



October 4, 2018

National Organic Standards Board
USDA – AMS
1400 Independence Ave, SW
Washington, DC 20250
RE: AMS-NOP-18-0029-0001

National Organic Standards Board members:

The Ohio Ecological Food and Farm Association (OEFFA) is a grassroots coalition of over 4,800 farmers, gardeners, retailers, educators, and others who since 1979 have worked to build a healthy food system that brings prosperity to family farmers, safeguards the environment, and provides safe, local food. OEFFA employs education, advocacy, and grassroots organizing to promote local and organic foods, helping farmers and eaters connect to build a sustainable food system. OEFFA’s Certification program has been in operation since 1981. OEFFA certifies more than 1,300 organic producers and food processors, ensuring that these operations meet the high standards established for organic products.

We respectfully offer the following comments.

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MATERIALS SUBCOMMITTEE

RESEARCH PRIORITIES

The Way in Which Research Is Conducted

The way research is conducted is just as important as the research itself. To the extent possible, organic research should be done in partnership with organic producers on working farms. This will help ground the research in the realities faced by organic producers in the field. Further, researchers should take care to disseminate the interim and end-of-study findings of research with organic producers, in brief, accessible technical publications, and in paper and digital formats, to maximize farmers' access to this information.

Livestock

1. **Evaluation of methionine for use in organic poultry production**

We have noticed an increased use of metal methionine hydroxy analogue chelates, or, in common language, synthetic methionine stuck to copper, manganese, or zinc. We have allowed the use of such chelates under §205.603(d)(2), "Trace minerals, used for enrichment or fortification when FDA approved," because these substances are AAFCO approved as sources of these minerals. Typically, however, synthetic methionine use would be regulated under §205.603(d)(1), which specifically addresses DL-Methionine. This work-around underscores the urgent need for natural methionine sources within a holistic, systems-based approach to poultry production.

Substantial research has already been conducted investigating isolated strategies for raising chickens organically and humanely without synthetic amino acid supplementation. **Systems based research on eliminating DL-Methionine in organic poultry feeds should investigate the impacts of natural methionine feed sources, breed, and high-welfare management strategies simultaneously.** If we don't spend time investigating natural methionine sources in a systems-based approach, creative ways of including synthetic methionine in poultry diets will continue to proliferate.

Crops

1. **Organic no-till**

The NOSB has acknowledged that "Organic no-till preserves and builds soil organic matter, conserves soil moisture, reduces soil erosion, and requires less fuel and labor than standard organic row crop farming."

We concur with the NOSB recommendation for increased research focusing on the benefits of organic no-till practices and the need for continued research investments that address ongoing challenges to implementation. Issues of weed, disease, and insect management as detailed by

the NOSB are critical issues to be resolved so that organic practices can continue to be the gold standard in sustainable agriculture.

2. **Study the decomposition rates and effects of biodegradable biobased mulch film residues on soil biology**

OEFFA acknowledges that a biodegradable biobased mulch film would be a great asset to producers, and we receive regular requests for its use. Simultaneously, a great deal of plastic is currently in use by organic producers, much of which ends up in the landfill at the end of each season. Just as we have no desire for a product to be in use which would cause environmental and health effects as it breaks down in the soil, we are eager for an alternative to plastic mulch. Additional research and development of a safe, biodegradable biobased mulch film for organic production is imperative.

Coexistence

1. **Integrity of breeding lines and ways to mitigate small amounts of genetic presence**

There are many questions about the viability of public germplasm collections. Understanding inadvertent presence of GMOs in those collections is critical. Maintaining pure breeding lines is a foundation for a strong organic agriculture system and should be prioritized.

2. **Prevention of GMO contamination: Evaluation of effectiveness**

OEFFA reiterates previous requests for a better understanding of how prevention strategies are working to maintain the integrity of organic crop production systems.

Avoiding contamination requires organic farmers to take preventative measures, and conventional farmers to adopt practices as good neighbors to help organic farmers avoid contamination, but organic farmers cannot always count on this cooperation. For these instances **we need policy research to provide conventional growers with an incentive to take prevention measures, which will also focus on mandatory compensation mechanisms paid to farmers that experience contamination.**

Food Handling and Processing

1. **Alternatives to Bishpenol-A in organic product packaging**

BPA poses serious hazards and OEFFA supports its elimination from organic food packaging. At the same time, since known alternatives to BPA may also present similar problems, the NOSB should approach the issue of food packaging in a comprehensive way. Research on alternatives would help inform NOSB discussion on organic packaging moving forward.

PROPOSAL: GENETIC INTEGRITY TRANSPARENCY OF SEED GROWN ON ORGANIC LAND

OEFFA appreciates the effort in bringing forth this proposal, and we support the focus on corn, transparency, and on data gathering to foster the eventual development of threshold levels. Given the

current climate, we are supportive of the recommendation for the NOP to achieve this through an Instruction to Certifiers. Most importantly, we think it's important to get started with this work, so we can build from the information gathered and address GE contamination in seed across the board.

We recognize that one of the potential outcomes of this proposal is to further nudge organic producers toward the use of organic seed, as organic seed companies are often already testing for GE content and could readily offer this transparency information to producers. That said, we're wondering about the burden being placed on producers, especially those saving their own seed for use the following year.

