

Spring 2018 NOSB Meeting

AT-A-GLANCE SUMMARY OF PROPOSALS AND DISCUSSION DOCUMENTS

[Meeting Materials \(All Proposals and Discussion Documents\) \(pdf\)](#)

The Spring 2018 NOSB Meeting will be April 25-27 at the Tucson University Park Hotel in Tucson, Arizona. The tentative [Meeting Agenda](#) has been posted, and the public comment period is now open. All meeting materials are available on the OTA [Spring 2018 NOSB meeting](#) web page. Posted materials include the meeting agenda, proposals and discussion documents, and the NOSB Work Agenda.

The primary purpose of NOSB meetings is to provide an opportunity for organic stakeholders to give input on proposed NOSB recommendations and discussion items. The meetings also allow NOSB to receive updates from USDA's National Organic Program (NOP) on issues pertaining to organic agriculture.

NOSB Public Comment Opportunities

The NOSB meeting is open to the public, and participants are invited to provide oral comments during one of two sessions:

- [Webinars](#)
 - April 17 from 1:00 - 4:00 p.m. Eastern (3-minute comment slot)
 - April 19 from 1:00 - 4:00 p.m. Eastern (3-minute comment slot)
- [In-person meeting](#)
 - April 25 (3-minute comment slot)

Individual commenters may only sign up for one comment option. The final deadline to submit written comments **and** sign up for oral comments is **Wednesday, April 4, at midnight Eastern**. Written comments should be submitted via [Regulations.gov](#).

SUMMARY OF AGENDA PROPOSALS AND DISCUSSION DOCUMENTS

(46 inputs under review, see the Sunset Survey section below for details) - Weigh in using OTA's [survey system for collecting feedback](#).

- **Crops** - [2020 Sunset Reviews \(pdf\)](#): Alcohols: ethanol, isopropanol; Sodium carbonate peroxyhydrate; Newspaper or other recycled paper; Plastic mulch and covers; Aqueous potassium silicate; Elemental sulfur; Lime sulfur; Sucrose octanoate esters; Hydrated lime; Liquid fish products; Sulfurous Acid; Ethylene; Microcrystalline cheese wax; Potassium chloride
- **Livestock** - [2020 Sunset Reviews \(pdf\)](#): Alcohols: ethanol, isopropanol; Aspirin; Biologics, vaccines; Electrolytes; Glycerin; Phosphoric acid; Lime, hydrated; Mineral oil; Sucrose octanoate esters
- **Handling** - [2020 Sunset Reviews \(pdf\)](#): Calcium carbonate; Flavors; Gellan gum; Oxygen; Potassium chloride; Alginates; Calcium hydroxide; Ethylene; Glycerides (mono and di); Magnesium stearate; Phosphoric acid; Potassium carbonate; Sulfur dioxide; Xanthan gum; Fructooligosaccharides (FOS); Gums: Arabic, Carob bean, Guar, Locust bean; Lecithin - de-oiled; Tragacanth gum

CERTIFICATION, ACCREDITATION, AND COMPLIANCE (CACS) SUBCOMMITTEE

Discussion Document: Import Oversight

- **BACKGROUND:** Organic products are the most heavily regulated products in the world, and the organic certification system is generally robust. However, recent activities and USDA investigations have revealed products fraudulently labeled as organic and gaps in the complex organic supply chain, specifically as it relates to organic imports. Compromised supply chains due to fraud can erode consumer trust in the integrity of the organic brand. Strong action is needed to improve the effectiveness of controls throughout the organic product supply chain. Everyone has a role in organic fraud prevention, and there are many avenues of action that must be taken.
- **SUBCOMMITTEE PROPOSAL:** To gain further insight and background on the diverse perspective and opportunities to increase integrity in the global organic control system, NOSB is seeking input from the public. Several specific subject areas are outlined in the proposal with questions. We also ask the public to provide their perspective on what actions or opportunities would have the greatest impact to increase integrity in the global organic control systems, whether listed here or not. To view the 75 questions, follow this link: [Discussion document: Import oversight \(pdf\)](#)

