



September 29, 2022

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

Docket: AMS-NOP-22-0042

RE: Crops Subcommittee – 2024 Sunset Reviews

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment to the National Organic Standards Board (NOSB) on its 2024 Sunset Review.

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 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 thanks NOSB for carefully considering each crop production material scheduled for review as part of the 2024 Sunset Review cycle. Materials placed on the National List for use in organic crop production should remain on the National List if: 1) they are consistent with organic farming; 2) they are still necessary to the production of the agricultural product because of the unavailability of wholly natural substitute products in organic production; and 3) no new information has been submitted demonstrating adverse impacts on humans or the environment (OFPA SEC. 2118 [7 U.S.C. 6517] National List). Furthermore, decisions must be transparent, non-arbitrary, and based on the best current information and in the interest of the organic sector and public at large. It's critical that NOSB hears from certified farmers on whether these inputs are consistent with and necessary for organic production, or whether there are other effective natural or organic alternatives available.

About OTA Sunset Surveys

OTA is submitting results to our Sunset Surveys created for each input under review as part of the 2024 Sunset Review cycle. These electronic surveys include about 10 questions addressing the **necessity (crop and livestock)** or **essentiality (handling)** of each input. See Appendix A for a sample survey. Our surveys do not address information regarding the impacts on human health or the environment.

The surveys are open to any NOP certified organic operation. The names of the companies submitting the information are confidential (not disclosed to OTA). To ensure wide distribution of the surveys beyond OTA membership, OTA worked with Accredited Certifying Agencies (ACAs) to

distribute the survey to all of their clients as well as to targeted clients they know are using the inputs under review. OTA also worked through its Farmers Advisory Council (ota.com/FAC) to help assist in distribution to NOP certified farmers.

Results of OTA Sunset Surveys

OTA has received **20** responses on our 2024 Crops Sunset Surveys. Below is a summary of the feedback received via OTA’s Sunset Surveys to date.

§205.601 – Synthetic substances allowed for use in organic crop production.

Substance	Summary of Responses	Average rating of Necessity (from 1 to 5, with 1 being “unnecessary” and 5 being “critical /would leave organic without it”)
Herbicides, soap based	<p>1 Response received from a certified organic dairy operation that used soap-based herbicides in non-production areas such as ditches and around infrastructure to prevent weed pressure from becoming an issue in pastures.</p> <p>Necessary because:</p> <ul style="list-style-type: none"> - This product is an additional resource for managing problem weeds when other methods do not prove effective. <p>Frequency of application:</p> <ul style="list-style-type: none"> - As needed when other methods at controlling weed pressure are ineffective <p>If soap-based herbicides were to be prohibited:</p> <ul style="list-style-type: none"> - Producers would have to use mechanical or physical practices to control week pressure. Other materials that have been used include vinegar and pyrethrins, but these products worked to a varying degree depending at what stage of growth the weeds are at. There are few products for controlling specific weeds that work well and this is a needed tool even if it is not used on a regular basis. 	4 out of 5
Biodegradable biobased mulch film	<p>1 Response from a certified organic operation that produces organic vegetables.</p> <p>Is Biodegradable Biobased Mulch Film that is 100% biobased commercially available?</p> <ul style="list-style-type: none"> - No <p>Should NOSB renew the current listing while the rulemaking proceeds to update the definition?</p> <ul style="list-style-type: none"> - Yes 	

