



April 4, 2018

National Organic Standards Board
USDA – AMS
1400 Independence Ave, SW
Washington, DC 20250
RE: AMS-NOP-17-0057-0001

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 1,250 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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IMPORTANCE AND ROLE OF THE NOSB

The Organic Foods Production Act of 1990 (OFPA) and the standards that grew out of it have been the backbone of the organic sector for nearly three decades. As the OFPA and the standards are the backbone, the National Organic Standards Board (NOSB) is the body- the venue for the hearts and minds of the organic community to interface with the National Organic Program (NOP) staff on issues of critical importance to organic stakeholders. The unique role of the NOSB is one of the central tenets of the OFPA, which ensures the federal program stays connected to organic farmers, consumers, and businesses through a process that is open and responsive to the needs of the organic industry and its community.

The NOSB must have the ability to advance issues of importance to organic stakeholders in collaboration with the NOP. We appreciate that the NOSB and NOP have published an updated Work Agenda to provide more information about the timing for moving work agenda items forward. This updated Work Agenda provides transparency to all stakeholders. Thank you for making this information available. We use it regularly in our work.

OEFFA believes that the NOSB's work plan should be up to the NOSB, and its recommendations, the result of careful consideration of appreciable public input, should be heeded, and acted upon by USDA. The uniqueness of this board and its insight is a strength of the organic movement. The authority to guide and act on that work must remain with the NOSB, must be transparent, and must be valued by USDA. We find the USDA's disregard of the Board's recommendations related to a tacit acceptance of hydroponics, withdrawal of the Organic Livestock and Poultry Practice Rule, and relisting of carageenan devalues the open and transparent process, the participation of an overwhelming number of stakeholders, and leaves them asking, "Why are we participating in this process if the outcomes will be disregarded and overturned?" Organic is an area of agriculture in which we have viability for small to mid-scale and diverse farmers. We want a future for family farming and true food security for our nation. This sector is highly dependent upon public trust in the National Organic Program process, which includes the leadership role of the NOSB. This is distinct from other FACA boards. We urge the USDA to ensure that this process continues to meet public expectations for the organic program by full support and implementation of NOSB recommendations.

Finally, the integrity of the organic seal and the market for organic products are harmed in the absence of clear and consistent standards and when the NOP allows multiple and conflicting interpretations of the organic regulations across certifiers. In NOC's recent meeting with Under Secretary Ibach, he expressed his commitment to consistent standards and a level playing field, as well as to working with certifiers to ensure fair competition and fair application of the rules.

OEFFA thanks the NOSB members for your service to our community. We also want to say a special thank you to the many NOSB members who strived over the past 15 years to improve animal welfare for organic livestock and poultry. The hard work and solid reasoning that went into the Organic Livestock and Poultry Practice Standards will continue to move forward.

COMPLIANCE, ACCREDITATION, AND CERTIFICATION SUBCOMMITTEE

DISCUSSION DOCUMENT: IMPORT OVERSIGHT

OEFFA appreciates the attention of the NOSB and the NOP to improvements in the oversight of imports. This issue is important to our members. It has negatively affected organic grain markets in the U.S., farmer profitability, and the integrity of the organic system. Our answers to the questions posed by the Subcommittee reflect the input from OEFFA staff and OEFFA's Organic Grain Grower Chapter.

1) The role of documents in an organic supply chain with a focus on imports:

a.) Should it be a requirement that the organic status of a product be recorded on all documents including those listed above? How would this increase organic integrity? What impact would this have on the industry?

Requiring indication of organic status would increase the probability that all entities in the chain would handle the product with organic status in mind. This would increase the chance of catching or preventing fraud and should be part of a systemic approach to improving oversight of organic products. **This should be a requirement.**

b.) Which documents are necessary to verify an import supply chain? How well do these documents serve to prevent fraud?

