



October 1, 2020

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP

Docket: AMS-NOP-20-0041

RE: Crops Subcommittee – Aquatic Plant Extracts (Sunset Review)

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the National Organic Standards Board (NOSB) Crop Subcommittee’s Sunset Review of Aquatic Plant Extracts.

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 re-listing of Alkali-Extracted Aquatic Plant Extracts on the National List.
- ✓ Alkali-Extracted Aquatic Plant Extracts are necessary for organic crop production.
- ✓ OTA supports the continuous improvement in sustainable sourcing of inputs used in organic production, and encourages NOSB to engage in cross-subcommittee discussions to standardize decisions on environmental impacts of marine macroalgae materials across inputs and scopes.

We offer the following more detailed comments:

Background

Alkali-extracted aquatic plant extracts are currently listed on the National List at §205.601(j)(1) as allowed as plant or soil amendment for organic crop production: *Aquatic plant extracts (other than hydrolyzed) – Extraction process is limited to the use of potassium hydroxide or sodium hydroxide; solvent amount is limited to that amount necessary for extraction.* The use of phosphoric acid and other synthetic acids for pH adjustment of aquatic plant extracts is prohibited ([NOP Memo 14-1](#)).

The restricted allowance of alkali-extracted aquatic plant extracts has been in place since the NOP regulations were originally established in 2000, and continues to be renewed at all of the Sunset Reviews that have occurred for this listing over the past 20 years (2006, 2010, and 2015). Each review has demonstrated that the use of alkali-extracted aquatic plant extracts as listed at §205.601(j)(1) meets the criteria established in the Organic Foods Production Act (OFPA) for allowance of a synthetic substance: 1) The input must not be harmful to human health or the environment; 2) The input is necessary for production and processing of organic products because of the unavailability of natural or organic alternatives; and 3) The input is consistent with organic farming and a system of sustainable agriculture.

This year (2020), NOSB is conducting its fourth Sunset Review of this listing of aquatic plant extracts to determine its continued eligibility for inclusion on the National List as an allowed synthetic substance in accordance with criteria established in the Organic Foods Production Act. At the spring 2020 NOSB Meeting, the Crops Subcommittee collected public comments on this material and asked direct questions regarding the necessity of the material, availability of nonsynthetic alternatives, and suggestions for how NOSB should proceed with evaluating environmental impact.

OTA submitted [comments](#) in April 2020 in support of continued allowance of alkali-extracted aquatic plant extracts. Our comments included information demonstrating that alkali-extracted aquatic plant extracts are necessary for organic crop production. Alkali-extracted aquatic plant extracts are widely used by hundreds of organic farmers as a fundamental part of their system of maintaining and enhancing plant and soil health. The alkali extraction step is critical for releasing the bioactive compounds of seaweed and delivering benefits to crop production systems. Equivalent nonsynthetic alternatives are not known to be available. On the topic of environmental impact, we encouraged the Crops Subcommittee to engage in collaboration with other Subcommittees to standardize decisions across inputs and scopes where seaweed is used. The Materials & Handling Subcommittees had also been looking at some aspect of environment impact from sourcing seaweeds from marine environments for use as inputs in organic production and processing. We stressed the importance of NOSB to avoid making a decision on an individual Sunset Review [which only covers one form (synthetic) of one input (fertilizer) for one scope of materials (crops)] that could disrupt or conflict with the work of other subcommittees on other closely related forms, inputs, and scopes of marine materials. A coordinated approach across subcommittees and materials is essential for achieving meaningful progress towards NOSB's goal of ensuring that use of marine materials in organic production is not harmful to the environment.

Summary of Fall 2020 Proposal

For the fall 2020 NOSB Meeting, the Crops Subcommittee presents its [Sunset Proposal on Aquatic Plant Extracts \(starts on Page 32\)](#).

As stated in the Subcommittee's proposal, the Subcommittee is divided on this topic: *“Two members expressed a desire to gather more information, particularly with regard to the related work agenda item of marine macroalgae in plant fertility products in the Materials Subcommittee, before making a final determination on their position on this material. One member was concerned about the environmental impact of harvests.”*

There does not appear to be any concerns in the Subcommittee’s sunset review proposal regarding the other OFPA criteria regarding the necessary for production and processing of organic products because of the unavailability of natural or organic alternatives; the consistency with organic farming and a system of sustainable agriculture; and the input not being harmful to human health.

