



April 3, 2020

Ms. Michelle Arsenault  
National Organic Standards Board  
USDA-AMS-NOP

**Docket:** AMS-NOP-19-0095

**RE: Crops Subcommittee – Biodegradable Biobased Mulch Film (Discussion Document)**

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the National Organic Standards Board (NOSB) Crop Subcommittee’s Discussion Document on Biodegradable Biobased Mulch Film.

The Organic Trade Association (OTA) is the membership-based business association for organic agriculture and products in North America. OTA is the leading voice for the organic trade in the United States, representing over 9,500 organic businesses across 50 states. Our members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, consultants, retailers and others. OTA's mission is to promote and protect organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

**OTA is supportive of the efforts being made to seek out biodegradable alternatives to plastic mulch.** Consistent with our position in 2012, we view this as an opportunity to encourage the development of technologies that are compatible with organic principles. Across the organic industry, organic businesses are exploring options for reducing plastic throughout their value chains, from on-farm uses to retail packaging.

**Current NOP regulations are not effective to allow biodegradable biobased mulch film as alternative to plastic mulch.** The listing of biobased mulch film on the National List at §205.601(b)(iii) reads, “*Biodegradable biobased mulch film as defined in §205.2. Must be produced without organisms or feedstock derived from excluded methods.*” The definition at §205.2 reads, “*A synthetic mulch film that meets the following criteria: (1) Meets the compostability specifications of one of the following standards: ASTM D6400, ASTM D6868, EN 13432, EN 14995, or ISO 17088 (all incorporated by reference; see §205.3); (2) Demonstrates at least 90% biodegradation absolute or relative to microcrystalline cellulose in less than two years, in soil, according to one of the following test methods: ISO 17556 or ASTM D5988 (both incorporated by reference; see §205.3); and (3) Must be biobased with content determined using ASTM D6866 (incorporated by reference; see §205.3).*”

The final rule to add biodegradable biobased mulch film (BBMF) to the National List was published September 30, 2014, in response to an NOSB Recommendation in fall 2012. Following the final rule, NOP published a Policy Memo in January 2015 to specify that BBMFs must not contain any non-biobased content. NOP rescinded the Policy Memo in October 2019, but the requirement for 100% biobased content remains in effect because it is articulated in the preamble to the final regulations adding BBMF to the National List.

What has resulted is a conflict between the NOP's regulatory allowance and the industry's commercially available products. Commercially available BMMFs contain around 20% biobased content. Therefore, there are no products on the market that meet the terms of the NOP's regulatory allowance. The topic of BMMF has returned to the NOSB work plan to seek resolution. A [Technical Report](#) was commissioned in 2016 to evaluate long-term biodegradability of BMMF, and was inclusive due to limited research available at the time. NOSB has continued to track new research by commissioning an expert panel at the spring 2016 NOSB Meeting. NOP also commissioned a [new report](#) from Michigan State University, which was made available in October 2019.

**We encourage NOSB to continue working on a solution to resolve this conflict, and to meet its original goal of allowing Biodegradable Biobased Mulch Film as an alternative to plastic mulch.** When NOSB passed its formal recommendation in fall 2012, it stated that "NOSB sees the approval of these materials as an opportunity to reduce pollution substantially without sacrificing organic farming principles." Unfortunately, the regulatory implementation of the intended approval has not resulted in any actual outcomes for approved materials, nor reduction in pollution. Organic producers are still without allowable biobased alternatives to plastic mulch. NOSB should continue to advance efforts to effectively implement a regulatory allowance of biodegradable biobased mulch films.

On behalf of our members across the supply chain and the country, OTA thanks the National Organic Standards Board for the opportunity to comment, and for your commitment to furthering organic agriculture.

Respectfully submitted,

A handwritten signature in black ink that reads "Johanna Mirenda".

Johanna Mirenda  
Farm Policy Director  
Organic Trade Association

cc: Laura Batcha  
Executive Director/CEO  
Organic Trade Association