Inspector Qualifications and Training

- **BACKGROUND:** Inspectors play an essential role in organic certification, often serving as the sole public face of a certification agency (certifier) to the certified operation. Inspectors are the eyes and ears of the certifier, responsible for verifying and documenting organic control points. USDA organic regulations require that certification staff, including inspectors, have sufficient expertise in organic production and handling techniques.
- **SUBCOMMITTEE PROPOSAL:** The Subcommittee recommends the National Organic Program develop minimum qualifications and training, and continuing education guidelines to ensure a professional and competent inspector pool to meet the demands of ever-evolving and complex organic supply chains. These should include considerations of the criteria included above in the Discussion area of the document. The Subcommittee encourages the program to use existing resources in this area. NOSB is requesting public comment from the community on the following questions
 - Are the criteria and qualifications laid out in the ACA Best Practices for Inspector Qualifications sufficient to establish a baseline for inspector competency? What changes do you suggest?
 - What other resources are available to train new and seasoned inspectors?
 - Should there be a licensing system for inspectors by scope and/or scale in recognition of their specific skills? How do you think such a system should work?
 - While this document focuses on inspectors, what other roles should the CACS consider (e.g., initial and final reviewers as well as other certifier personnel)?[Proposal: Inspector qualifications \(pdf\)](#)
- **SUBCOMMITTEE VOTE:** Motion to approve the proposal on inspector qualifications.
PASSED: Yes: 7 No: 0 Abstain: 0 Absent: 0 Recuse: 0

Eliminating the incentive to convert native ecosystems to organic farms (PROPOSAL)

- **BACKGROUND:** The organic regulations require that all organic land be free of prohibited substances for 36 months prior to production of an organic crop. There is growing concern that producers can meet this requirement by converting native land (i.e. land that has never been farmed before) to agricultural production. Anecdotal accounts indicate that producers in the arid

west may be converting native habitat to organic production, which raises questions about whether this practice meets the overall intent of organic production, which includes maintaining and improving natural ecosystems. This concern does not extend to land coming out of the Conservation Reserve Program (CRP), as that land had previously been farmed.

- **SUBCOMMITTEE PROPOSAL:** The subcommittee proposed an new definition be added to 7 CFR 205.2 for *Native Ecosystem*: “Native ecosystems can be recognized in the field as retaining both dominant and characteristic plant species as described by established classifications of natural and semi-natural vegetation. These will tend to be on lands that have not been previously cultivated, cleared, drained or otherwise irrevocably altered. However, they could include areas that had been substantially altered over 50-100 years ago, but have since recovered expected plant species composition and structure.” The subcommittee is also proposing that sites supporting a “native ecosystem” cannot be certified for 10 years following the date of conversion to agricultural use.
- **SUBCOMMITTEE VOTE:** Motion to approve the proposal on eliminating the incentive to convert native ecosystem to organic production for rulemaking.
PASSED: Yes: 5 No: 1 Abstain: 0 Absent: 0 Recuse: 0

LIVESTOCK SUBCOMMITTEE

Petition to allow Glycolic Acid (Proposal)

- **BACKGROUND:** NOSB received a petition to add glycolic acid for use as a component of pre- and post-milking teat dips to control mastitis at §205.603(a) Synthetic substances allowed for use in organic livestock production as disinfectants, sanitizer and medical treatment as applicable.
- **SUBCOMMITTEE PROPOSAL:** The subcommittee is unclear whether this substance is needed in organic agriculture. They are asking the following questions:
 - Are there alternatives available for pre-and post-milking teat dips?
 - Is this product used in rotation with currently allowed pre-and post-milking teat dips?
 - Do alternatives work to control mastitis?
- **SUBCOMMITTEE VOTE: PASSED** – Motion to add glycolic acid as petitioned at § 205.601 (Yes: 3 No: 2 Abstain: 0 Absent: 1 Recuse: 0)

Definition of “emergency treatment” for parasiticide use in organic livestock (Proposal)

- **BACKGROUND:** Synthetic parasiticides are allowed for use in organic livestock production only on dairy animals not destined for organic slaughter and only under emergency situations. There has been ongoing discussions surrounding what conditions must exist for a situation to be considered “emergency” and therefore justify the use of synthetic parasiticides. In the spring 2017 meeting, NOSB received public comment on a number of questions related to how to define “emergency treatment” and challenges that certifiers and producers face in verifying that synthetic parasiticides are only used to address an “emergency.” Certifiers generally agreed that there was a need to develop consistency around what constitutes an “emergency treatment,” and other commenters asked for improved transparency of how parasiticides are used in organic dairy operations.
- **SUBCOMMITTEE PROPOSAL:** The subcommittee proposed a new definition be added to 7 CFR 205.2 for *Emergency (treatment for parasite control in breeding, dairy and fiber bearing animals)*: “An urgent, non-routine situation in which the organic system plan’s preventive measures and veterinary biologics are proven, by laboratory analysis or visual inspection, to be inadequate to

prevent life-threatening illness or to alleviate pain and suffering.” The subcommittee also recommended that a stepwise approach to parasite prevention be required before use of parasiticides through an amendment to 7 CFR 205.238(b)(4).