#10 of the 17-step plan indicates that equipment must be validated and training and proficiency must be demonstrated annually. We are concerned that these requirements serve to deter producers from saving their own seed. We are also unsure if it is a reasonable for certifiers to determine that equipment is appropriate, and training and proficiency are sufficient, and for producers to test their own grain and know all GE traits for which to test (as noted in #7). Our understanding is that on-farm strip tests are not as accurate as PCR tests, which are also far more expensive. The cost and relative accuracy of an on-farm test to meet the requirements of this proposal must be determined, and consideration given to the time burden placed on the producer to conduct this testing.

Regarding step #14: 205.2 defines "lot" as "Any number of containers which contain an agricultural product of the same kind located in the same conveyance, warehouse, or packing house and which are available for inspection at the same time." In reality, a "lot" plays out as whatever batch or grouping of product the operation deems a lot until it is moved into the stream of commerce, combined, or broken down and assigned a new number. It's important to be clear about what is intended here, in order to ensure an undue testing burden not be placed on the producer. Organic was designed as a process-based standard, and it's important that it remain that way.

Further, we have questions regarding the reporting and maintenance of these data, and how that information will then be provided back to the NOSB for further decision-making regarding thresholds. The development, testing, implementation, maintenance, reporting, and eventual analysis of these data would be feasible only with the addition of significant monetary resources. We note there have been suggestions for a similar database for both seeds and materials in the past, but they have not been fully realized. Instead, we end up with decentralized systems which are costly in their own way. Unless it's something that is ultimately funded by the taxpayers, certified operators will pay for this system one way or another. Alternately, we're wondering if this information for organic seed could be supplied directly from organic seed companies, thus removing the burden from organic producers and certifiers.

We are supportive of step #17 which requires producers to maintain a sample of the seed for one year from the date of sale, should any dispute regarding GE content result.

OEFFA supports the forward movement of this proposal, with some clarifying information as described above. Clear instruction with examples would enable all affected stakeholders to meet requirements.

PROPOSAL: EXCLUDED METHODS DETERMINATIONS OCTOBER 2018

OEFFA supports the subcommittee's proposal to add:

2. "Embryo rescue in plants" to be listed as "not an excluded method."

However, regarding: adding 1. "Transposons, when produced from chemicals, artificial ultraviolet radiation or other synthetic methods" to the table listing excluded methods, OEFFA agrees with the Consumers Union that transposons developed via use of in vitro nucleic acid techniques should be determined to be an excluded method and that transposons that result from naturally occurring stress should not be categorized as such. Additionally, transposons resulting from non-biological stress, such as a non-naturally occurring radiation incident or chemical exposure, ought to be considered under a separate listing on the table, namely Induced mutagenesis, which is yet to be determined, and warrants the full attention of the board as a separate GE category.

COMPREHENSIVE REVIEW OF SANITIZERS

OEFFA maintains the organic community would benefit from a comprehensive review of sanitizers, disinfectants, and cleaners. It is very difficult to evaluate the essentiality of proposed materials, whether a petitioned new material or a review at sunset, in the absence of such a comparative analysis.

The NOSB could refer to the sanitation materials review to judge whether other materials currently on the National List meet the same need, or if there is a special characteristic to the material under review that justifies its placement or renewal to the National List. This comprehensive review may help identify areas where there are gaps in necessary sanitizers or disinfectants which aid crops, livestock, and/or handling operations in promotion of organic food safety.

We noted in the Executive Subcommittee notes a panel discussion of this topic was suggested. While we agree that a panel discussion could be illuminating, we want to emphasize the need for a Technical Review (TR). OFPA requires that materials on the National List be itemized "by specific use or application." This requires the NOSB to identify the uses for which these materials are needed. A Technical Review (TR) that establishes and distinguishes needs, uses, and relative toxicities for cleaners, sanitizers, disinfectants, and sterilants must be performed. The TR should address the following:

- The uses for which these materials are needed;
- Whether an antimicrobial is the appropriate way to address the identified need;
- Whether any uses of specific materials in this class are required by law;

- Whether there are uses for which no material is listed on the National List;
- Whether organizations researching least toxic materials (e.g., EPA’s Safer Choice/Design for the Environment program and the Toxics Use Reduction Institute at the University of Massachusetts, Lowell) have identified least toxic practices and materials that should be considered for use in organic production;
- Which alternative practices and materials might be proposed for each use that is identified;
- The hazards to humans and the environment of the various options identified; and
- Comparisons with other organic regimes.

We look forward to the Comprehensive Review of Sanitizers moving forward as part of the NOSB’s work plan. If, due to limited resources, a choice must be made between a panel discussion and a Technical Review, please prioritize a Technical Review.

