

April 4, 2022

Mr. Jared Clark
Standards Division
USDA-AMS-NOP

Docket: AMS-NOP-21-0060

RE: Proposed Rule on Paper-based Crop Planting Aids

Dear Mr. Clark,

Thank you for this opportunity to provide comment on the USDA Agricultural Marketing Service (AMS) [Proposed Rule](#) on Paper-based Crop Planting Aids.

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 proposed rule to formalize and clarify the restricted use of paper-based planting aids.
- ✓ OTA agrees with the scope of the proposed definition that is inclusive of generic products that are paper-based and used as planting or seeding aids left to degrade in the soil (e.g. pots, chains, seed tape).
- ✓ OTA agrees with the NOSB and NOP conclusions that these materials comply with the OFPA Criteria for the National List in terms of consistency with organic farming and necessity for use.

We offer the following more detailed comments:

Background

Paper pots and other paper-based growing containers and production aids are used to support seeding, growing and/or transplanting in the field and are intended to remain in the soil. Paper planting pots were [petitioned](#) for inclusion on the National List as an allowed input. Nitten paper chain systems, which are the subject of the original petition, are used to facilitate transplanting closely spaced crops such as onions, salad greens, and herbs.

Paper-based planting aids have been allowed in organic production for over a decade. Newspapers and other recycled papers are already allowed as synthetic substances for use as mulch and as a compost feedstock. Certifiers have historically extended the allowance for paper to its use in transplant pots, even

though paper isn't specifically on the National List for this use. NOP has authorized continued use of these materials while NOSB completes its deliberation.

NOSB's deliberation extended over several years and reflects extensive stakeholder comments and technical information. Three discussion documents in fall 2018, spring 2019, and fall 2019, followed by three proposals in spring 2020, fall 2020, and spring 2021 were presented by the Crops Subcommittee to the public for comments. A [Technical Report](#) was commissioned in 2019 to provide information about the range of synthetic fibers and adhesives used in these types of paper-based crop planting aids. The Board carefully sought to distinguish between synthetic paper fibers and synthetic fibers that are not strictly paper, also whether such fibers are biobased and/or biodegradable. Throughout the course of NOSB deliberation, the scope was expanded beyond only paper pots to include other paper-based planting aids such as seed tapes that are also incorporated into the soil. The Subcommittee worked diligently to craft an annotation that captures the detailed composition metrics of paper-based planting aids that meet the needs of organic producers and product manufacturers, while complying with Organic Food Production Act criteria for the National List.

The [final recommendation](#) unanimously adopted at the spring 2021 NOSB Meeting received broad support from organic stakeholders. The Subcommittee proposed a minimum requirement for cellulose-based fiber content (no less than 60%) and a minimum requirement for biobased content (no less than 80%). These limits prevent products from being made primarily from petroleum-based or non-biodegradable sources, while still allowing a minimal amount of synthetic fibers and adhesives needed for structure and functionality of products currently in the market. The Subcommittee also proposed restrictions on the types of materials allowed to make up the 40% of the product that is not cellulose based. The Board acknowledged that these specific percentages should be reviewed by future Boards and made more stringent as technology and materials change.

The Board's evaluation of environmental and human health impacts did not find evidence of harmful effects from the use of these paper-based planting aids. In term of necessity for production, the Subcommittee found these materials to be critical for a segment of organic growers where mechanical or hand planting is not a suitable alternatives. The Subcommittee thoughtfully customized a proposal that ensures the use of paper-based planting aids is compatible with a system of sustainable agriculture, and addresses the environmental concerns that might be associated with some types of paper. NOP agrees with the NOSB's recommendation on paper-based crop planting aids and has published this proposed rule to implement the recommendation.

Proposed Definition and Listing

AMS proposes to add the following definition and listing to the NOP regulations:

Add to §205.2 Terms Defined:

***Paper-based crop planting aid.* A material that is comprised of at least 60% cellulose-based fiber by weight, including, but not limited to, pots, seed tape, and collars that are placed in or on the soil and later incorporated into the soil, excluding biodegradable mulch film. Up to 40% of the ingredients can be nonsynthetic, other permitted synthetic ingredients at § 205.601(j), or synthetic strengthening fibers, adhesives, or resins. Contains no less than 80% biobased content as verified by a qualified third-party assessment (e.g., laboratory test using ASTM D6866 or composition review by qualified personnel). Added nutrients must comply with §§ 205.105, 205.203, and 205.206.**

Add to §205.601(o) Synthetic substances allowed for use in organic crop production, Production aids:

Paper-based crop planting aids as defined in § 205.2. Virgin or recycled paper without glossy paper or colored inks.

OTA Positions

OTA supports the proposed rule to formalize and clarify the restricted use of paper-based planting aids, and agrees with the NOSB and NOP conclusions that these materials comply with the OFPA Criteria for the National List in terms of consistency with organic farming and necessity for use. OTA continues to support the allowance of paper to be planted in the soil when used as a planting aid because paper is already allowed for equivalent uses (mulch, compost feedstock) that have been determined by NOSB to meet OFPA criteria for synthetics on the National List. The necessity of paper-based planting aids for production has also been communicated in our previous comments and directly from other stakeholders. The use of paper chain pots and other paper-based crop planting aids has been highlighted by OTA members as a necessary part of their operation, from small to commercial scales of production, 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).

OTA agrees with the scope of the proposed definition that is inclusive of generic products that are paper-based and used as planting or seeding aids left to degrade in the soil (e.g. pots, chains, seed tape). This is an appropriate balance of scope, and is consistent with OTA's previous comments that encouraged a scope of review that would make efficient use of NOSB's efforts to review the existing variety of paper-based planting aids that share these key common characteristics of being paper-based, used as planting or seeding aids, and were left to degrade in the soil.

AMS has asked for feedback on the interpretation of "qualified personnel" as used in the proposed definition. We interpret this to be a certifier or material review organization that is accredited or authorized to review and approve materials as compliance with the USDA regulations, as further detailed in [NOP 3012 Interim Instruction on Material Review](#).

We also offer these minor technical comments originally presented in our NOSB Comments:

- The phrase in the definition, "other permitted synthetic ingredients at §205.601(j)" is unnecessary, may cause unintended confusion, and can be likely removed without compromising the intent of the Subcommittee. Material reviewers should review intended added ingredients with the relevant subsection of the National List. This is the same argument that has been made in the past about fungicides needing to be reviewed to §205.601.
- The last sentence in the definition, "Added nutrients must comply with §205.105, 205.203, and 205.206" is unnecessary, may cause unintended confusion, and can be likely removed without compromising the intent of the Subcommittee. This statement is establishing compliance of ingredients outside the defined term is inappropriate for definitions section of the regulations and is better suited for a National List annotation. Furthermore, it is unnecessary for every individual



National List item to refer back to practice standards as these should be inherent in the initial review and approval of substances by certifiers.

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". The signature is written in a cursive style.

Johanna Mirenda
Farm Policy Director
Organic Trade Association

cc: Laura Batcha
Executive Director/CEO
Organic Trade Association