



September 30, 2021

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

**Docket: AMS-NOP-21-0038**

**RE: Crops Subcommittee – Sodium Nitrate (Proposal)**

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the National Organic Standards Board (NOSB) Crops Subcommittee's Proposal on Sodium Nitrate.

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 agrees that the current situation regarding the sodium nitrate listing on the National List is confusing, and that the NOSB's proposal will help alleviate confusion.
- ✓ OTA supports the subcommittee proposal to reinstate the listing of sodium nitrate for the purpose of clarifying the status of sodium nitrate.

Please see below for more detailed comments on Sodium Nitrate.

### Background

Sodium nitrate (a.k.a. Chilean nitrate) is a mined mineral of high solubility. In the early years of developing the National List, it was added to §205.602 as a prohibited nonsynthetic substance with the following annotation: "use is restricted to no more than 20 percent of the crop's total nitrogen requirement; use in spirulina production is unrestricted until October 21, 2005." The 20% restriction was a common restriction found in private certifier standards prior to the implementation of the NOP.

In spring 2011 during the Sunset Review of sodium nitrate, NOSB [recommended](#) by unanimous vote to relist sodium nitrate without the annotation, thereby entirely prohibiting its use, due to environmental and human health concerns and the lack of international harmonization of standards regarding this material. NOP never took action to renew the listing, therefore the listing became invalid on its sunset date of October 12, 2012. NOP issued a [memo](#) explaining the unusual circumstances of dealing with the invalid listing until NOP can complete rulemaking to prohibit sodium nitrate. NOP still not acted on the NOSB's

recommendation, so the listing with the annotation still physically appears on the National List at §205.602 even though it is invalid.

Currently, sodium nitrate is permitted for use without specific restriction beyond the general requirements for organic operations to maintain or improve the natural resources of the operation, including soil and water quality (§205.200) and to manage crop nutrient and soil fertility to maintain or improve soil organic matter content in a manner that does not contribute to contamination of crops, soil, or water (§205.203).

### **OTA Position**

The current situation regarding the sodium nitrate listing on the National List is confusing and lacks oversight and transparency. When one reads the organic regulations and sees sodium nitrate listed with its restriction, its status as “invalid” is completely obscure. Organic stakeholders need to be able to look at the standards and readily understand the compliance requirements.

The NOSB’s proposal is to remedy and clarify the regulatory status of sodium nitrate. We support the NOSB’s motion to reinstate the listing of sodium nitrate as it appears at §205.602 with the restriction that it is not used for more than 20 percent of the crop’s total nitrogen requirements. This ensures that sodium nitrate isn’t allowed for unlimited use and will ensure ongoing sunset reviews. To be clear, this action would not actually expand the allowance, but it’s actually further restricting it from its current status as an unrestricted nonsynthetic substance.

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,



Johanna Mirinda  
Farm Policy Director  
Organic Trade Association

cc: Laura Batcha  
Executive Director/CEO  
Organic Trade Association