluation of current uses and continued allowance in organic handling</i>
Livestock	<b>Fenbendazole</b> – <i>petition for use in poultry production as parasiticide for laying hens</i>
Crops 2022 Sunset Reviews	<b>Soap-based algicide/demasser; Ammonium carbonate</b> (for use as bait in insect traps); <b>Insecticidal soap; Vitamin D3</b> (rodenticide); <b>Aquatic plant extracts</b> (fertilizer); <b>Lignin sulfonate</b> (chelating agent, dust suppressant); <b>Sodium silicate</b> (floating agent in post-harvest handling); <b>EPA List 4 inerts; Arsenic</b> (prohibited); <b>Strychnine</b> (prohibited)
Livestock 2022 Sunset Reviews	<b>Butorphanol</b> (anesthetic); <b>Flunixin</b> (analgesic/anti-inflammatory); <b>Magnesium hydroxide</b> (antacid/laxative); <b>Poloxalene</b> (emergency bloat treatment); <b>Formic acid</b> (pesticide in beehives); <b>EPA List 4 inerts; Excipients; Strychnine</b> (prohibited)
Handling 2022 Sunset Reviews	<b>Kaolin</b> (anticaking agent); <b>Sodium bicarbonate</b> (leavening agent); <b>Wood Rosin</b> (fruit wax); <b>Ammonium bicarbonate</b> (leavening agent); <b>Ammonium carbonate</b> (leavening agent); <b>Calcium phosphates</b> (leavening agent); <b>Ozone</b> (disinfectant); <b>Sodium hydroxide</b>

(caustic bath for pretzels); <b>Carnauba wax</b> (fruit wax); <b>Colors</b> ; <b>Glycerin</b> (solvent); <b>Inulin-oligofructose enriched</b> (dietary fiber); <b>Kelp</b> (thickener/dietary supplement); <b>Orange shellac-unbleached</b> (fruit and veg coating); <b>Cornstarch</b> (thickener); <b>Sweet Potato Starch</b> (texturizer for bean threads); <b>Turkish bay leaves</b> (flavor development); <b>Whey protein concentrate</b> (nutritional enrichment)
--

**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 Miranda](#), OTA’s Farm Policy Director, for more information.