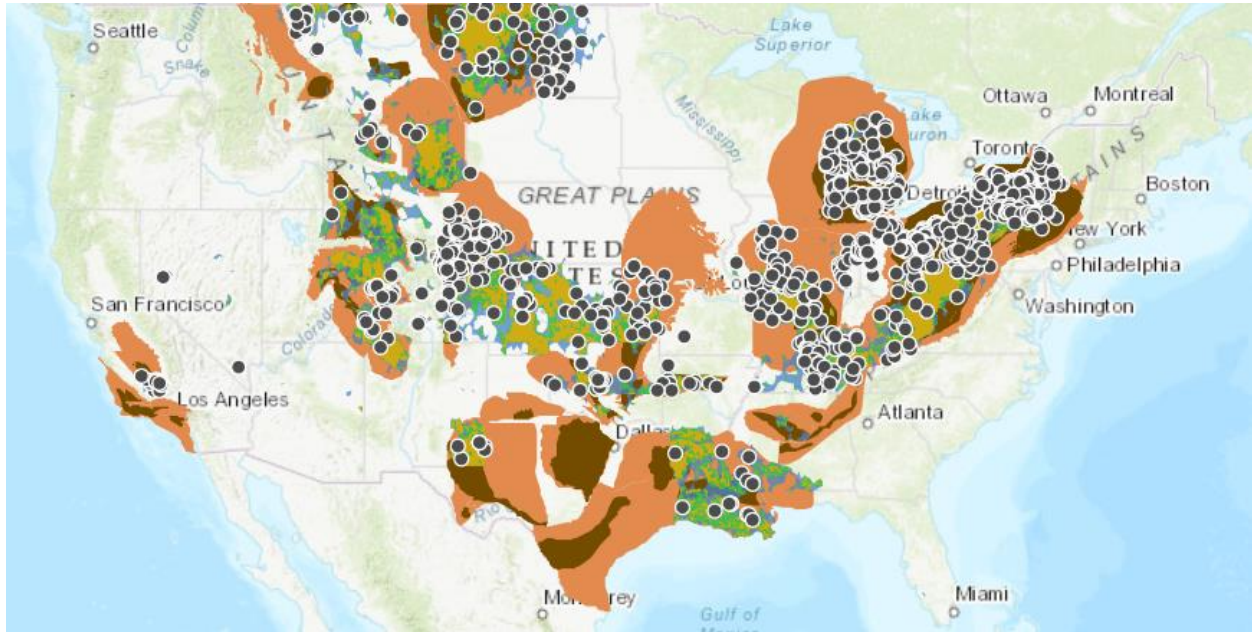
COMPLIANCE, ACCREDITATION, AND CERTIFICATION SUBCOMMITTEE

ENERGY INFRASTRUCTURE ON ORGANIC FARMS

The following comments represent the fourth year that OEFFA requests the NOSB examine how organic production is being impacted by energy infrastructure. Since we first brought this issue to the attention of the board, OEFFA’s education and policy staff have adapted and implemented a tool with demonstrated value for organic farmers and prevented decertification when producers were able to incorporate specific requirements prior to infrastructure development.

Our work using an Organic Agriculture Impact Mitigation Plan ensures the protection of the natural systems organic producers rely on for productivity. As a USDA accredited certification agency, we consistently ensure that prohibited substances are not used on organic operations we certify. However, it’s been brought to our attention from inspectors that inspect for both OEFFA and other ACAs, that some ACAs may be unaware of the use of prohibited substances as this infrastructure is constructed on organic farms. Where these prohibited substances are permitted—even unwittingly--there is inconsistency in application of the standards.

The board has repeatedly questioned the geographic distribution of this issue and the specificity of requested action. Let’s be clear on these two points. The map below is a representation of the location and quantity of organic farms with heavy drilling activity across the country, clearly demonstrating this is not an exclusively Midwestern concern. Of note, however, are the energy infrastructure impacts that do not appear on the map, including the more distributed impacts of pipelines.



We have made numerous suggestions over the years and have consistently called for the National Organic Standards Board to:

- Add the topic of energy system impacts on organic farms to the work plan
- Assess the utility and applicability of Organic Agriculture Impact Mitigation planning for producers
- Invite specialists to unpack this issue in a panel discussion at an NOSB meeting
- Develop a discussion document to help inform the board
- Propose guidance or instruction for certifiers regarding how to work with farmers faced with this infrastructure so that certification can be maintained.

To further illustrate the breadth of concern around this issue and be clear about what we are asking, OEFFA developed and circulated a letter calling on the NOSB and NOP to **add the topic of Energy Infrastructure impact on Organic Farms to the NOSB Work Agenda and to consider utilizing the Organic Agriculture Impact Mitigation Plan as a foundation from which to develop certifier instruction to improve consistent application of the standards.**

To date, 32 organizations have signed on in support of these actions. The letter is attached along with a list of signatories.

We are not asking the NOP or the NOSB to take controversial actions against any industry or practice. Addressing the impacts of this infrastructure on organic farms, and providing Instruction to Certifiers will foster consistency of enforcement in our industry. Prohibited substances can be identified when energy infrastructure occurs on organic farms and alternative materials and practices that do not jeopardize the

viability of certified operations are available and have been used. When practices threaten soil productivity and the environmental integrity of organic farms, there are tools that can be shared to mitigate that impact. Please add this item to the work agenda.

PROPOSAL: DEVELOPING CRITERIA FOR RISK-BASED ACCREDITATION OVERSIGHT

OEFFA appreciates the conciseness and clarity of this proposal, especially considering the volume of stakeholder input provided in response to NOSB questions related to this topic last spring.

From our perspective, risk factors 1, 2, 4, 9, 10, 11, and 13 are well founded and clearly articulated. Regarding the following items, we offer additional input.

3. It seems only fair that every satellite office, just like every field or storage site at the producer level, ought to be audited.

