Spring 2016 NOSB Meeting

AT-A-GLANCE SUMMARY OF PROPOSALS AND DISCUSSION DOCUMENTS

Note: 2018 Sunset Materials directly follow this section

Meeting Materials (All Proposals and Discussion Documents) (pdf)

CROPS SUBCOMMITTEE

Proposal: Petition to amend the listing of Ash from Manure Burning (PDF) on the National List (205.602(a) as a prohibited crop production input.

- Ash from Manure Burning is currently a natural substance prohibited for use in organic crop production. The petition requests NOSB to add an annotation to this prohibited substance that would allow its use under certain conditions. NOSB voted on a motion to amend the listing to read: Ash from manure burning ***except where the combustion reaction does not involve the use of synthetic additives and is controlled to separate and preserve nutrients.*** The subcommittee did not pass this recommendation which would maintain the full prohibition on ash from manure burning in organic crop production.
  *(Subcommittee Vote: **DO NOT ADD**- 0 in favor; 5 against; 0 absent - the motion failed)*

Proposal: Petition to *add* Hypochlorous Acid to the National List as an allowed synthetic in organic crop production.

- On May 29, 2015, NOP received a petition to add hypochlorous acid to the National List. The petition was submitted in response to a policy memo issued by NOP on June 9, 2014 (PM 14-3 Electrolyzed Water (EW)). In the memo, NOP clarified that EW is not allowed as a sanitizer and antimicrobial agent under the current listing of allowed chlorine materials. The NOP memo prompted this petition to add EW to the National List for Crops, Livestock and Handling. The subcommittee believes that this material does look like it could provide organic handling operations a material that has strong antimicrobial properties and is more compatible with the fundamental principles of organic production.
  *(Subcommittee Vote: **ADD**- 7 in favor of adding; 0 against; 0 absent)*

Proposal: Petition to *add* Soy Wax to the National List as an allowed synthetic in organic crop production.

- *Soy Wax* is a substance produced from hydrogenated oil extracted from soybeans. The petition was to add soy wax to the National List as an aid for use in log-grown organic mushroom production. The crops subcommittee determined that soy wax is a synthetic substance and voted to add soy wax to the national list with an annotation that it be made from non-GMO soybeans.
  *(Subcommittee Vote: **ADD**- 4 in favor; 0 against; 1 absent)*

Proposal: Petition to *add* Squid and Squid Byproducts to the National List as an allowed synthetic in organic crop production.

- *Squid and squid byproducts* describe fertilizing materials produced from the hydrolysates of squid processing waste that are stabilized with strong acids to prevent degradation. Currently, only acid stabilized hydrolysates of fish byproducts are allowed for use as fertilizers on organic farms, yet squid-based fertilizers are manufactured in a similar manner with similar additives. This petition requests the addition of acid stabilized squid products to the National List. The crops subcommittee determined

that *squid and squid byproducts* are synthetic substances and voted to add *squid and squid byproducts* to the National List as an organic crop soil amendment and fertilizer with an annotation that these products "can be pH adjusted with sulfuric, citric, or phosphoric acid. The amount of acid used shall not exceed the minimum needed to lower the pH to 3.5."
*(Subcommittee Vote: **ADD**- 6 in favor; 0 against; 1 absent)*

Discussion Document: Removal of Nonylphenol Ethoxylates (NPEs)

- Inert ingredients play a key role in the effectiveness of pesticide products, and are included in formulas to assist with application, prevent degradation, or ensure ingredients remain in suspension. The crops and livestock subcommittees passed proposals at the Fall 2015 NOSB meeting to amend the current annotation for inert ingredients used in approved pesticide products at 205.601(m) and 205.603(e), and move the review of inert ingredients from the outdated List 4 and List 3 approvals to a modernized approach utilizing EPA's Safer Choice Program. As that recommendation is evaluated and implemented at NOP, NOSB is discussing whether a particular class of inert ingredients—Nonylphenol Ethoxylates (NPEs)—should be prohibited from inclusion in organic pesticide products. EPA has indicated that NPEs would not be approved by the Safer Choice Program, and NOSB is evaluating the impact to the organic industry if they move forward with prohibiting this class of inert ingredients prior to full implementation of the Safer Choice Program review process. NOSB is requesting input from the organic sector on appropriate timelines for removing these inert ingredients, and how to best gauge the direct impact such a change would have on organic producers.
  (Subcommittee Vote: 7 in favor; 0 against; 0 absent)

LIVESTOCK SUBCOMMITTEE

Proposal: Petition to *add* Hypochlorous Acid to the National List as an allowed synthetic in organic livestock production.

