



October 3, 2019

Ms. Michelle Arsenault  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Avenue, SW  
Room 2642-So., Ag Stop 0268  
Washington, DC 20250-0268

**Docket:** AMS-NOP-19-0038

**RE: Materials Subcommittee – Marine Materials in Organic Crop Production (Discussion)**

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Materials Subcommittee's Discussion Document on Marine Materials in Organic Crop Production. The subcommittee is inviting discussion on a potential future proposal that would require aquatic plants used in crop input materials to be organically produced.

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.

### **Summary**

- ✓ OTA maintains supportive of efforts to move towards the allowance of only aquatic plants produced and harvested in a sustainable manner.
- ✓ We still have questions about the extent of the problem that needs to be solved, and have identified gaps in the record where technical information is needed regarding the effect seaweed harvesting has on the environment as documented by scientific evidence, and the existing legal framework for seaweed harvesting in countries where most seaweed is sourced.
- ✓ We identify additional activities that NOSB can do to support continuous improvement in sustainable sourcing of inputs used in organic agriculture.

**We offer the following more detailed comments:**

### **I. Background**

Marine materials (i.e., aquatic plants such as seaweeds and kelp) are commonly used in the manufacture of crop production inputs such as fertilizers and soil conditioners. These materials are largely harvested

from wild native marine ecosystems. The 2015 Sunset Review of the §205.601(j) listing of aquatic plant extracts prompted NOSB to take a closer look at the potential for environmental harm caused by the harvest of marine materials for use in crop input materials. At the time, NOSB was also looking closely at the need for clear taxonomic nomenclature of marine materials across the National List.

At the spring 2019 meeting, the NOSB Materials Subcommittee presented a discussion document<sup>1</sup> that explores options of addressing the environmental impact of harvesting seaweed for use in organic crop production. The primary approach identified by the subcommittee is through existing organic certification tools, by requiring that aquatic plants be certified organic. The discussion document also summarizes a number of alternative approaches including: limiting or prohibiting harvest of certain marine algae; exploring other existing third-party standards for sustainable harvesting; or adding annotations to material listings on the National List to require sustainable harvesting.

OTA supports efforts to move towards the allowance of only aquatic plants produced and harvested in a sustainable manner. As described in our comments<sup>2</sup> at the spring 2019 meeting, OTA was not able to take a position of support on any of the suggested approaches because there is a lack of information about the extent of the problem that needs to be solved, whether organic certification can achieve the intended sustainability goals for marine algae, and whether industry can build up sufficient supply of certified organic marine algae to meet needs of organic producers. To further explore these issues and attempt to respond to the questions raised in NOSB's discussion document, OTA established a member task force. We thank NOSB for keeping the discussion document<sup>3</sup> open for comments through to the fall 2019 meeting to allow our member task force to more deeply engage with these issues.

## **II. Understanding the extent of the problem that needs to be solved**

To identify an appropriate solution among the approaches put forward by the subcommittee, we must have a strong understanding of the problem needing to be solved. Comprehensive technical information is a foundation to effective policy development. Ideally, conclusions about the environmental harm from seaweed harvesting should be informed by data representative of the areas where seaweeds are harvested around the globe, as well as being relevant to seaweed harvested specifically for use in fertilizers. Furthermore, an accurate understanding of the status quo should be informed by the oversight and enforcement mechanisms outside of the NOP regulatory framework throughout the countries where seaweeds are harvested that may influence environmental impact. This information is essential to understanding the current situation and potential net positive outcome of an NOSB recommendation specific only to crop inputs on organic farms.

After further review of the NOSB discussion record on this subject, we identified a lack of technical information in the following key areas:

- **The effect seaweed harvesting has on the environment as documented by scientific evidence**
- **Existing legal framework for seaweed harvesting in countries where most seaweed is harvested.**

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<sup>1</sup> <https://www.ams.usda.gov/sites/default/files/media/MSMarineMaterialsSpring2019DDWeb.pdf>

<sup>2</sup> [https://ota.com/sites/default/files/indexed\\_files/OTA\\_MarineMaterials\\_NOSBSpring2019\\_AMS-NOP-18-0071\\_final.pdf](https://ota.com/sites/default/files/indexed_files/OTA_MarineMaterials_NOSBSpring2019_AMS-NOP-18-0071_final.pdf)

<sup>3</sup> <https://www.ams.usda.gov/sites/default/files/media/MSMarineMaterialsDDFall2019.pdf>

To support NOSB's evaluation of these issues, we encourage subject-matter experts to share technical information to the Board through the public comment process.