5. Given the growth of the organic industry, it's likely that most certifiers will take on new hires to meet demand for certification services. As such, perhaps this risk factor could be tweaked to note that a certification body that employs a *high percentage* of inspectors or reviewers new to certification and the organic sector could present a higher risk. Additionally, training practices, which are covered separately under Training and Oversight of Inspector and Certification Reviewer Personnel, should be subject to consideration when determining if a risk factor is present.

6. While we agree this constitutes a risk factor, we'd like to note that OEFFA has had the opportunity during audits to choose which inspectors participate in the audit process. Further, we have also chosen most of the operations inspected in past audits. This practice calls into some question the efficacy of a "review witness audits of inspectors to determine adequate oversight," as the certifier has the opportunity to choose its best inspectors for the job.

7. The Board should specify who will determine "high risk" commodities and what criteria they will use to do so. NOP recently determined that several grains from Eastern Europe were high risk due to an ongoing investigation. We expect that the list of high risk products may change over time.

8. Given the relative newness of the Organic Integrity Database, the relative sizes of certification programs and staff, and the ongoing discussions, even as part of these meeting materials, of the most relevant data to be posted there, we wonder if this risk factor might be overstated. Some certifiers, including OEFFA, have concerns about sharing more data on OID than is required by the standards, as this could potentially disclose confidential business information of their clients.

12. We would like more specificity around what a "breakdown in the control system" means in this context.

PROPOSAL: TRAINING AND OVERSIGHT OF INSPECTOR AND CERTIFICATION REVIEWER PERSONNEL

OEFFA appreciates advancement of the discussion on the topic of training and qualifications of personnel involved in the certification process. We contributed to the ACA Guidance on Organic Inspector Qualifications and support the NOSB's work to synthesize this and previous work by NOSB and NOP into a coherent path forward.

The maturation of the organic industry requires strong and clear parameters for the individuals working in it as well as thorough and thoughtful oversight by NOP. We continue to believe that guidelines and oversight will be effective at raising and maintaining the bar in this area and that mandatory and specific requirements or licensing that might limit certifier discretion in making hiring and training decisions are unnecessary. This is essential given the diverse and complex set of skills needed to succeed in this work and the unique set of knowledge, experience, and talent each individual brings.

At this point in the process, the addition of reviewers to this topic feels like a bit of an afterthought. We believe strongly that it deserves more dedicated attention. Though there is significant overlap in the necessary knowledge for reviewing and inspecting, each part of the work of certification is distinct in the essential elements for success. Though NOP 2027 groups personnel together for the purposes of evaluations, OEFFA staff that perform both inspections and reviews receive separate training for each task, and inspection performance and overall performance are evaluated at different times of the year.

OEFFA's initial training for technical staff is a months-long process that covers all aspects of the certification process and gradually introduces new staff to increasingly complex tasks. At the beginning and at critical points in this process, experienced staff oversee and review their work. Experienced staff are always available for questions. We find that even after many months of training and practice with increasingly complex situations, the learning curve remains steep as staff have not yet had exposure to a full variety of operations. It takes a few years for a reviewer to build a database of experiences that allows him or her to work independently and confidently. This is difficult and costly to execute and maintain, particularly in a rapidly-growing industry. We train staff reviewers to inspect only after they have reviewed numerous files, usually after approximately a year of working in certification.

Learning Management System

We support the development of a centralized tool that could help to establish a baseline and provide complementary materials for certifier training. We would encourage NOP to use resources wisely and avoid recreating the wheel. Many certifiers have excellent training resources developed and adapted to the perspective of those performing certification activities daily. We would recommend against developing training on the certification process beyond the bare basics, as there is significant diversity amongst certifiers in this area.

Despite our support for establishment of such a centralized resource, we are concerned about how implementation might play out over time. For instance, the use of an LMS to facilitate mandatory testing in core competency areas would be undesirable in that it would be a poor use of time for individuals clearly coming to positions with qualifications and would create a motivation to focus on test taking rather than holistic understanding and integration of the various parts of the work.

Topic Areas

Accounting – To be sure, general knowledge of business management and accounting are useful for all inspections. It is less clear that comprehensive accounting training would be useful for many inspectors. While these overall principles and practices are undoubtedly useful in the inspector’s toolbox, we have found that the most difficult part to train and to understand is the need to adapt to the circumstances at each operation. Broad and vague recordkeeping standards mean that there are many ways to comply. There is incredible diversity in the audit trails of operations that we certify. These range from a shoe box with receipts and scraps of paper to custom, proprietary enterprise software solutions. This is all to say that a community college course may not achieve what the Board seeks in this area. In our experience, the real challenge is identifying capable individuals and giving them the tools they need to be perceptive and agile in working within the system the operation presents.

While the suggestion to “Add a specific section where the operator provides a sample audit in their OSP, with sample documents and how they interact with each other, to aid the on-site inspector when they are tracking a sale with this ‘roadmap’” is an idea worthy of consideration and fleshing out, it seems unrelated to the issue of personnel qualifications and out of place here.

Technical and interpersonal skills – These are both important core competency areas and each deserves attention in its own right. Interpersonal skills such as communication and diplomacy are important. Attention to detail in the review of documents is also important. Their being grouped together in this document does not make sense and we feel that they would be best addressed separately.

NOSB proposed approaches

OEFFA fully supports proposals 1 and 2. Accreditation of training programs is worth considering through the cost/benefit approach and we feel that the board has started a good list of topic areas that need attention. We would like to reiterate from previous comments that there is a need to include interview techniques specifically with regard to inspections conducted as part of an investigation.