- On May 29, 2015, NOP received a petition to add hypochlorous acid to the National List. The petition was submitted in response to a policy memo issued by NOP on June 9, 2014 (PM 14-3 Electrolyzed Water (EW)). In the memo, NOP clarified that EW is not allowed as a sanitizer and antimicrobial agent under the current listing of allowed chlorine materials. The NOP memo prompted this petition to add EW to the National List for Crops, Livestock and Handling. The subcommittee believes that this material does look like it could provide organic handling operations a material that has strong antimicrobial properties and is more compatible with the fundamental principles of organic production.
  *(Subcommittee Vote: **ADD**- 7 in favor of adding; 0 against; 1 abstention)*

Proposal: Lidocaine and Procaine Annotation Change

- Lidocaine and Procaine are used as local anesthetics to reduce pain when performing general minor surgery in organic livestock. The livestock subcommittee's proposal suggests modifying withdrawal periods for Lidocaine and Procaine. The subcommittee indicates that the current annotation which requires a 90-day withdrawal time for slaughter stock and 7-day withdrawal time for dairy animals is excessively long and is not supported by science. The subcommittee proposal recommends that annotations for Lidocaine and Procaine be modified to require an 8-day withdrawal time for slaughter stock and a 7-day withdrawal time for dairy animals.
  (Subcommittee Vote: 6 in favor; 0 against; 0 absent)

Proposal: Parasiticides Annotation Change

- Three parasiticides (Ivermectin, Moxidectin, and Fenbendazole) are currently allowed for emergency treatment of dairy animals only (with a 90-day withholding time), and remain prohibited for use on organic slaughter stock. The livestock subcommittee's proposal includes a number of changes to the restrictions on the use of parasiticides that would expand their use on fiber-bearing animals, reduce withholding times for dairy products following use, and eliminate unnecessary barriers to use in emergency treatment situations:
    - That parasiticides continue to be prohibited in slaughter stock.
    - That the milk withholding period after treatment with Fenbendazole or Moxidectin be changed from 90 days to 2 days for dairy cows, and 36 days for goats and sheep.
    - That the listing for Ivermectin remain as presently listed, with a 90-day withdrawal period.
    - That Moxidectin be allowed for both internal and external use.
    - That fleece and wool from fiber-bearing animals be allowed to be certified organic even if use of parasiticides was necessary at some time in the animal's life.
    - That Fenbendazole be allowed without written order of a veterinarian**.**

  (Subcommittee Vote: 6 in favor; 0 against; 0 absent)

HANDLING SUBCOMMITTEE

Proposal: Petition to *add* sodium lactate and **potassium lactate** to the National List at 205.605(b) (synthetic) for use as a microbial agent and pH regulator only.

- Sodium and/or potassium lactate are generally produced from natural (fermented) lactic acid, which is then reacted with either sodium hydroxide or potassium hydroxide, respectively. They are used in meat processing as a pathogen inhibitor. Both sodium lactate and potassium lactate have been allowed for use in organic handling since January 22, 2004, when the National Organic Program rendered their use acceptable. This decision (to not require a petition for sodium and potassium lactate for inclusion to the National List) was originally based on the fact that all three of the materials used to produce sodium lactate and potassium lactate were already approved and on the National List. That decision was not consistent with previous NOSB Recommendations on classification of materials. The intent of this proposal is to correct that previous decision and go through the appropriate petition process. The subcommittee is requesting comments on whether these two materials are currently being used, and whether the proposed annotation (microbial agent and pH regulator) will capture the current use pattern. The subcommittee would also like to know why these materials would be preferred over currently used alternatives.
  *(Subcommittee Vote: **ADD**- 5 in favor of adding; 0 against; 1 abstain; 2 absent)*

Proposal: Petition to ***add*** **Oat Beta-Glucan** to the National List at 205.606 (agricultural) for use as a natural fiber supplement (adds fiber to processed foods).