- **SUBCOMMITTEE VOTE:** Motion to approve the proposal on clarifying “emergency” for use of synthetic parasiticides in organic livestock production **PASSED**, Yes: 5 No: 0 Abstain: 0 Absent: 1 Recuse: 0

HANDLING SUBCOMMITTEE

Petition to allow Sodium Dodecylbenzene Sulfonate SDBS (Proposal)

- **BACKGROUND:** Sodium dodecylbenzene sulfonate (SDBS) is petitioned by Ecolab Inc. for addition to the National List at §205.605 Non-agricultural (non-organic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s))”, (b) Synthetics Allowed. SDBS is added to fresh produce wash-water as an aid in the removal of surface bacteria. Except for residual SDBS remaining on the produce at produce species dependent levels up to 10 ppm. SDBS does not contribute to the flavor, color, texture or nutritive value of the product. SDBS is one of two active ingredients (the second is lactic acid) in an antimicrobial formulation for use in treating fruits and vegetables in the premises of organic food retail establishments. The Ecolab Inc. branded formulated antimicrobial material is labeled as Antimicrobial Fruit & Vegetable Treatment (AFVT). AFVT is used in food retail environments such as restaurants, cafeterias, food service operations, commissaries and kitchens. The petitioner states its product would help to provide a new reliable antimicrobial for organic users.
- **SUBCOMMITTEE PROPOSAL:** The subcommittee notes the availability of allowed natural and synthetic alternatives to this substance. Available options include electrolyzed water, sodium and calcium hypochlorite and peroxyacetic acid, which are synthetic alternatives. Non-synthetic alternatives include organic acids (ascorbic acid, citric acid, lactic acid, lactates, tartaric acid, malic acid and organic vinegar (acetic acid)). However, the subcommittee also recognizes the importance of having the ability to rotate among several materials in an antimicrobial regime to reduce the incidence of microbial resistance. In the absence of significant public comment advocating for the addition of SDBS to the National List and the availability of alternatives, the subcommittee does not see it as essential to organic production.
SUBCOMMITTEE VOTE: FAILED (Yes: 0 No: 5 Abstain: 0 Absent: 2 Recuse: 0, to add **Sodium Dodecylbenzene Sulfonate** as petitioned at §205.605(b) for use in organic handling and processing.

Reclassification of Magnesium Chloride (Proposal)

- **BACKGROUND:** Magnesium chloride can be produced non-synthetically from a variety of natural commercial sources including seawater, terminal lake brines, subsurface brine deposits, and mined mineral deposits. The Handling Subcommittee compared these processes to the Decision Tree for Classification of Materials as Synthetic or Non-synthetic (NOP 5033-1), and determined that magnesium chloride produced via these sources does not go through any chemical changes, and therefore is non-synthetic.
- **SUBCOMMITTEE PROPOSAL:** The Handling Subcommittee proposes that magnesium chloride remain on the National List. However, the Subcommittee is bringing forward this proposal to change the listing from §205.605(b) to §205.605(a) due to the determination that magnesium chloride is available in a non-synthetic form. Additionally, the Handling Subcommittee proposes

the annotation “derived from seawater” be removed since there are multiple sources from which non-synthetic magnesium chloride can be derived.

- **SUBCOMMITTEE VOTE: PASSED** - Yes: 4 No: 0 Abstain: 0 Absent: 3 Recuse: 0

CROPS SUBCOMMITTEE

Petition to allow Polyoxin D Zinc Salt (Proposal)

- **BACKGROUND:** Polyoxin D zinc salt is categorized as a biofungicide or biochemical pesticide. While the polyoxin D might be considered a non-synthetic product, the addition of the zinc salt makes it a synthetic. The petitioner has made a case that there are few to no alternatives for some fungal diseases on various species of plants, such as cottonball disease on cranberries, black rot, downy mildew, powdery mildew and bunch rot on grapes, mummy berry on blueberries, phomopsis leaf spot on strawberries, downy mildew on basil as well as a host of other fungal diseases on fruits. The petitioner states there are OMRI listed alternatives, but their product is either more effective or offers another tool for producers in rotation to prevent resistance.
- **SUBCOMMITTEE PROPOSAL:** While this material is of lower toxicity than some other products used for similar treatments, the Crops Subcommittee expressed varied views regarding its necessity. In balancing the responses to OFPA criteria, subcommittee members felt that polyoxin D zinc salt compared to other products is compatible with a system of sustainable agriculture. However, 2 subcommittee members abstained from the vote and 1 was absent, leaving a vote of 3 yes and 1 no.

