



September 30, 2024

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

Docket: AMS-NOP-24-0023

**RE: Materials Subcommittee
Proposal: Inert Ingredients in Organic Pesticide Products**

Dear Ms. Arsenault:

Thank you for this opportunity to provide feedback to the Materials Subcommittee on its proposal regarding Inert Ingredients in Organic Pesticide Products. 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. Our members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, brands, retailers, material input providers, and others. OTA's mission is to grow and protect organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

OTA appreciates the Subcommittee's significant work on this topic and has previously submitted extensive comments on the Board's efforts to move beyond the current reliance on the outdated regulatory references to EPA List 3 and List 4 inerts. In consideration of this proposal, OTA convened its Inerts Task Force, made up of end-users of pest control products, manufacturers and formulators of pest control products, and persons with expertise on the composition and/or regulatory framework regarding pest control products used in organic production. OTA and members of the Task Force see a path forward via either of the two options presented, with a preference for pursuing Option 2. We support putting these two options forward for potential rulemaking and do not believe there is need to return the proposal to subcommittee.

However, we have some concern with the lack of detail on the process by which substances are initially reviewed by the NOSB and placed on the National List as required by the Organic Foods Production Act (OFPA). In Option 2, the Subcommittee proposes to allow substances defined and allowed by EPA as "inert ingredients" (40 CFR 152.3 & 7 CFR 205.2) with restrictions, only allowing those inerts which are allowed in formulations that are exempt from the requirement of tolerance. The subcommittee proposes to further restrict these substances with an "exceptions" list, beginning with alkylphenol ethoxylate and per- and polyfluoroalkyl substances. We understand that this exceptions list would be further added to if, at sunset review or in response to a petition, substances exempt from the requirement of tolerance are found not to align with OFPA criteria. While this appears to be a practical way forward and offers a recommendation for a regulatory amendment, it is unclear how the Board would provide an *initial* review of these substances as required by OFPA.

We appreciate this is the first step in the regulatory process and are confident that in working together, the NOP and NOSB can lay a foundation to replacing the outdated regulatory references. Just as the Subcommittee has committed to laying out an inerts sunset "roadmap" regardless of which option is adopted, it would be helpful if in moving forward the Subcommittee and Board also committed to further

elaborating on the transition process and how the Board will initially review substances and add them to the National List. Perhaps this process of initial review can be conducted in parallel to rulemaking. However the Board and NOP determines the most appropriate and workable way forward, it will be critical this process remain in alignment with OFPA requirements as well as remain transparent to the community to provide confidence to manufacturers and end users that substances the industry has relied upon remain available.

We are encouraged that with whatever option the NOP and Board proceed, moving beyond the EPA List 3 and List 4 references will allow for the review of further substances that align with organic principles and spur greater opportunity for innovation in the development of tools for organic producers. 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,



Scott Rice
Regulatory Director
Organic Trade Association

cc: Tom Chapman
Co-CEO
Organic Trade Association