- Oat Beta-Glucan is being petitioned by Tate & Lyle as a natural component of oats. It's used to supplement fiber content in foods such as biscuits, cakes and breads. It's made through a simple process of grinding, enzyme treatment, water extraction and drying. No chemical or synthetic solvents are used. The petition points out that there are no organic sources despite the availability of organic oats, but this could change if the demand for organic oat beta -glucan were to increase. The subcommittee sees no reason why oat beta-glucan could not be manufactured organically.
  *(Subcommittee Vote: **DO NOT ADD**- 0 in favor of adding; 4 against; 0 abstain; 2 absent)*

Proposal: Petition to *add* Hypochlorous Acid to 205.605(b) of the National List as an allowed synthetic chlorine material in organic handling/processing.

- On May 29, 2015, NOP received a petition to add hypochlorous acid to the National List. The petition was submitted in response to a policy memo issued by NOP on June 9, 2014 (PM 14-3 Electrolyzed Water (EW)). In the memo, NOP clarified that EW is not allowed as a sanitizer and antimicrobial agent under the current listing of allowed chlorine materials. The NOP memo prompted this petition to add EW to the National List for Crops, Livestock and Handling. The subcommittee believes that this material does look like it could provide organic handling operations a material that has strong antimicrobial properties and is more compatible with the fundamental principles of organic production.
  *(Subcommittee Vote: **ADD**- 6 in favor of adding; 0 against; 2 absent)*

Proposal: Petition to *add* Sodium dodecylbenzene sulfonate (SDBS) to the National List at 205.605(b) (synthetic) for use as sanitizer.

- Sodium dodecylbenzene sulfonate (SDBS) was petitioned by Ecolab Inc. for use as an active ingredient (one of two) in an antimicrobial formulation in treating fruits and vegetables in the premises of organic retail establishments. SDBS is used in combination with lactic acid, currently allowed on the National List. Based on the subcommittee review, SDBS does not pose any serious human health or environmental concerns under the proposed use pattern. One concern raised, however, is that it contains some impurities (neutral oil, arsenic, iron and possible lead), but they were not defined in the petition and it's unclear if the new methods of formulation mentioned remove any of these impurities. The petitioner claims that while lactic acid, citric acid, chlorine and peracetic acid are used by processers, the petitioned formulated product is not currently available to retailers. The subcommittee would like to know: 1) What retailers are currently using; 2) whether any of the alternatives mentioned in the petition are currently used at the retail level, and, whether they are effective; and 3) the level of impurities.
  *(Subcommittee Vote: **DO NOT ADD**- 1 in favor; 5 against; 1 abstain; 1 absent)*

Proposal: Ancillary Substances Procedures

- The Subcommittee was tasked with reviewing "ancillary substances," which are intentionally added to a formulated generic handling substance on the National List. These substances do not have a technical or functional effect in the finished product, and are not considered part of the manufacturing process already been reviewed by NOSB. A policy for reviewing ancillary substances was passed in 2014. However, attempts to pass a separate ancillary substance proposal specific to National List entries have all been withdrawn due to issues brought up by the public. In light of the issues raised, the Handling Subcommittee is proposing a set of criteria and procedures for everyone to agree on and follow in the future course of determining ancillary substance compliance. The proposal includes: 1) A definition of Ancillary Substances; 2) Criteria used to review ancillary substances that can be used by both NOSB in initial review and ACAs in subsequent verifications; 3) Procedures for NOSB to follow for those materials that may have ancillary substances to be reviewed; and 4) (optional) Example of a standardized template for ACAs to determine compliance. The subcommittee is requesting comments on all parts of this proposal to move the review of ancillary substances forward.
  (Subcommittee Vote: 6 in favor; 0 against; 2 absent)

Discussion Document: Nutrient Vitamins and Minerals Annotation Change

- The NOSB Handling Subcommittee would like to change the annotation for the listing for Nutrient Vitamins and Minerals. They explain that a change has been needed since the Federal Rule first came out, but there have been mixed opinions on how to change it. The document goes on to provide background on the issue including the fact that the National Organic Program (NOP) released a proposed rule in 2012 to change the annotation but did not finalize it. Instead, NOP published an interim rule, which continues the current listing (Nutrient Vitamins and minerals, in accordance with 21 CFR 104.20, Nutritional Quality Guidelines for Foods).

