



April 7, 2015

Ms. Michelle Arsenault  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Avenue, SW  
Room 2648-So., Ag Stop 0268  
Washington, DC 20250-0268

**Docket:** AMS-NOP-15-0002

**RE: Crops Subcommittee – 2017 Sunset Summary: EPA List 4 – Inerts of Minimal Concern**

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment to the Crops Subcommittee (CS) and National Organic Standards Board (NOSB) on its 2017 Sunset Review of EPA List 4 – Inerts of Minimal Concern.

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 organic businesses across 50 states. Its members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, consultants, retailers and others. OTA's Board of Directors is democratically elected by its members. OTA's mission is to promote and protect the growth of organic trade to benefit the environment, farmers, the public and the economy.

### **Embracing EPA's Design for the Environment Program**

OTA applauds NOSB for its efforts to modernize the allowances for inert ingredients in approved pest control products and align USDA Organic Regulations with commensurate programs overseen by EPA. EPA's Design for the Environment Program (DfE) does seem like an appropriate program for oversight of inert ingredients used in organic pest-control products. OTA encourages NOSB and NOP to continue collaboration with EPA DfE, organic pest-control material manufacturers, and the organic sector at large to develop a program that will both ensure continued safety of organic pest-control materials and minimize disruptions to the tools farmers rely upon when their preventive pest, weed, and disease management practices have failed.

### **NOSB Review of Specific EPA List 4 Substances**

NOSB also requested feedback regarding the class of EPA List 4 Inerts Nonylphenol Ethoxylates (NPE). Specifically, NOSB requests feedback on the suitability of alternatives to NPEs outlined in the Technical Report and potential disruptions to the organic industry should NPEs be disallowed for inclusion in pest-control products in two years. OTA understands the concern regarding the use of NPEs, and does not advocate for the continued use of synthetic inert ingredients that are incompatible with organic principles. However, it is unclear why NOSB would single out and disallow this particular class of inerts through an annotation to the National List while simultaneously working towards a DfE oversight mechanism that would likely accomplish the same end. Likewise, it is unclear how NOSB could collect adequate information to justify this prohibition since the nature of confidential formulas discourages manufacturers

from revealing the potential for NPE alternatives to fill this void, and prevents any meaningful feedback from organic producers concerning the need for products containing NPEs as inert ingredients. Without these critical elements, NOSB will be challenged to justify a move towards prohibiting NPEs. Additionally, with the likelihood of moving to an inerts review system through DfE (that most likely will not permit NPEs), it is unclear why NOSB would use its limited resources to pursue an annotation to prohibit NPEs.

### **Conclusion**

Adequate modernized oversight of inert ingredients used in pest-control products is essential to both continued trust in the organic label as well as the continued success of organic producers. NOSB and NOP are right in their collaboration with EPA on designing a program that achieves both of these goals while continuing to allow pest-control product manufacturers confidentiality in their formulas. We remain concerned, however, with the trajectory of the CS to prohibit NPEs on an arbitrary timeline without the ability to gather adequate meaningful feedback from the organic industry on potential disruptions this change would have. We encourage NOSB to focus its resources on collaborating with EPA's DfE program to develop a lasting solution to the outdated allowance for EPA List 4 – Inerts of Minimal Concern.

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

Respectfully submitted,



Nathaniel Lewis  
Senior Crops and Livestock Specialist  
Organic Trade Association

cc: Laura Batcha  
Executive Director/CEO  
Organic Trade Association