



October 4, 2018

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-18-0029

**RE: Crops Subcommittee – Paper Planting Pots (Discussion)**

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Crops Subcommittee's Discussion Document on Paper Planting Pots. The subcommittee is inviting discussion on a petition for the addition of paper planting pots to the National List for use in organic crop production.

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 supports the allowance of paper to be planted in the soil when used as a planting aid because paper is already allowed for equivalent uses (e.g., as mulch).
- ✓ OTA encourages NOSB to consider taking a broad approach for reviewing paper-based planting aids to be inclusive of equivalent products and thereby make efficient use of NOSB's efforts to review this material.
- ✓ Adhesives and other additives intentionally added after the paper is manufactured to further formulate the paper into the final products are a relevant area for NOSB to focus its review efforts. If NOSB is concerned that such additives could pose new risks that haven't already been addressed by their use as processing aids in the manufacturing process of paper itself, a technical review of these additives would be appropriate.
- ✓ Potential concerns about biodegradability and/or use of synthetic processing aids in the manufacturing process of paper are not unique to the petitioned material. If NOSB has ongoing concerns about these issues, we encourage it to take a broad look at them across existing allowed uses of paper.
- ✓ OTA supports the withdrawal of the NOP's 2018 phase-out requirement to avoid disruptions to organic producers who have been using these materials in good faith.

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

Background

NOSB received a petition in August 2018 for the addition of paper planting pots to the National List: “§205.601(o) production aids - Plant pot or growing container-hemp or other paper, without glossy or colored inks.” Paper pots are used as a vessel for growing transplants intended to be planted directly in the soil along with the plant material. Nitten paper chain systems, which are the subject of the petition, are used to facilitate transplanting of closely spaced crops such as onions, salad greens, herbs, and others crops. In addition to paper, the paper chain manufacturer formulates the paper chains with three adhesives: vinyl-acetate resin, ethylene-vinyl-acetate resin and acrylic acid ester copolymer. The petition also discloses that magnesium chloride and urea are used in the manufacturing process of the paper by the paper manufacturer.

Newspapers and other recycled papers (without glossy or colored inks) are already allowed on the National List for use as mulch and as a compost feedstock. Certifiers have historically extended these existing allowances for paper to its use in transplant pots, even though paper isn’t specifically on the National List for this use. The rationale for this decision was based on deductive reasoning that if paper can be laid on the surface of soil for weed control and left there to degrade, then it can be planted into the soil and not pose any new threats to organic integrity. An area where certifiers have *differed* in their allowance of paper pots is in the review of adhesives and other additives intentionally added to paper by paper pot manufacturers. In response to a conflicting material review decision, the NOP sent a notice to certifiers on February 22, 2018 stating that “the use of paper chain transplanting pots does not comply with the requirements at section §205.601 of the National List.” The notice further stated, “Products previously approved must be removed from organic system plans after the 2018 growing season.”

Existing Permitted Uses of Paper

Newspaper and other recycled paper without glossy or colored inks are currently allowed under NOP regulations at §205.601(b) as mulch and §205.601(c) as compost feedstock. When paper is used as mulch, it is used in direct contact with soil with no limitation on its frequency of use or any requirement for removal. NOSB has approved these uses of paper each Sunset Review, indicating that the use of paper in direct contact with soil and leaving it to degrade in the soil are compliant with the National List criteria as established in OFPA at 7 USC 6517(c), which limits synthetic materials on the National List only to those which “(i) would not be harmful to human health or the environment; (ii) is necessary to the production or handling of the agricultural product because of the unavailability of wholly natural substitute products; and (iii) is consistent with organic farming and handling.”

In terms of the impact on human health or the environment, there is no meaningful difference between the allowed use of paper as mulch and the proposed use of paper to be planted in the soil as a planting aid. Both uses have direct contact with soil. Both uses allow the paper to biodegrade.

For these reasons, OTA supports the allowance of paper to be planted in the soil when used as a planting aid because paper is already allowed for equivalent uses that have been determined by NOSB to meet OFPA criteria for synthetics on the National List.

#### Expansion of NOSB review to include other paper-based planting aids

In addition to the paper chain pot system highlighted in the petition, there is a broad spectrum of paper-based seeding and transplanting aids used in agriculture, such as plant tapes and seed tapes. Paper-based planting aids can be used with or without a planter tool, which can be motorized or un-motorized, they can be formulated with other non-synthetic materials such as peat moss or natural plant fibers, and may contain adhesives or other additives to shape the product into its customized design for whatever particular planting method is used. The key common characteristic among this broad range of products is that they contain paper as a base material and are used to facilitate planting of seeds or plant material. If the listing on the National List for these products is limited only to paper “pots” and “containers,” it may exclude other paper-based planting aids made of the same material (paper) and used in the same manner (planted in ground), but are designed in slightly different ways.

For these reasons, OTA strongly encourages NOSB to take a broad approach for reviewing paper-based planting aids to be inclusive of generic products that are paper-based and used as planting or seeding aids. This broadened approach will make efficient use of NOSB’s efforts to review the existing variety of paper-based planting aids that share these key common characteristics.

To address this broad range of paper-based planting aids on the National List, the listing could read “Planting Aids” or “Seeding and Transplanting Aids,” for example. The annotation for such listing would establish requirements common to all such products (e.g. “made from paper without glossy or colored inks”) and any other limitations as identified by NOSB regarding additives or other issues.