The following questions are posed to the scientific community:

1. How much seaweed biomass exists globally? How much of the existing biomass is being harvested? Should there be substantial concern about these harvests?
2. What harm, if any, is being caused by seaweed harvesting? Is evidence of environmental harm being documented by researchers, government bodies, or other third parties?
3. Is there a depletion of natural resources due to harvesting seaweeds from wild native ecosystems?
4. Are there changes in species diversity resulting from harvesting of selective species, and do these changes have negative impacts?
5. Are there negative impacts from cultivation of seaweeds (versus wild communities)?
6. Are there specific changes that need to be made to make seaweed harvesting more sustainable?

The following questions are posed to seaweed harvesters and seaweed-based input suppliers:

1. What are the legal regulations in the country/state(s) where your seaweed supply is harvested (i.e. permits or licenses)? Describe the extent to which environmental impacts are evaluated by the legal system.
2. Describe the harvesting practices for your seaweed supply. Provide any data or references to document the extent of environmental harm caused by seaweed harvesting. Describe any negative or positive impacts to the environment from your harvesting practices.
3. Are there specific changes that need to be made to make seaweed harvesting more sustainable?
4. Of all seaweed harvested, how much volume is used in the production of organic ingredients (used in farming) and organic products (consumer facing products)? What is the economic value of this volume?

### **III. Continuous improvement in sustainable sourcing of inputs for use in organic production**

This is a complex topic with many intersecting issues at play. We want to see continuous improvement in sustainable sourcing of inputs, but we must approach the issue carefully, using science-based information and thoughtful consideration of the global industry impacts of any new regulatory requirements, so that organic farmers continue to have reliable access to essential tools for production.

We identify the following areas where NOSB activities can support continuous improvement in sourcing inputs for used in organic production:

1. Continue seeking technical information to fill information gaps identified above. Consider including this as an NOSB Research Priority.

2. Consider redefining the scope of this work agenda item to give the Board more options to address environmental concerns specific to individual species, regions, or harvest methods. The fall 2019 Discussion Document states that *“numerous commenters have suggested that there may be some species, regions, and/or harvest methods for which a limited or prohibited harvest should be recommended. While this could inform future NOSB work, that is not within the capacity of this current discussion document and proposal effort.”*
3. Continue the work of developing clear and accurate terms and definitions for marine materials in the NOP regulations. Develop recommendations to clarify the taxonomic nomenclature of marine materials on the National List across crops, livestock, processing scopes.
4. Explore options to address in a consistent manner the environmental impact of inputs sourced from natural substances such as mineral, plant, or animal matter. What does it look like to ensure “not harmful to environment” of non-synthetic inputs not on the National List? Could there be a uniform approach to all non-synthetic inputs, such as a preference for less harmful or certified organic substances based on commercial availability? Could there be special annotations carved out for high risk substances, such as those sourced directly from native wild ecosystems?
5. Explore opportunities for NOP certification to be better positioned as a tool for ensuring sustainable agriculture in marine environments. Continuous improvement of the regulations and guidance are needed to accommodate the unique conditions of marine agriculture. Additional guidance on the certification of marine plants under crop and wild crop standards would assist the organic community in ensuring that NOP certification can provide certain outcomes for sustainability.
6. Work with NOP to confirm the legal authority under OFPA to require organic certification of a crop input material.

#### **IV. Conclusion**

OTA supports efforts to move towards the allowance of only aquatic plants produced and harvested in a sustainable manner. Obtaining a comprehensive understanding of the global environmental impact of seaweed harvesting is a challenging task, as is the task of identifying appropriate solutions to address the real world impacts on marine environments that may be caused by sourcing inputs for use in organic agriculture. We encourage NOSB to continue seeking technical information to better understand the effect seaweed harvesting has on the environment as documented by scientific evidence, and the existing legal framework for seaweed harvesting in countries where most seaweed is sourced. We also identify other activities that NOSB can do to support continuous improvement in sustainable sourcing of inputs. We recognize and appreciate NOSB’s efforts in this area, and we plan to remain engaged in ongoing discussions on this complex and important topic.



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