We also support the general intent of numbers 3-5, but again have concerns about implementation. We will be prepared for engagement on these topics as they progress. OEFFA would like to encourage solutions that strengthen integrity and consistency without limiting certifiers’ ability to operate in ways that align with the culture, values, stakeholder needs, and budget of each organization. Though it is tempting to move toward standardization and centralization when challenges arise, we believe this industry and community are robust enough to succeed without limiting diversity or boiling complex topics down to checklists that may provide a false sense of security.

As such, to achieve the desired ends of this proposal, we recommend an approach that combines basic categories of competency and what proficiency might look like in each area. This should include recognition that competency can be achieved and/or evaluated in any number of ways. We encourage certifiers to assess current personnel and those they hire against this rubric and ensure knowledge gaps are filled through the training process for those individuals. This “customized” training should supplement basic training on standards, policies, and processes and should happen over time to ensure each individual in certification is well-versed in the skillsets needed within the organic industry. Continuing education can be on emerging topics and issues and/or provide different perspectives and

additional knowledge on established topics. In general, we believe it would be appropriate for these topics to be determined by the individual, as long as they are relevant and unless deficiencies are identified in personnel evaluations, internal program reviews, or accreditation audits. Through the accreditation process, NOP should review content and actively engage certifiers in dialogue about the substance, in addition to the process, of personnel qualification and training.

LIVESTOCK SUBCOMMITTEE

2020 Sunset Reviews

ASPIRIN [205.603(A)(2)]

OEFFA supports the continued listing of Aspirin, as it is commonly used for animal health care to reduce inflammation and is relatively benign.

BIOLOGICS, VACCINES [205.603(A)(4)]

OEFFA supports the continued listing of vaccines.

We note that we perhaps do not have the data or guidance with which to evaluate the GE status of vaccines at this time, but recognize this is a topic worthy of further discussion, and ask that it be added to the NOSB's work agenda. We agree with the Subcommittee's thought that, since the NOSB is reviewing vaccines for their sunset listing, now is an appropriate time to dig deeper into this topic and address issues of regulatory inconsistency.

As we consider this topic, we note:

1. Vaccines are an essential tool in a production system of limited treatment options.
2. We need a clear way forward that would enforce the rule, support organic producers and animals, and encourage consistency among certifiers.
3. The desired result would only be achievable if we are able to access the needed information and have a standard by which to evaluate it.

By way of information, we currently allow vaccines that may have been produced with GMOs per §205.105(e). We understand that this indicates vaccines should be on the National List, but without a comprehensive review of individual vaccines, or a "commercial availability" listing as suggested, we are concerned about the consequences for the welfare of organic livestock and are striving to be consistent with other certifiers. Our way of handling this gray area points to the need for further discussion and clarification, which could benefit from the expertise and attention of the NOSB.

We suggest the NOSB request a Technical Review to drill down into the availability of vaccines for organic production and the methods by which they were developed. It's our understanding that this information should be available through patent information and by way of developers.

[ELECTROLYTES \[205.603\(A\)\(8\)\]](#)

OEFFA supports the continued listing of Electrolytes as a medical treatment for livestock.

[GLYCERIN \[205.603\(A\)\(12\)\]](#)

OEFFA uses this listing with rare exception, as glycerin is not considered an active ingredient in teat dips and is thus evaluated against §205.603(f) under Excipients. It has been used in rare cases when a farmer wants to mix her/his own homemade product in which glycerin is an ingredient.

[LIME, HYDRATED, \[205.603\(B\)\(5\)\]](#)

The operations we work with typically want to use hydrated lime as a white wash or in bedding. We do not believe that these uses are consistent with this listing, but we are aware that not all ACAs share this stance. If the Board decides to relist this material, we encourage discussion and clarification on this point.

[MINERAL OIL \[205.603\(B\)\(6\)\]](#)

OEFFA supports the continued listing of mineral oil, and the additional listing of mineral oil for impaction pursuant to the recent proposed rule. We do not allow it to be used orally as such under the current listing, though it is allowed as an excipient [per §205.603(f)] with other approved materials. Some operators do use it as a lubricant, including during birthing. Some veterinarians express concern about this use.

[PETITION: OXALIC ACID](#)

OEFFA does not certify honey. It is premature to add materials for beekeeping to the National List in the absence of applicable standards.

[INCONSISTENT ENFORCEMENT OF PASTURE RULE](#)

OEFFA appreciates the careful attention the NOSB and NOP have given to the import fraud issue, and we also want to acknowledge domestic fraud challenges. As we discuss better oversight, it's also important that our domestic oversight be as consistent and strong as possible. For example, we know there have been challenges with inconsistent enforcement of the pasture rule. The tools for calculation and enforcement of the pasture rule left a lot to be desired and have been confusing for producers and certifiers alike. OEFFA has recently developed improved tools for calculating DMI from pasture and a risk-based protocol to be used to better evaluate the compliance of some dairy operations. We have attached it to these comments for your information. It is our hope that the organic community can work together to address issues of fraud in both domestic and international markets to protect the organic integrity of those meeting and exceeding the organic standards and the spirit of OFPA.

