



October 28, 2020

Docket: AMS-NOP-20-0041

Re: NOSB Materials Subcommittee's Proposal on Marine Macroalgae in Crop Fertility

Dear National Organic Standards Board Members:

Please accept this supplementary written response to questions raised to the Organic Trade Association (OTA) during the October 22, 2020 Public Comment Webinar regarding email communications the Materials Subcommittee may be incorrectly considering as a substitute for the public comment process.

OTA received email communication in early February asking for feedback on suggested annotation language for Aquatic Plant Extracts and a §205.202 listing. We were not able to give specific feedback for two reasons: **1)** The annotation language was not accompanied by supporting technical information to contextualize and justify the annotation under Organic Foods Product Act criteria, nor responses to the concerns and questions raised in public comments in the past year<sup>1</sup>. **2)** OTA staff's response to direct emails is not a substitute for OTA's comment process<sup>2</sup>, so we suggested that the annotation be included in a discussion document for the Spring 2020 NOSB meeting that would include supporting technical information and address outstanding questions and concerns for additional public comment. Ultimately there was no discussion document presented at the Spring 2020 NOSB meeting. Why not?

Email communication in June indicated that the Materials Subcommittee planned to present the annotation in a proposal for the Fall 2020 NOSB Meeting. The OTA Marine Materials Task Force invited NOSB members to discuss outstanding questions and concerns raised in our written comments and express the importance that these and other stakeholder comments be addressed prior to moving forward with a proposal. Still no supporting technical information to contextualize and justify the annotation or respond to public commenters' concerns and questions was provided. The Materials Subcommittee's proposal published on August 27, 2020 is first time that specific annotation language is being presented to public stakeholders for comment.

**Email exchanges among select stakeholders is not a substitute for the NOSB public comment process.** OTA continues to recommend that the proposal be referred back to Subcommittee to allow for organic stakeholders, who are seeing and commenting on the proposed annotation for the first time, to have their feedback considered by NOSB and integrated into the final annotation.

Respectfully submitted,

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Farm Policy Director  
Organic Trade Association

cc: Laura Batcha  
Executive Director/CEO  
Organic Trade Association

<sup>1</sup> OTA's written comments including a list of unaddressed questions and concerns from commenters are available: <https://www.regulations.gov/document?D=AMS-NOP-20-0041-0731>.

<sup>2</sup> OTA submits comments on behalf of its membership. Our positions and policies are primarily shaped through our member task forces. In all cases, OTA's regulatory and legislative staff carry out an extensive process of membership engagement to capture how current issues and activities such as proposed rules or NOSB recommendations will impact certified farmers and handlers. Prior to submission of final comments, draft comments are distributed to membership at least a week in advance. Members are provided an opportunity to weigh in and shape any changes that may be needed prior to final submission. To carry out a meaningful comment process under OTA's governance structure, a comment period needs to be at least 30 days.