



April 2, 2018

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Avenue, SW
Room 2648-So., Ag Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-17-0057

RE: Crops Subcommittee (CS) & Livestock Subcommittee (LS) – Polyoxin D Zinc Salt, Sulfur, and Glycolic Acid - petitioned

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Crops and Livestock Subcommittees' proposals on whether or not to add Polyoxin D Zinc Salt, Sulfur and Glycolic Acid to the National List at § 205.601 and § 205.603 as allowed synthetics in organic crop and livestock 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.

OTA Summary

The Organic Trade Association did not receive comments from its members expressing the need for these specific substances. However, OTA members have expressed the need for new tools to manage fungal diseases, slugs, and mastitis. These three petitioned substances may provide alternative synthetic tool-kit options to manage these production issues, and, when used in rotation with currently allowed materials, could help reduce disease and pest resistance to these substances. We acknowledge that NOSB must evaluate petitioned substances against congressionally mandated criteria for inclusion on the National List, as outlined in the Organic Foods Production Act (OFPA), and analyze this criteria against the available science, facts, and data. Since each NOSB member approaches this evaluation from his or her area of expertise, it is not surprising to see varying viewpoints on whether any of these substances should be added to the National List. The subcommittees' proposals reflects the diversity of expertise on the board as designed, and, in general, the Organic Trade Association supports the subcommittees' process for using facts and data to come to conclusions on whether these substances meet National List criteria.

National List Criteria

For a petitioned substance to be added to the National List for use in organic crop and livestock production, it must meet the evaluation criteria specified in the Organic Foods Production Act (OFPA). In summary, for a substance to be added to the National List for crop or livestock production, the following conditions must be met: 1) the substance would not be harmful to human health or the environment; 2) the

substance is necessary to the production of an organic product because of the unavailability of alternative materials (natural, organic) or practices; and 3) the substance is consistent with organic farming (OFPA SEC. 2118 [7 U.S.C. 6517 and 6518] National List).

OFPA further clarifies the considerations that NOSB must take in its evaluation of petitioned substances. These seven evaluation considerations form the structure of the National List Review Worksheet questions. Each subcommittee in its recommendations on these three substances relied on the scientific and fact-based information included in the Technical Evaluation Reports to inform their recommendations.

The Organic Trade Association commends the Crops and Livestock Subcommittees for its thorough review of the above criteria as documented in the proposal using the NOSB National List Review Worksheet questions.

Crops Subcommittee Recommendations

Polyoxin D Zinc Salt

The Crops Subcommittee's is proposing to classify Polyoxin D Zinc Salt as a synthetic substance and to add it to the National List as petitioned at 205.601(i) (synthetic substances allowed for use in organic crop production).

- The motion to CLASSIFY this material as synthetic PASSED (yes: 6, No: 0, Abstain: 0, Absent: 1, Recuse: 0).
- The motion to ADD this material to the National List PASSED (yes: 3, No: 1, Abstain: 2, Absent: 1, Recuse: 0).

In support of its decision, the subcommittee details the potential negative impacts on human health and the environment from the use of Polyoxin D Zinc Salt, the availability of alternatives, and its compatibility with organic farming. It concluded that based on the information contained in the Technical Evaluation Reports and in the petition, these criteria were satisfied. We do not see any errors or incorrect interpretations of the information included in this evaluation and support the work of the subcommittee in coming to its recommendation. We also support the subcommittee's acknowledgement that while there are alternative products and cultural practices for fungal disease control, often these control measures are insufficient to meet organic growers' needs, and, therefore, this substance is necessary in organic crop production. OTA farmer members have indicated the need for additional fungal control materials, and since it appears as though the subcommittee's conclusion is that this substance would not be harmful to human health and the environment, we would support a decision by the full board to add this substance to the National List.

Sulfur – molluscicide

The Crops Subcommittee's is proposing to add Sulfur to the National List as petitioned at 205.601(h) (synthetic substances allowed for use in organic crop production).

- The motion to ADD this material to the National List PASSED (yes: 7, No: 0, Abstain: 0, Absent: 2, Recuse: 0).

As the subcommittee recognizes, sulfur is already allowed in organic crop production as a soil amendment and as a disease and insect control. It was also recommended to be added to the National List for control of external parasites on organic livestock and poultry in 2017. This petition seeks to expand sulfur's allowance to include the control of slugs and snails. The subcommittee acknowledges the longstanding acceptance that the appropriate use of sulfur would not be harmful to human health and the environment, and the ongoing challenge that slugs and snails can pose to organic crop farmers, especially farmers who are attempting to reduce tillage by allowing large amounts of organic matter to remain on the soil surface. Allowing farmers access to additional tools for slug and snail control, especially one with widespread acceptance and familiarity like sulfur, is necessary and compatible with organic farming. We support the conclusions of the subcommittee and its recommendation to add sulfur to the National List for slug and snail control in organic crop production.

Livestock Subcommittee Recommendation

The Livestock Subcommittee's is proposing to classify Glycolic Acid as a synthetic substance and to add it to the National List as petitioned at 205.603(a) (synthetic substances allowed for use in organic livestock production).

- The motion to CLASSIFY this material as synthetic PASSED (yes: 5, No: 0, Abstain: 0, Absent: 1, Recuse: 0).
- The motion to ADD this material to the National List PASSED (yes: 3, No: 2, Abstain: 0, Absent: 1, Recuse: 0).

In its evaluation of Glycolic Acid, the subcommittee has weighed the various criteria that all petitioned substances must satisfy using good data and science. It carefully evaluates the potential impacts to human health and the environment as well as the current alternative substances used as teat dips (iodine, glycerine, chlorhexidine, and hydrogen peroxide). Based on the background and the National List Review Worksheet, it is understandable that the subcommittee's vote was split on this substance, and why it requested input from industry on three questions relating to its necessity in organic livestock production:

1. *Are there alternatives available for pre- and post-milking teat dips?*
2. *Is this product used in rotation with currently allowed pre- and post-milking teat dips?*
3. *Do alternatives work to control mastitis?*

The Organic Trade Association did not hear a clear message from its dairy members that Glycolic acid based teat dips were absolutely necessary nor did we hear that current teat dips were not effective at controlling mastitis. We did hear, however, that having access to multiple types of teat dips, used in rotation, can help avoid resistance to one particular material and provide more flexibility when applying teat dips in varying weather conditions, especially during cold spells where cows' teats can freeze when using iodine. The Organic Trade Association supports the thorough process that the livestock subcommittee underwent in examining OFPA criteria. Hopefully additional public comments from stakeholders can assist NOSB in its evaluation of whether glycolic acid is necessary in organic livestock production.

Conclusion

The crops and livestock subcommittees are evaluating three petitioned substances for inclusion on the

national list. The subcommittee recommendations must detail its process and the facts and science reviewed to make the recommendations. OTA supports the authority that NOSB must first approve substances before USDA can add them to the National List, and we believe that these decisions must be based on facts, data, and the most current science. The crops and livestock subcommittees' respective recommendations reflect a data-driven deliberation, and OTA supports the process by which each subcommittee came to its decisions.

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 maintaining the National List and advising on other standards topics.

Respectfully submitted,



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Organic Trade Association

cc: Laura Batcha
Executive Director/CEO
Organic Trade Association