  The subcommittee is presenting 4 annotations for discussion:

  1. Allow vitamins and minerals for food only when they are required by law to meet an FDA standard of identity (examples are provided).
  2. Allow vitamins and minerals for food as essential in 21 CFR 101.9 and for infant formula as required by 21 CFR 107.100 or 107.10. For use ONLY in products labeled "MADE WITH ORGANIC."
  3. Add a listing to the non-synthetic portion of the National List (205.605(a)) - Vitamins and minerals, non-synthetic. For food as essential in 21 CFR 101.9 and for infant formula as required by 21 CFR 107.100 or 107.10, for use in agricultural products labeled as organic. (This would be added in combination with Option 1, 2, or 4)
  4. Vitamins and minerals for food as essential in 21 CFR 101.9 and for infant formula as required by 21 CFR 107.100 or 107.10. Allowed in "ORGANIC" and "MADE WITH ORGANIC" products.

  The subcommittee is asking which of these options is preferred, whether there is another option that should be considered and whether there are international fortification requirements that should be taken into consideration for products being exported, and, if so, how the annotation should be revised.

MATERIALS SUBCOMMITTEE

Proposal: Excluded Methods Terminology

- The Materials Subcommittee is seeking response from organic stakeholders on issues related to NOP's regulatory definition of "excluded methods." In light of new methods that have emerged since the NOP definition of "excluded methods" was adopted in 1995, the Materials Subcommittee started a process in April 2013 to untangle and update/improve the current definition of "excluded methods." As a result of that process, the subcommittee is moving ahead with a proposal that includes supplements to the definition in the rule based on internationally accepted language, criteria to use in the reviews based on that definition, and a chart of those techniques that are clearly "excluded methods" based on the definition and criteria. The section on "definitions" draws from an IFOAM discussion paper, the Cartagena Protocol and Codex Alimentarius. The Principles and Criteria section draws from NOSB's Principles of Organic Production and Handling as well as IFOAM principles. The third part of the proposal includes a terminology chart of methods, indicating whether each one is considered an excluded method or not. This chart would be updated over time. A separate discussion document contains the technologies, terms, and issues that the subcommittee has not been able to complete due to the lack of agreement or because they have not yet taken them up.

(Subcommittee Vote: 5 in favor; 1 abstain; 0 against; 0 absent)

Discussion Document: Excluded Methods Terminology (Third Version)

- The Subcommittee discussion document is again seeking response from organic stakeholders on issues related to NOP's regulatory definition of "excluded methods." In conjunction with the proposal, the discussion document intends to update the current definition of "excluded methods" in light of new methods that have emerged since the NOP definition was adopted in 1995. The goal is to have concrete determinations for NOP, Accredited Certifying Agencies, and organic producers to use in keeping GMOs out of organic food and farms. The following questions are asked: 1. Are there any additional criteria for evaluating technologies that need to be considered? 2. Do you have any insights on how to detect those technologies that are excluded but may not provide detectable genetically engineered DNA? 3. Please offer any suggestions for enforcement of the excluded method provisions of the rule when they are not traceable or detectable. 4. Opinions are welcome on the terms in the chart above that may or may not be clearly prohibited as excluded methods.

(Subcommittee Vote: 6 in favor; 0 abstain; 0 against; 0 absent)

Discussion Document: Seed Purity

- The Subcommittee is continuing to collect public feedback on the issue of maintaining seed purity and keeping GMOs out. The document presented is a collection of solution-oriented ideas to help move an action plan forward. Suggestions include: 1) enabling data collection through guidance for ACAs to collect a seed purity declaration from non-organic seed of high-risk crops being planted on organic farms; 2) USDA Task Force appointed by USDA that would design a feasibility study based on testing that would be administered and carried out by USDA; 3) Strengthening the organic seed requirement; and 4) start with a soybean testing project that would make it easier to adopt a more tailored proposal in the future. The subcommittee is asking several questions about which of the four ideas are workable and whether there are other ideas that should be considered.