HANDLING SUBCOMMITTEE

Sunset Reviews

[FLAVORS \[205.605\(A\)\]](#)

Numerous organic flavors are available currently while they were not in the past. OEFFA is in favor of the requirement to use organic ingredients when commercially available, as was encouraged in the proposed annotation change of 83 FR 2498. The use of organic flavors also streamlines the process for ingredient approval for OEFFA and its certified operations.

[XANTHAN GUM \[205.605\(B\)\]](#)

Please see Gums.

[GUMS – WATER EXTRACTED ONLY \(ARABIC; GUAR; LOCUST BEAN; AND CAROB BEAN\) \[205.606\(G\)\]](#)

Gums, including Xanthan Gum, Locust Bean Gum, and other gums are commonly used by OEFFA certified handlers to improve texture and stabilize products by preventing ingredients from separating. If any change were to be made to this listing, OEFFA would request ample lead time on behalf of handlers to address reformulation.

POST-HARVEST HANDLING AND “100% ORGANIC” STATUS

There are currently inconsistencies among certifiers on this issue. Some say that any non-certified materials contacting organic products after harvest disqualify them from obtaining 100% organic status. Others say that any raw agricultural commodity coming off an organic farm is 100% organic, regardless of post-harvest handling materials. Many certifier policies also differ with respect to how crops are listed on producer certificates as opposed to how they may be treated for calculation purposes later in the chain of production. There is broad frustration with the 100% labeling category. That said, if it is going to continue to be a part of the organic rule, certifiers need guidance on this topic to insure consistent application of 100% organic status. OEFFA supports recognition of any raw agricultural commodity coming off an organic farm as 100% organic, regardless of the use of compliant nonorganic post-harvest handling materials.

CROPS SUBCOMMITTEE

Sunset Reviews

NEWSPAPER OR OTHER RECYCLED PAPER [205.601(B)(2)(I)]

OEFFA supports the continued listing of Newspaper or other recycled paper on the National List. This material is regularly and widely used by small-scale organic producers as a weed barrier in combination with plant mulch.

PLASTIC MULCH AND COVERS [205.601(B)(2)(II)] [205.601(C)]

OEFFA supports the continued listing of plastic mulch and covers. We support this continued listing while simultaneously, anxiously awaiting a compliant form of biodegradable biobased mulch film.

AQUEOUS POTASSIUM SILICATE [205.601(E);205.601(I)]

Aqueous potassium silicate is not a material frequently requested by OEFFA producers. Removal of this product from the National List would have little impact on our growers.

HYDRATED LIME [205.601(I)(4)]

OEFFA supports the continued listing of hydrated lime as a plant disease control, as it is commonly used in crop pesticide formulations and can be an important tool for fruit producers.

LIQUID FISH PRODUCTS [205.601(j)(7)]

OEFFA supports the continued listing of liquid fish products, as they are widely used by OEFFA producers.

We are concerned about the ecological impact of the use of liquid fish products in organic production and we think that they should be considered when examining marine materials. At the same time, we are concerned about certifier capacity to verify these impacts if further specificity is added to the annotation.

Following this sunset cycle, the Crops Subcommittee should consider whether use of liquid fish products should be restricted with regards to wild-caught, farmed, bycatch, or processing waste to ensure that rates of harvesting are sustainable with respect to population of the species (pl.). Please ensure there's a sound and sensible method by which certifiers can verify that harvest takes place in a sustainable manner.

PROPOSAL: STRENGTHENING THE ORGANIC SEED GUIDANCE OCTOBER 2018

OEFFA thanks the subcommittee for its careful work on this proposal. We agree that the Organic Seed Guidance requires strengthening and we generally support it, however, we offer the following feedback on specific points of appreciation and contention.

4.2.1(b)(1)(i)

OEFFA supports measures to strengthen recordkeeping, but we **do not** support a universal requirement for contacting a minimum of five seed sources for at-risk crops. We are not convinced that this additional burden, placed on the producer, will contribute to the desired outcome of increased use of organic seed. In our minds, different tools, rather than bigger versions of the same tools, are needed to meet the organic seed requirement. We support the concept of continuous improvement, and we support an industry-wide effort to move toward more organic seed use, balancing that effort among requirements for producers, handlers, variety developers, seed producers, and seed dealers. We **do** support allowing on-farm variety trials to serve as one of the three sources required of producers for identifying appropriate organic varieties, and we'd like to raise (again) the idea of **tracking a % of organic seed used as a metric for improvement over time which could be determined in the context of each operation**. While we recognize that producers sometimes try a variety and determine it does not work well, resulting in a return to non-organic seed (which could then demonstrate a decrease in % of organic seed used in a given year), we believe certifiers have the ability to utilize both qualitative and quantitative information in decision-making regarding when a noncompliance would be necessary for a lack of improvement.

4.1.3(e)(3)

OEFFA has a different understanding of the power differential in the relationship of a contracted grower and buyer of grain. We're not sure it's fair or practical to require the grower to request the seed search from the buyer or expect that (s)he will receive it. Alternately, we'd like to suggest that the seed search in this relationship be resolved through the certification of uncertified handlers who contract with organic growers. OEFFA has come across several uncertified seed distributors who sell organic seed, some of whom are handling, distributing, and/or relabeling without organic certification.

4.4.5

We appreciate how this proposal ties in with the Materials Subcommittee proposal regarding the Genetic integrity transparency of seed grown on organic land. As stated in that section of our comments OEFFA broadly supports that proposal with some questions. We understand the intention of these two proposals to work in concert to further the use of organic seed and improve the transparency of the seed in use.

