



April 5, 2021

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

Docket: AMS-NOP-20-0089

RE: Crops Subcommittee – Biodegradable Biobased Mulch Film (Proposal)

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the National Organic Standards Board (NOSB) Crop Subcommittee’s Proposal on Biodegradable Biobased Mulch Film.

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 NOSB’s efforts to identify and advance regulatory solutions for allowing Biodegradable Biobased Mulch Film as an alternative to plastic mulch.
- ✓ We seek to better understand the information regarding the status of product development that has informed the Subcommittee’s conclusion that 80% biobased content is a realistic goal for Biodegradable Biobased Mulch Film that would be allowed under this proposal.
- ✓ We recommend using consistent terminology in the proposal when referring to Biodegradable Biobased Mulch Films.
- ✓ We suggest alternative language to implement the concept of continuous improvement within the proposed annotation.

We offer the following more detailed comments:

Background

Biodegradable biobased mulch film is currently listed on the National List of allowed materials for crop production as a weed barrier. The final rule to add this substance to the National List was published September 30, 2014, in response to an NOSB Recommendation in fall 2012.

NOP published a Policy Memo in January 2015 to specify that biodegradable biobased mulch films must not contain any non-biobased content (i.e., no petroleum). NOP rescinded the Policy Memo in October 2019, but the requirement for 100% biobased content remains in effect because it is articulated in the preamble to the final regulations adding this material to the National List.

However, products that might meet the 100% biobased requirement are either not biodegradable or are not used in production due to brittleness or other production issues. Most biodegradable mulch films only contain about 20% biobased content (or less) with the remaining portion petroleum-derived. Therefore, there are no commercially viable products on the market that meet the NOP requirement for 100% biobased content. Since this conflict arose, the topic has returned to the NOSB work plan for possible resolution.

A [Technical Report](#) was commissioned in 2016 to evaluate long-term biodegradability of petroleum-derived biodegradable mulch films, and was inconclusive due to limited research available at the time. NOSB has continued to track new research by commissioning an expert panel at the spring 2016 NOSB Meeting. NOP also commissioned a [new report](#) from Michigan State University, which was made available in October 2019. A [discussion document](#) was presented at the spring 2020 meeting, and [reissued](#) in fall 2020, with questions for stakeholder feedback regarding a potential future annotation amendment that would allow biodegradable mulch films that are not 100% biobased. In the meantime, NOSB has renewed this listing at Sunset Review to allow time to identify a suitable solution.

Proposed Definition and Listing

The Subcommittee proposes to:

Revise the definition at §205.2 Terms Defined (bold text added):

Biodegradable biobased mulch film. A synthetic mulch film that meets the following criteria:

- (1) Meets the compostability specifications of one of the following standards: ASTM D6400, ASTM D6868, EN 13432, EN 14995, or ISO 17088 (all incorporated by reference; see §205.3);
- (2) Demonstrates at least 90% biodegradation absolute or relative to microcrystalline cellulose in less than two years, in soil, according to one of the following test methods: ISO 17556 or ASTM D5988 (both incorporated by reference; see §205.3); and
- (3) **Biodegradable plastic mulch films must be at least 80% biobased** with content determined using ASTM D6866 (incorporated by reference; see §205.3).

And revise the listing to §205.601(a)(2) Mulches (bold text added):

(iii) Biodegradable biobased mulch film as defined in §205.2. Must be produced without organisms or feedstock derived from excluded methods. **When 100% biobased biodegradable plastic films become available, producers are required to use 100% biobased content BDM plastic films.**

OTA supports NOSB’s efforts to identify and advance regulatory solutions for allowing Biodegradable Biobased Mulch Film as an alternative to plastic mulch. Across the organic industry, organic businesses are exploring options for reducing plastic throughout their value chains, from on-farm uses to retail packaging. The approval of biodegradable mulch is an opportunity to encourage the development of technologies that can reduce pollution in a manner that is compatible with organic principles.

We seek to better understand the status of product development that has informed the Subcommittee’s conclusion that 80% biobased content is a realistic goal. The Subcommittee is proposing a minimum requirement of 80% biobased content for biodegradable mulch films, while also recognizing that this limit is aspirational in the sense that no commercially viable products currently meet this criteria. The Subcommittee states that it sees this as a realistic goal but has not explained the technical background or status of product development that has informed the Subcommittee’s conclusion. We look forward to better understanding the current status and prospective timeline for availability of products that can actually be approved under this proposal. This information is important to relieve hesitation that this proposal might not lead to practical outcomes for allowing biodegradable alternatives to plastic mulch.

We recommend using consistent terminology in the proposal when referring to Biodegradable Biobased Mulch Films. The existing regulations refer only to the term “*Biodegradable biobased mulch film*.” However, the Subcommittee has introduced different terms (emphasis added) “Biodegradable plastic mulch films” and “BDM plastic films.” It is critical that the regulatory language is clear and consistent, and that the identity of these materials is grounded in the specific term defined at §205.2, which is “*Biodegradable biobased mulch film*.”

We suggest alternative language to implement the concept of continuous improvement within the proposed annotation. The proposed annotation requires producers to use produce of 100% biobased content when they are available. We are supportive of efforts for continuous improvement in sourcing input materials. However, there are two key improvements to the proposed language that will support effective implementation:

- **Use the term “commercially available” instead of “available.”** “Commercially available” is a term that is already defined¹ in the regulations at §205.2, and will provide a consistent regulatory basis for certifiers and material reviewers to make determinations.
- **Require operators to use a “higher percentage” whenever it is commercially available instead of only “100%.”** The current proposal would only require producers to use 100% when it is available, but does not impose any requirement to use a product that has biobased content greater than 80% but less than 100%. Alternative language to consider could be, “Biodegradable biobased mulch film with the greatest percentage of biobased content commercially available must be used.”

¹ *Commercially available*. The ability to obtain a production input in an appropriate form, quality, or quantity to fulfill an essential function in a system of organic production or handling, as determined by the certifying agent in the course of reviewing the organic plan.



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