(Subcommittee Vote: 4 in favor; 0 against; 2 absent)

POLICY DEVELOPMENT SUBCOMMITTEE

Proposal: Policy and Procedures Manual Revision

- The objective of this proposal to revise the April 11, 2012, version of the PPM to reflect the current procedures for the collaborative and productive functioning of NOSB. Several changes have been made and can be viewed via a "redline" attachment as well as a table of changes.

(Subcommittee Vote: 5 in favor; 0 against; 1 absent)

Discussion Document: Sunset Review Efficient Work Load Reorganization

- The subcommittee is proposing three options for reorganizing the Sunset Review process to eliminate the current situation where there are 187 materials reviewed in one year and 27 materials over four years. The proposed options redistribute the workload to reduce strain on NOSB, NOP and the public. Option A is a straight division sequentially by reference number. Option B is "like" grouping referred together, groupings combined to make even numbers. Option C (recommendation) groups like items together but divided by reference. The subcommittee is asking which of options would be most advantageous for a reorganization of Sunset review and if Option C is preferred, are there other items that should be grouped together? The motion is to accept the Sunset timeline reorganization discussion document.

(Subcommittee Vote: 5 in favor; 0 against; 1 absent)

Cultivating a Strong Organic Industry Since 1985

2018 Crop and Handling Sunset Materials

Over the course of its next two meetings, NOSB will review several of the fertilizers, pest control products, processing aids, and ingredients currently allowed for use by certified organic operations. These production and handling inputs will be reviewed and voted on by NOSB based on its 2018 Sunset timeline (renewal date), and may not be renewed if new information indicates these substances are incompatible with organic production. It's critical that NOSB hear from certified farmers and handlers **prior to the April 2016 NOSB meeting** on whether these inputs are consistent with and necessary for organic production, or whether there are other effective natural or organic alternatives available.

To help facilitate a robust comment process, OTA has created a survey system for collecting feedback from certified farms and processors. Below are links to electronic surveys that can be used to submit feedback on each individual input currently under NOSB review. Each survey is CONFIDENTIAL, and contains about 10 short questions that will take an estimated five minutes to complete.

- READ: OTA's summary of the 2018 Sunset Inputs

NOSB will be **discussing** the 2018 Sunset inputs at the spring meeting (April 2016) and **voting** at the fall meeting (November 2016). Feedback on the necessity of these inputs is critical for inclusion in the upcoming spring discussion and subsequent vote in the fall.

CROPS INPUTS

§ 205.601

- Copper Sulfate
- Ozone gas
- Peracetic acid (for use in disinfecting equipment, seed, and asexually propagated planting material)
- Peracetic acid (for use to control fire blight bacteria)
- EPA List 3 – Inerts of Unknown Toxicity
- Calcium chloride

HANDLING INPUTS

§ 205.605(a) - Allowed non-agricultural non-synthetics

- Agar-agar
- Animal enzymes
- Calcium sulfate—mined
- Carrageenan
- Glucono delta-lactone—production by the oxidation of D-glucose with bromine water is prohibited.
- Tartaric acid—made from grape wine.

§ 205.605(b) – Allowed non-agricultural synthetics

- Cellulose—for use in regenerative casings, as an anti-caking agent (non-chlorine bleached) and filtering aid.
- Potassium hydroxide—prohibited for use in lye peeling of fruits and vegetables except when used for

peeling peaches.
- Silicon dioxide—Permitted as a defoamer. Allowed for other uses when organic rice hulls are not commercially available.

§ 205.606 – Allowed non-organic agricultural ingredients when organic is not available

- Beta-carotene extract color—derived from carrots or algae (pigment CAS#7235-40-7).

How to Provide Direct Comment

OTA always encourages its members to provide direct comment regarding NOSB recommendations.

***Oral Comments**:* Reserve an Oral Comment Slot for the webinar or at the meeting. Commenters may only sign up for one comment slot. As listed on the agenda, oral comments are scheduled in three blocks:

- **Tuesday, April 19, 2015, 1 – 4 p.m. ET** via webinar; (4-minute comment slot)
- **Monday/Tuesday, April 25 and 26**, during the in-person meeting; (3-minute comment slot)

Written comments: Comments in writing should be submitted via Regulations.gov (keyword "AMS-NOP-15-0085").

The deadline to submit written comments and/or sign up for an oral speaking time is **April 14, 11:59 p.m. Eastern**.