SUBCOMMITTEE VOTE: PASSED - Yes: 3 No: 1 Abstain: 2 Absent: 1 Recuse: 0, to add **Polyoxin D Zinc Salt** as petitioned at §205.601(i) for use in organic crop production.

Petition to allow Sulfur as a Molluscicide (Proposal)

- **BACKGROUND:** Sulfur is currently allowed for disease and pest control, as well as a soil amendment in organic crop production. This petition would be to expand the use pattern for sulfur to include the control of snails and slugs.
- **SUBCOMMITTEE PROPOSAL:** The crops subcommittee acknowledges that sulfur is already allowed in organic crop production for a variety of uses, and the substance is generally non-toxic to humans and the environment. The subcommittee believes that sulfur, for the control of slugs and snails, is compatible with a system of sustainable agriculture.

SUBCOMMITTEE VOTE: PASSED - Yes: 7 No: 0 Abstain: 0 Absent: 2 Recuse: 0, to add sulfur as petitioned at §205.601(h) for use as a molluscicide in organic crop production.

MATERIALS/GMO SUBCOMMITTEE

Protecting the Genetic Integrity of Seed Grown on Organic Land (Discussion)

- **BACKGROUND:** In 2012, 2013, 2016 and 2017 the Materials/GMO Subcommittee issued discussion documents on the topic of “seed purity” (i.e., keeping seed stock used for organic production free from contamination by GMOs). In 2014, the subcommittee issued a report summarizing the public comments received in response to the 2013 and 2014 discussion documents and the subcommittee’s analysis of the situation. In the fall of 2017, the subcommittee released a Discussion Document asking for additional feedback on the following discussion documents:
 - **Fall 2017:** [Discussion document: Non-GMO organic seed integrity \(pdf\)](#)
 - **April 2016:** [Discussion Document: Next Steps for Improving Seed Purity \(pdf\)](#)

- **April 2014:** [Report: Seed Purity from GMOs \(pdf\)](#)
- **April 2013:** [Discussion document: GMOs and Seed Purity \(pdf\)](#)
- **October 2012:** [Discussion document: GMOs and seed purity \(pdf\)](#)
- **SUBCOMMITTEE REQUEST FOR FEEDBACK:** The subcommittee is releasing a number of questions that are intended to continue this conversation and inform possible next steps:
 - Should we move to quantify the extent of GMO contamination to better understand the scope of the problem? How could this be accomplished?
 - Should a requirement be in place establishing a seed purity threshold for purchased seed (either organic or non-organic, or both) planted on organic land? If so, what should the threshold be? How will that threshold vary with crop?
 - Should there be an approved list of tests, and/or testing laboratories, for tracking the presence of GMO in seed and/or crops?
 - Should there be an approved method of sampling for GMO traits? How much of a seed or crop should be tested to provide confidence that the entire lot is likely to be GMO free?
 - Would a seed label statement indicating the percentage of GMO traits detected by an approved testing regime, be sufficient in providing the information needed by the purchaser of the seed? No detectable level of GMO traits, .1% or other levels are examples that could be provided.

2020 SUNSET MATERIALS (Reviewed in 2018)

If you are using any of the inputs, ingredients or processing aids listed below, or if you are aware of a commercial supply of organic or natural alternatives, your FEEDBACK is needed! Weigh in using OTA's [survey system for collecting feedback](#)!

Why is your feedback important? These inputs are being voted on by NOSB based on their five-year Sunset review timeline (renewal date), and may not be renewed if new information indicates these substances are incompatible with organic handling or organic/natural alternatives are available. If they are not renewed, they will no longer be allowed in organic farming and handling systems. The comments received from organic stakeholders NOW will inform the vote that will take place at the fall 2018 NOSB meeting.

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It is proven that OTA's [survey system for collecting feedback](#) will impact NOSB's decisions. These



electronic surveys can be used to submit feedback on each individual input currently under NOSB review. Each survey is CONFIDENTIAL, and contains about 10 short questions that will take an estimated five minutes to complete.

Mission and Structure of NOSB

The [National Organic Standards Board](#) was created through the Organic Foods Production Act, a subsection of the 1990 Farm Bill. The Board is charged with the task of assisting the Secretary of Agriculture on which substances should be allowed or prohibited in organic farming and processing. This 15-person citizen advisory board brings together volunteers from around the United States. It is made up of four farmers/growers, two handlers/processors, one retailer, one scientist, three consumer/public interest advocates, three environmentalists, and one USDA accredited certifying agent.

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