Planting Stock

The subcommittee rightly notes that organic planting stock is substantially less available than organic seed and that availability is apparently progressing slowly. Though the proposal should impact planting stock sourcing requirements alongside seed, it does little to accelerate sourcing of planting stock specifically. OEFFA experiences several issues in relation to planting stock that this document could help to resolve. In particular, we have concerns related to operations that complete an adequate search and use nonorganic planting stock.

NOP 5029 states:

"If planting stock is from a nonorganic source and is used to produce perennial crops, then that *planting stock* may be sold, labeled or represented as organic planting stock after 12 months of organic management."

The emphasis is meant to distinguish the planting stock itself from products harvested from it. In practice, this means that non-organic plants may be put in the ground and organic products harvested from them immediately. Though in some cases this is not possible due to the lifecycle of the plant and in others certifier policies prohibit this practice, we believe that clarification is in order. Despite NOP guidance, certifier inconsistency and grower confusion persist. We would support the current NOP language and interpretation with clarification that no parts of the plant at the time of purchase be marketed as organic for at least one year. The Board could also consider the implications of requiring organic management for 1 year before sale of *products* from the planting stock to encourage organic planting stock use. Prior to the issuance of 5029, OEFFA and some other certifiers had interpreted the standard in that way.

Further, we believe that there is significant inconsistency related to inputs that accompany nonorganic planting stock to the organic operation. Certifiers consistently accept (by not reviewing) materials used during the production of nonorganic planting stock. However, some materials clearly accompany non-organic planting stock to organic farms and it is unclear where our concern with these materials should begin. Examples include media used to grow potted plants and materials to keep bare root plants hydrated in transport. Media is a particularly difficult issue as it may be present in significant volume for large planting stock and may contain functional prohibited substances that persist long after the planting stock is used. These include slow-release fertilizers, wetting agents, and substances intended to help retain moisture or increase drainage. While some certifiers consider these components of non-organic planting stock and thus allow their use, others require media to be either compliant with organic standards (even if growing practices were not), that it be removed before planting, or that it be considered an application of a prohibited substance requiring a 3-year transition.

We believe that there is substantial inconsistency in the application of the standards in this area and would appreciate explicit clarification. If desired, the Board could potentially view these implications as a way to encourage the use of organic planting stock.

[DISCUSSION DOCUMENT: PAPER PLANTING POTS- PETITIONED](#)

The Crops Subcommittee (CS) has received a petition to add paper planting pots to the National List, which have been allowed by many certifiers for years:

§205.601(o) production aids- Plant pot or growing container-hemp or other paper, without glossy or colored inks.

This petition was prompted by a discrepancy among certifiers about the allowance of paper chain transplanting pots, which are part of an ingenious, low-tech system, which saves labor and increases productivity potential on small operations. Those who use it are enthusiastic- more than a dozen producers who are certified by OEFFA have recently requested to use it, and many have expressed strong support for adding paper pots to the National List. Some certifiers, including OEFFA, have allowed paper chain pots in the past based on the allowance of certain paper materials for mulch and compost feedstocks (206.601(b)(2)(i) & 205.601(c)), and the recommendation of other certifiers. During a re-review process, OEFFA then disallowed the paper pots, based on primary information received from the manufacturer, and on the emerging agreement among certifiers to prohibit it due to uncertainty regarding the formerly used synthetic paper and adhesive required to hold the paper chains together. Following OEFFA's prohibition of the pots, NOP issued a final determination prohibiting the use of paper chain pots after the 2018 growing season because paper is on the National List for use as a mulch or compost feedstock. Additionally, paper chain pots are made from virgin paper containing hemp, and the current paper listings only cover recycled and newsprint grade paper.

In response to the questions posed by the subcommittee:

1. This material is a necessary part of an innovative and labor-saving transplanting system.
2. Alternatives to paper planting pots include peat pots, soil blocks, and plastic pots and cell trays which may or may not be re-used. There is no current alternative to synthetic paper for the paper pot transplanting system, but the possibility of using recycled rather than virgin paper should be explored.
3. Paper planting pots pose no more of a hazard to human or environmental health than does paper mulch or paper used as a compost feedstock. The technical review (TR) of newspaper and other recycled paper has revealed many additives in paper and cardboard, which include adhesives that are similar to those used in paper planting pots.

The several organic stakeholders have requested that the prohibition be delayed at least until after the 2019 growing season to allow the petition process to unfold. The ACA has conducted a survey revealing strong member support for the listing of paper pots and emphasized the importance of making a clear distinction between the listing of paper planting pots as a generic material and listing paper chain pots as a specific product.

OEFFA supports the following:

1. The NOSB should recommend that the prohibition on paper pots be postponed until after the 2019 growing season.
2. A technical review should be commissioned to look at the production processes and materials of currently available paper pots, as well as paper pots made by other processes, including the feasibility of using recycled paper.

FIELD AND GREENHOUSE CONTAINER PRODUCTION

We noted that the updated Work Agenda lists “field and greenhouse container production” as being “on hold pending NOP review of Fall 2017 production systems recommendation.”

It is our understanding that a current focus of the NOSB and NOP is clarity and consistency of enforcement. The integrity of the organic seal and the market for organic products is harmed in the absence of clear and consistent standards, and when the NOP allows multiple and conflicting interpretations of the organic regulations across certifiers.