Boric acid	No survey responses have been submitted so far.	
Sticky traps/barriers	<p>1 Response received from a certified organic operation that produces organic mushrooms that uses sticky traps/barriers for catching pests such as flies, gnats, and rodents.</p> <p>1 Response received from an organic certifier who indicated most of their processing clients use sticky traps as a benign form of pest control and to monitor where insects are entering buildings.</p> <p>Necessary because:</p> <ul style="list-style-type: none"> - This is critical because we have to maintain sterile conditions for our lab to be able to produce contaminant-free materials. <p>Frequency of application:</p> <ul style="list-style-type: none"> - Used routinely. <p>If sticky traps/barriers were to be prohibited:</p> <ul style="list-style-type: none"> - Sticky traps are a simple and effort-free way to help eliminate wayward pests that get past our physical barriers. Without them we would undoubtedly have greater contamination rates. - Sticky traps are a critical tool for insect monitoring and are beneficial to eliminate pests 	<p>4 out of 5</p>
Elemental sulfur	No survey responses have been submitted so far.	
Coppers, fixed & Copper sulfate	<p>13 Responses received from certified organic operation producing mandarins, pistachios, stone fruit, cannery tomatoes, garlic, walnuts, grapes, cucurbits.</p> <p>Types of copper used:</p> <ul style="list-style-type: none"> - Copper sulfate (5), copper hydroxide (6), copper oxide (3), copper oxychloride (1), combination of copper hydroxide and chloride (1) <p>What diseases does Copper control and why is it necessary?</p> <ul style="list-style-type: none"> - Powdery Mildew, Mildew. If not used, entire crop can be lost from diseases. - Suppress Algae Growth - Mildew, clear rot, brown rot, various other fungi, plant infections, also serves as an important micronutrient. - Taphrina deformans and other fungi - Fungal diseases and rust - Bacterial 	<p>5 out of 5 (Critical / would leave organic without it)</p>

- Peach Leaf Curl - essential to spray in dormant season BEFORE disease appears. Brown Rot (tree fruit) - light dose in early spring to control disease BEFORE it grows and much more treatments required.
- Walnut blight
- Botryosphaeria and Alternaria

Frequency of application:

- Routinely. If copper is not used beforehand to strengthen the plants and only used after, it is then too late to save the crop. Ounce of prevention is worth pound of cure.
- Seasonal light application to open irrigation delivery channels
- Annually; more necessary with moisture & rain
- 1-2x/year
- As needed - typically 2-2 times a year max
- Only when conditions exist that foster growth of bacteria
- Routinely but small amounts because diseases are currently under control.

Alternatives tried:

- Sulfur
- Competitive disease probiotics
- Peach Leaf Curl: Soap spray, Garlic spray -- Brown Rot: milk spray, Neem oil sprays, Lime mix - all were not very effective and potential for more damage requiring much more treatments
- Probiotic material – disastrous results
- Botanical oils
- Regalia

Are there organic alternatives to copper products that are more suitable for use in disease control?

- No (x12)
- Possibly (x1)
- Management practice not available to remove the need for copper disease controls. They are either insufficient or not effective

Are there viable practices that can be used in situ to offset the toxic build-up of copper in soil and water?

- No (x14)
- We do not over use copper to cause such build up. It is a lack of copper in the plants that causes problems.
- Dilute sprays; target concentration rate based on fungus pressure
- Keeping previous years nuts/detritus off the berms and the soil surface relatively clear helps
- Use only when needed in our environment which is normally dry and not conducive to the diseases copper is used for

	<p>How would your organic production be impacted if Copper for disease control was prohibited?</p> <ul style="list-style-type: none"> - We would be forced to return to conventional farming. Without copper protection, production would severely drop off and the health of the plants would decrease rapidly over time. - Negatively - More fungus, poor product quality (unpackable), fewer employees, reduce ability to grow organically. - Trees would become diseased and die - Our product is graded at harvest and affected/stained shells/nuts are not paid for. The negative effect on gross revenue can be considerable. - It would eliminate one of the minor elements necessary for plant growth - Disease would gradually transition from a limited impact requiring minimal treatments to a full-bore outbreak and I'm not sure what I could do to treat that situation. 	
<p>Polyoxin D Zinc Salt</p>	<p>No survey responses have been submitted so far.</p>	
<p>Humic Acids</p>	<p>2 Responses from certified organic operations using humic acid to produce Aldrich and nonpareil almonds, and corn silage.</p> <p>Function and necessity:</p> <ul style="list-style-type: none"> - Improves soil water retention, soil structure, and overall soil health. - Aids with soil rebuilding, nutrient uptake, microbial activity and overall plant health, and is essential to organic crop production. <p>Frequency of use:</p> <ul style="list-style-type: none"> - Routinely and as needed <p>Are there any other management practices that would eliminate the need for Humic Acid?</p> <ul style="list-style-type: none"> - No (2) <p>How would your organic production be impacted if Humic Acid was prohibited?</p> <ul style="list-style-type: none"> - Product quality and quantity would be affected, leading to economic effects - Impact on use of allowed corn seed treatment 	<p>5 out of 5</p>
<p>Micronutrients</p>	<p>1 Response from a certified organic operation using micronutrients Boron, Zinc, Copper, and Manganese in the production of Aldrich and Nonpareil Almonds.</p>	<p>4 out of 5</p>