#### Additives intentionally added after paper is manufactured

Although the manufacturing of paper itself involves the use of many synthetic processing aids, it is not apparent from past NOSB reviews whether the evaluation of certain synthetic additives intentionally added *after* the paper is manufactured have been considered by NOSB. NOSB has reviewed colored inks, which are intentionally added to finished paper (e.g. newsprint) in order to further process it into the final material (printed newspaper), and has determined that colored inks are prohibited. Thus, there is precedent for NOSB to review and prohibit additives that are added after the paper is manufactured.

For these reasons, we find it appropriate for the NOSB to take a close look at adhesives and other additives intentionally added after the paper is manufactured to further formulate the paper into the final paper pot products, and provide clarification to the organic industry regarding the compliance of such additives. If NOSB is concerned that such additives could pose new risks that haven’t already been addressed by their use as processing aids in the manufacturing process of paper itself, a technical review of these additives would be appropriate.

#### Biodegradability and Processing Aids

Considerations about the biodegradability of paper and/or use of synthetic processing aids in the manufacturing process of paper are not unique to the petitioned material. These issues have already been addressed by previous reviews of synthetic paper used as mulch and compost feedstock. If NOSB has ongoing concerns about these biodegradability of paper and/or the use of synthetic processing aids in the manufacturing of paper, we encourage NOSB to take a broad look at them across existing allowed uses of paper. In other words, it would be inconsistent to single out the petitioned material with concerns about these issues when they have already been allowed for paper mulch and paper compost feedstock.

Extension of NOP's phase-out period

NOP's standing requirement as stated in an email to certifiers on February 22, 2018, requires products to be removed from organic system plans after the 2018 growing season. As acknowledged in the subcommittee's discussion document, certifiers have been allowing the use of these materials by certified organic farms for as many as twelve years.

OTA supports an extension of NOP's 2018 phase-out requirement to avoid disruptions to the certified organic operations who have been using this material in good faith while the NOSB takes the time needed to consider this issue. If NOSB recommends prohibiting the petitioned material, then it would become appropriate for certifiers to require operations to phase-out the material.

The Crops Subcommittee has posed the following questions for discussion:

1. *Is this material needed by organic producers, and why?*

According to the Organic Foods Production Act, synthetic materials on the National List are limited only to those for which their use (emphasis added) “(i) would not be harmful to human health or the environment; (ii) is necessary to the production or handling of the agricultural product because of the unavailability of wholly natural substitute products; and (iii) is consistent with organic farming and handling (7 USC 6517(c)).” Thus, the assessment of whether a materials is “necessary” is defined by whether there is availability of wholly natural substitute products.

The Organic Trade Association has reached out to its members who are involved in organic crop production to request feedback on the necessity of the petitioned material. OTA has received general feedback from the organic industry that these products are needed by organic farmers because alternative practices and materials are not adequate for their organic production systems. Organic farmers from Georgia, Maine, Montana, and California have expressed strong support for the allowance of paper-based planting aids. We have not heard from anyone who has expressed any concerns or arguments that these products are not necessary or should not be allowed in organic production.

A general theme of the comments from organic farmers in support of paper pot transplanting aids is these products provide significant savings in terms of labor, time, and cost, when compared to the available alternatives. More discussion on paper pots compared to alternatives is provided in response to the next question.

2. *Are there alternatives to this material?*

The petitioned material is a paper chain pot system used by crop producers as a production aid to efficiently transplant closely spaced crops as part of a non-motorized machine transplanting system; the petitioned materials is planted into the soil along with the plant material.

To accomplish the same function without the use of paper, organic farmers may use products that are only made of non-synthetic materials that aren't otherwise prohibited or restricted by §205.602 (e.g., natural plant fibers such as hemp or wood; peat; coir). These options may or may not be sufficient for their operation, and may not be designed to provide the same level of functionality as

part of a particular mechanized planting system. Organic farmers could also use plastic or other synthetic planting aids that are not intended to be planted into the soil (e.g. plastic plug tray used to grow transplants; plant material is removed from tray and planted in the soil). This option creates plastic as a waste material that may or may not be reused on an operation, and may not address the functionality of the petitioned material to be utilized as part of a particular mechanized planting system.

The use of paper chain pots and other paper-based transplanting aids has been highlighted by OTA members as a necessary part of their operation due to the absence of natural alternative products and management practices that would achieve the equivalent level of efficiency (of time and labor), quality (of crops produced), and waste reduction (of plastic trays, for example).

3. *Are there risks to the environment or human health resulting from the use of this material?*

There is no meaningful difference between the allowed use of paper as mulch and the proposed use of paper to be planted in the soil as a planting aid. Both uses have direct contact with soil. Both uses allow the paper to biodegrade.

The use of synthetic additives intentionally added *after* the paper is manufactured may be an area where additional risks may be present. Some of these additives would have already been used earlier in the paper manufacturing process as processing aids, as described in the Technical Report on Newspaper and Other Recycled Paper. It is not readily apparent whether the additional use of those processing aids as intentional application *after* the paper is manufactured could pose new risks that haven't already been addressed by their presence in the manufacturing process of paper itself.

Conclusion

In conclusion, OTA is supportive of the use of paper-based planting aids because paper is already allowed for equivalent uses, such as mulch. We also encourage NOP to take a broad approach for reviewing paper-based planting aids (not just "pot" or "container" designs) to be inclusive of equivalent products and thereby make efficient use of NOSB's efforts to review these materials. We also support a withdrawal of NOP's 2018 phase-out requirement to avoid disruptions to organic producers who have been using these materials in good faith.

On behalf of our members across the supply chain and the country, the Organic Trade Association 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 Miranda".

Johanna Miranda  
Farm Policy Director  
Organic Trade Association

cc: Laura Batcha  
Executive Director/CEO  
Organic Trade Association