



April 4, 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-18-0071

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 continues to support the efforts of NOSB and the organic sector to move towards the allowance of only aquatic plants produced and harvested in a sustainable manner.
- ✓ We are not able to take a position of support on any of the suggested approaches due to the inability to fully engage our membership within the abbreviated comment period.
- ✓ OTA is committed to developing a member task force on this issue, and requests that NOSB keep this discussion document open for comment through to the fall meeting, when we can be better prepared with feedback on the subcommittee's discussion questions and be in a better position to engage with the Expert Panel.

We offer the following more detailed comments:

Background

Aquatic plants (e.g., seaweeds, 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 ecosystems. During the 2015 Sunset Review of the §205.601(j) listing of aquatic plant extracts, concerns were raised about the increase in global harvesting of seaweeds and the accelerated potential for destruction of marine ecosystems.

A discussion document was posted for the fall 2018 meeting that explored a potential requirement for marine plants to be certified organic when used in crop inputs. This initiated a robust response from public commenters. In OTA's comments at that time, we expressed agreement with the subcommittee's logic of using existing organic certification tools as a means of verifying sustainable production practices, and identified questions and areas where further study is needed. In particular, we had questions about whether organic certification is feasible as a solution for achieving the subcommittee's intended sustainability goals, and if so, whether it is feasible for the organic industry to build up sufficient organic supply to accommodate the needs of organic producers.

For this spring 2019 meeting, the subcommittee has presented a second discussion document¹ that continues to explore a means of addressing the environmental impact of harvesting seaweed for use in organic crop production through existing organic certification tools, by requiring that aquatic plants be certified organic. Such an approach would involve the following regulatory amendments (proposed language changes are underlined):

- §205.601 (j) As plant or soil amendments. (1) Aquatic plant extracts (other than hydrolyzed) –Extraction process is limited to the use of potassium hydroxide or sodium hydroxide; solvent amount use is limited to that amount necessary for extraction. Marine algae ingredients must be certified organic.
- §205.602 Non-synthetic substances prohibited for use in organic crop production. (j) Marine algae -- unless certified organic.

The discussion document summarizes and attempts to address the concerns raised at the last meeting about this approach, specifically regarding the authority of NOSB to require organic inputs, and the effectiveness of organic certification to meet sustainability goals. The document also summarizes a number of alternative approaches that were suggested in the last meeting. Those approaches include: limiting or prohibiting harvest of certain marine algae; exploring other existing third-party standards for sustainable harvesting; or adding annotations to material listings on National List to require sustainable harvesting. Each of these approaches is met with its own set of questions and concerns that are outlined in the document.

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

Using organic certification to address environmental impact of marine materials used as crop inputs

The Materials Subcommittee has posed several questions for discussion, the first one asking, “*If you are not in support of requiring organic certification, what approach do you support?*”

At this point, OTA is not able to take a position of support on any of the suggested approaches. In the limited time available for this comment period, OTA was not able to conduct sufficient outreach to our membership, and we cannot responsibly take a position on this important issue without the full engagement of our members.

OTA maintains agreement with the logic of using existing organic certification tools as a means of verifying sustainable production practices, but our questions of whether organic certification is feasible as a solution for achieving the Subcommittee’s intended sustainability goals, and whether it is feasible for the organic industry to build up sufficient organic supply to accommodate the needs of organic producers remain outstanding. Additional analysis and member engagement are needed to fully understand how this approach, albeit logically and theoretically agreeable, would work out in reality.

Furthermore, there does not appear to be agreement among public commenters that organic certification is the appropriate tool to address the environmental impact of marine materials used as crop inputs. Thus, there is a need to better understand these concerns in order to build consensus around the appropriate solution. Some of the concerns expressed in the public comments that need to be better understood and addressed include:

- *Lack of confidence that organic certification can achieve the intended sustainability goals for marine algae.* Although organic certification has the potential to address the subcommittee’s concerns for environmental impact of marine algae harvesting through the provision at §205.200 (the requirement to maintain or improve the natural resources of the operation), the actual sustainability outcomes will vary due to the lack of regulations and guidance specific to marine algae production. There are questions about the extent to which the NOP regulations and guidance, as they currently exist, can achieve the subcommittee’s goals. And without a clearer picture of what/how the NOP regulations and/or NOP guidance could be improved to specifically address marine environments, it is not possible to assess whether future organic standards could effectively address these environmental concerns.
- *Uncertainty if industry can build up sufficient supply of certified organic marine algae to meet needs of organic producers.* An assessment of the supply chain is needed to better understand the currently available quantities and sources of organic marine algae and what the needs would be of organic crop producers. The assessment must take into account the demands for organic marine algae from other sectors of the organic industry. For instance, a new requirement for organic marine algae in crop inputs may impact the availability for livestock producers who are required to use organic kelp in livestock feed rations. This information is needed to prevent unintended consequences for the various supply chain participants including producers of organic marine algae, manufacturers of algae-based fertilizers, and crop producers using the manufactured inputs. This information is also essential for determining an appropriate phase-in period for any potential new requirements.

- *Lack of consensus about the extent of the problem that needs to be solved.* Although public comments were generally supportive of addressing environmental impact and several commenters specifically identified a concern about over-harvesting of rockweed in Maine, there is a segment of public commenters that said current government regulations and permitting requirements are adequate to protect the environment. Additionally, the Subcommittee stated that it is not able to identify specific species, regions, or harvest methods for which a limited or prohibited harvest should be recommended, indicating that there may be a need for greater understanding of the environmental impacts of marine algae harvesting across species, regions, and harvest methods. This information is essential for identifying the appropriate tool for addressing the problem.

Request for subcommittee to keep the discussion document open through the fall 2019 meeting

The Subcommittee's discussion document is very comprehensive. It includes an overview of the various options for addressing the environmental impact of marine materials used in crop inputs, a thorough summary of feedback from past comment periods, appendices with full references to other relevant third party standards, and a list of seven discussion questions that effectively challenge stakeholders to explore workable solutions for addressing the Subcommittee's sustainability concerns. This discussion document is very well scoped-out and now deserves the full attention of organic stakeholders to weigh in. **In order to fully analyze this information and engage our membership in exploring the discussion questions, we respectfully request that NOSB keep this discussion document open for comment through to the fall 2019 meeting.**

OTA is committed to establishing a member task force to accomplish the additional analysis and member engagement needed on this issue. OTA member task forces² make recommendations to OTA on policy issues, association programs and special projects. The OTA Marine Materials Task Force can be convened following the spring 2019 NOSB meeting, work over the summer on these issues, and return to the fall 2019 NOSB meeting with well-informed responses to the discussion questions that truly represent the interest of our members and of the organic industry. Furthermore, this opportunity to more deeply engage on these issues will allow us to be better informed about outstanding questions that should be posed to the Expert Panel planned for the fall 2019 NOSB meeting. We believe this process will allow for maximum engagement and preparation for an informed discussion and panel in the fall. We also believe this process will better equip NOSB to develop a proposal that has the highest possible chance of gaining consensus support from stakeholders, which does not appear to exist at this time.

To be clear, we don't want the conversation on this issue to stop. Sourcing of inputs, including those from natural resources, can have a significant impact on the sustainability of agricultural systems, and NOSB is responsible for making recommendations for inputs on the National List that would not harm the environment. There is a lot of information to consider. We want to give this issue the space, time and attention needed to fully understand the implications of various solutions and build consensus around the most appropriate option.

² <https://ota.com/about-ota/member-councils-forums-task-forces/task-forces>

Conclusion

At this time, OTA is not able to take a position of support on any of the suggested approaches due to the inability to fully engage our membership within the abbreviated comment period. However, we are committed to establishing a member task force to accomplish the additional analysis and member engagement needed on this issue. To allow the time needed to conduct this effort, we respectfully request that NOSB keep this discussion document open for comment through to the fall 2019 NOSB meeting. We believe this process will allow for maximum engagement and preparation for an informed discussion and panel in the fall, and better equip NOSB to develop a proposal that can receive maximum stakeholder support.

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,



Johanna Miranda
Farm Policy Director
Organic Trade Association

cc: Laura Batcha
Executive Director/CEO
Organic Trade Association