OEFFA agrees that clear and consistent standards are paramount. There are existing and evolving systems of production that need additional oversight to eliminate inconsistencies between certifiers and operations. **We urge the NOSB and NOP to advance work on Field and Greenhouse Container**

Production, a work agenda item that has been previously approved by the NOP, by putting this topic on the agenda for the Spring 2019 NOSB meeting. Further action is essential to ensure clarity and consistency in the organic standards and to prevent multiple conflicting requirements across certifiers.

POLICY DEVELOPMENT SUBCOMMITTEE

SUBCOMMITTEE NOTES AND THE OPEN DOCKET

OEFFA's written comments are the result of a process, both of internal group dialogue, and collaboration with organizational partners and certified operations. We do our best work when we have full information and plenty of time for discussion and deliberation. As we have become more versed in the NOSB process over time, we relied upon the subcommittee notes. We utilized these notes to have a sense of how the discussion on a given topic had progressed from the last meeting, where the current thinking was, and we were then able to use that information to inform our conversation, frame our feedback, and form questions for further outreach or fact-finding. The subcommittee notes also helped us to be more efficient with our time. Rather than waiting for the publication of the meeting materials, we were able to begin the work, start having conversations and engaging farmers, so our productivity each NOSB semester was not confined to a 30-day (or less) window. We appreciated the transparency the notes afforded not just us, but anyone who cared to read them, and the ongoing record of the subcommittee meetings.

As members of the organic community, transparency, communication, stakeholder input and involvement as early and often as possible, are values to which we hold ourselves and each other. As such, we are confounded by the choice to remove these notes from public view, and further, from what we hear, to stop taking them altogether. A record of what occurs in a meeting is good standard practice for any group. Without notes, five members of the same meeting can walk away with five different interpretations of what went on, and without notes to serve as a record of events, forward progress would be thwarted. Eric Sideman, MOFGA Organic Crop Specialist, and former NOSB member during the 1990s, shared with us that recorded notes were lacking during early NOSB work, which led to challenges in recollection of what occurred at the meeting, and still, at times, impacts decisions being made two decades later. Let's not repeat mistakes from which we've previously learned.

Finally, no point is served by keeping the content of these meetings secret. The NOP, NOSB, and all stakeholders benefit from better communication between NOSB meetings. This was, in fact, our understanding of the purpose of the open docket. (Which, in its current level of functionality, is really more of an open-shut-open-shut docket.) We feel certain there must be a way to facilitate greater

fluidity of information and collaborative work among the NOP, the NOSB members and the organic community and industry through transparent subcommittee notes and a more fluidly open docket.

With the best intentions of restoring greater transparency and fostering open communication, we request the following:

- 1) The role of the Advisory Board Specialist (ABS) is described in the PPM on pages 11-12 includes the following:
 - Arranging, facilitating, and documenting the NOSB Subcommittee conference calls
 - Ensuring NOSB members have all necessary materials and information to provide informed, structured and timely recommendations to the NOP

We suggest that the first point should be revised to: “Arranging, facilitating, and documenting the NOSB Subcommittee conference calls. Documentation must include topics discussed, a summary of the discussion, motions made, and votes on motions.” This request is further supported by General Records Schedule 6.2,^[1] which requires that such records must be maintained “permanently” and be made available to the public. They include:

Records that document the activities of subcommittees that support their reports and recommendations to the chartered or parent committee. This documentation may include, but is not limited to:

- meeting minutes
- transcripts
- reports
- briefing materials
- substantive correspondence, including electronic mail, exchanged between one or more subcommittee members, any other party that involves the work of the subcommittee, and/or agency committee staff (such as the Designated Federal Officer)
- background materials.

We would happily utilize this more detailed information in addition to the well-organized grid that was more recently provided to better do our work and provide information to NOSB.

^[1] <https://www.archives.gov/records-mgmt/grs/grs06-2.pdf>. The PPM, page 12, requires, “Records of the NOSB shall be defined and handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule.”

- 2) Based on the **Policy for Public Communication between NOSB Meetings** (Adopted April 11, 2013), “The NOSB and NOP seek public communication outside of Board biannual meetings and public comment periods to inform the NOSB and NOP of stakeholders’ interests, and to comment on the NOSB’s and NOP’s work activities year around. [Currently in PPM, p. 33.]” **As such, we request the NOP open the docket for the next NOSB meeting as quickly following the previous NOSB meeting as possible. This will facilitate a more fluid, transparent dialogue between NOSB members and stakeholders.**

ADDITIONAL TOPIC

WHEN NOSB MEETINGS ARE HELD

OEFFA consistently hears feedback from organic producers regarding the timing of NOSB meetings. The spring meeting comes at a tough time for mixed vegetable producers, and the fall meeting is a challenge for grain growers in the Midwest. These challenges extend beyond attendance at the meeting and include finding the time to respond to meeting materials that are published in such close proximity to the deadlines for public comment. Please consider holding one of the meetings each year in the winter- perhaps in January? While we recognize this will still present a challenge for those organic producers in other climates, this timing would enable a number of US Organic producers to take a more active participatory role in communication with the NOSB.

On behalf of the Ohio Ecological Food and Farm Association and OEFFA Certification,



Carol Goland, Ph.D.
Executive Director