	<p>Function and necessity:</p> <ul style="list-style-type: none"> - Assist my trees in growth, development, and health. <ul style="list-style-type: none"> o Boron helps crop reproduction and quality; o Zinc helps in early-stage growth and balance plant hormones; o Liquid copper assists in the strength of the tree branches and the health of the leaves; o Manganese assists with germination and crop maturity. Improves soil water retention, soil structure, and overall soil health. - Aids with soil rebuilding, nutrient uptake, microbial activity and overall plant health, and is essential to organic crop production. <p>Frequency of use:</p> <ul style="list-style-type: none"> - Routinely and as needed <p>Are there any other management practices that would eliminate the need for Humic Acid?</p> <ul style="list-style-type: none"> - No <p>How would your organic production be impacted if Micronutrients were prohibited?</p> <ul style="list-style-type: none"> - Product quality and quantity would be affected, leading to economic effects 	
<p>Vitamins C & E</p>	<p>No survey responses have been submitted so far.</p>	
<p>Squid Byproducts</p>	<p>No survey responses have been submitted so far.</p>	

§205.602 – Non-synthetic substances prohibited for use in organic crop production.

Substance	Summary of responses
<p>Lead Salts</p>	<p>No survey responses have been submitted so far.</p>
<p>Tobacco Dust</p>	<p>No survey responses have been submitted so far.</p>



On behalf of our members across the supply chain and the country, the Organic Trade Association 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 Miranda".

Johanna Miranda
Farm Policy Director
Organic Trade Association

cc: Tom Chapman, CEO
Organic Trade Association

Appendix A – Sample Survey for Crop and Livestock Inputs

1. **Is your operation certified organic?** Yes / No
2. **Is [SUBSTANCE] included in your organic system plan?** Yes / No
3. **Which types of organic crops or livestock products do you use [SUBSTANCE] on/for?** (e.g., lettuces, fruit trees, broiler chickens)
4. **What function does [SUBSTANCE] provide and why is it necessary?** (e.g., to control a specific pest or disease, sanitation, etc.)
5. **With what frequency does your operation use [SUBSTANCE]?** (e.g., seldom, as needed when a certain condition arises, routinely, etc.)
6. **Have you tried using any *other substances* as an alternative to [SUBSTANCE]?** (e.g., other substances that are on the National List and/or other natural substances.)
 If yes, please describe which substances you've tried and whether it was effective to fulfill the required function:
7. **Are there any other *management practices* that would eliminate the need for [SUBSTANCE]?** (e.g., hand weeding instead of using an herbicide; or using a particular harvesting practice to avoid a disease instead of using a fungicide).
 If so, please describe the efficacy of the alternative management practices:
8. **How would your organic production be impacted if [SUBSTANCE] was no longer allowed?** (describe the agronomic, environmental or human health effects, product quality, economic effects)
9. [If applicable - Insert specific questions from NOSB Subcommittee about the necessity of the substances and the availability of alternatives]
10. **On a scale from 1 to 5 stars, rate the overall necessity of [SUBSTANCE] for your organic operation**

Unnecessary (don't
 need it at all)

Neutral (nice to have
 but could live without it)

Critical (would leave
 organic without it)