OTA supports the re-listing of alkali-extracted aquatic plant extracts

Alkali-extracted aquatic plant extracts are widely used by hundreds of organic farmers as a fundamental part of their system of maintaining and enhancing plant and soil health. The alkali extraction step is critical for releasing the bioactive compounds of seaweed and delivering benefits to crop production systems. Equivalent nonsynthetic alternatives are not known to be available. OTA finds that this substance meets the OFPA criteria for inputs that are necessary for production because of the unavailability of natural or organic alternatives.

OTA acknowledges and supports the ongoing interest of NOSB to evaluate and seek to minimize the possible negative environmental impact of sourcing seaweeds for use as inputs in organic production. However we strongly caution against NOSB de-listing this essential input. The concern about sustainable harvesting of seaweed is not exclusive to the §205.601(j) listing of alkali-extracted aquatic plant extracts. This listing only covers one form (synthetic) of one input (fertilizer) for one scope of materials (crops), whereas seaweed is also harvested for other form, uses, and scope throughout organic production and processing (nonsynthetic fertilizers, livestock feed and medical treatments, food ingredients). The decision from the Crops Subcommittee on the environmental impact of this single material will have far reaching impacts that could disrupt or conflict with the work other subcommittees are doing on evaluating the same subject matter – the Materials Subcommittee’s active work on evaluating environmental harm from harvesting marine macroalgae. It would be premature for the Crop Subcommittee to make a decision to de-list §205.601(j) based on questions of environmental harm when the Materials Subcommittee has not yet completed its work.

Alkali-Extracted Aquatic Plant Extracts are necessary for organic crop production

Alkali-extracted aquatic plant extracts are a widely and commonly used input in organic crop production. Certifiers report that hundreds of organic farm operations use alkali-extracted aquatic plant extracts, and Material Review Organizations list hundreds of brand-name products indicating a demand for their use. Removal of these products from the National List would negatively impact a significant number of organic farmers who are relying on alkali-extracted aquatic plant extracts as part of their organic crop production system. OTA’s Farmers Advisory Council¹ supports continued access of this critical crop fertility tools for farmers.

¹ The Organic Trade Association's Farmers Advisory Council (FAC) provides the Organic Trade Association Board of Directors and staff with input from small- and medium-sized organic farmers, ranchers, and growers on matters pertinent to the advancement of organic agriculture, with a specific focus on OTA’s policy agenda. More at ota.com/FAC

In the production of organic fruits and vegetables, alkali-extracted aquatic plant extracts are used as foliar fertilizers and soil conditioners. Organic producers state that these inputs are fundamental for maintaining and enhancing plant and soil health, while also reducing the need for other materials for disease and pest control. Application can help control pests, increase yield, improve soil, strengthen germination and root development, and provide hundreds of macro and micro nutrients to help increase health and vigor of the crop. As fertilizers, seaweeds can provide a natural form of soluble potassium. In production of organic baby leaf vegetables, alkali-extracted aquatic plant extracts are used as a greening agent without the addition of nitrogen products.

To manufacture these products, seaweed is treated with an extracting agent (only potassium hydroxide or sodium hydroxide are permitted) to break the cell walls of seaweed, thereby releasing the naturally occurring nutrients, minerals, vitamins, amino acids, hormones, and other beneficial biochemical compounds within the seaweed. Once released, the natural compounds are free to be absorbed by the crop plant and immediately used for physiological processes. The alkali extraction step is essential for release of the bioactive compounds from the seaweed. The extractant is small in terms of volume but significant in terms of delivering benefit and value to farmers through an effective product. Without alkali extraction, the beneficial compounds of the seaweed are not nearly as available or effective for providing benefits to crops. Manufacturers state that there is no alternative manufacturing processes to get the equivalent benefits from seaweed. Producers state that the variety of biostimulant compounds and multiple modes of action are unique in seaweed extracts, and there are not comparable alternatives.

Further collaboration is still needed to evaluate environmental impacts

In OTA's previous comments, we encouraged NOSB to engage in more collaboration across NOSB Subcommittees to standardize decisions on environmental impacts of sourcing seaweed across inputs and scopes where seaweed is used. We continue to support this request. Please see our comments to the Materials Subcommittee on Marine Macroalgae for Crop Fertility Inputs for more information.

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