The required documentation is, to some extent, context dependent. Documentation can elucidate fraud, reveal whether handling was conducted by an uncertified entity, and detect simple errors made. The types of documentation used by operations and in transaction are inconsistent and there is no one way to comply, leaving discretion to the inspector and certifier. **Bringing consistency to documentation in the import supply chain would serve to improve oversight.**

c.) Some imported products change hands once or several times while in transit. How do these documents appropriately trace and verify the organic status of the products for the ultimate importer?

The cross-comparison and analysis of information found in an audit trail allows one to trace and verify organic status. Such information includes, but is not limited to, the following: entity name, address product name, date, quantity, weight, organic status, lot number(s), and verifications of organic integrity (prevention of contamination and comingling).

d.) Different documents in the import supply chain are issued by different parties. Are some documents or issuing parties (like export governments) more reliable than others? Should these documents be required?

This is dependent upon the level of control and stability the government or party has in and over the system. The NOP should have sufficient flexibility to require additional measures based on the identification of high risk situations. We also believe that documentation illustrating equivalency must be signed by the supplier's certifier. Import and export certificates (which are used by certifiers) should more consistently include attestation that any relevant critical variances have been met.

f.) Do organic import certificates (as required in the EU) or organic transaction certificates provide value in documenting the organic status of a shipment? What are the strengths and weaknesses of this system, and what can be done to further strengthen this process? Should a similar document be required for the import of organic products into the U.S., and if so, who should issue the document? What impact would this have on the industry? How do certifiers currently using Transaction Certificates utilize this data in audits of the certified operation?

Import certificates and transaction certificates provide a verification of organic status specific to the shipment and transaction, respectively. They should ideally be considered in context of the organic certificate, but this is not necessary in all cases. Transaction certificates are only as good as the policies and processes of the issuing certifier. Since there are no standards, guidance, or NOP verification for transaction certificates, ultimately their reliability is unknown. Import and export certificates (which are issued by certifiers) should more consistently include attestation that any relevant critical variances have been met, as well as include the organic labeling category for the specific product.

g.) Are there procedures or systems that could be put in place that are not reliant strictly upon documentation, such as direct communication between the certifiers of the commodities being traded, that verifies the organic status of items being bought and sold?

Documentation is one tool for verification. There are other procedures and systems that should be incorporated into the process. Increased communication between certifiers could supplement this process. Also, **a risk-based system of cross checks led by NOP in communication with certifiers would be an excellent tool in the short term to detect and deter fraud. This would also enable the organic industry to** get a better sense of potential holes in the system that need to be addressed, whether those are systemic in nature or related to a specific certifier or operation.

2. Role of importers in the organic supply chain

a.) Should importers of organic products be required to be certified regardless of how they handle a product? What impact would this have on the industry?

If importers were required to certify, a few types of risk would be reduced. Trading of fumigated or irradiated products as organic, and trading of products not in accordance with international trade requirements would both be greatly reduced. **We believe that importers and brokers should be required to certify. With an adequate timeline, this could be achieved with minimal impact on the organic industry.**

b.) The organic control system relies on a process that generally checks the organic status of a product one step back to the last certified operation. Should importers be held to a stricter standard of documentation or other forms of communication to verify the organic status of products being imported into the U.S.? What additional requirements should be placed on importers given their critical spot in the supply chain? What impact would this have on the industry?

Certification agencies currently have authority to require an audit trail back to the last certified entity. If the broker is certified organic that is where the certifier would stop seeking additional documentation, as we accept the validity of organic certificates issued by accredited certification agencies.

Aside from the identification of critical risk points or areas of instability where additional documentation or oversight may be necessary, imported products should not be subject to stricter documentation than domestic operations. However, **a requirement to import all products with an NOP Import Certificate that includes lot numbers regardless of origin and the standards to which the product is certified to would help address this issue.**

c.) What documents or system should be developed for an importer to verify the organic status of a shipment?

The EU's TRACES system would be beneficial for organic integrity.

3. Role of Uncertified operations in the supply chain

a.) What are examples of uncertified handlers in import or domestic supply chains? Should these operators be certified or not, what additional value would this bring, and what impact would this have on the industry?

If uncertified entities were required to certify, risk of fraud, as well as the risks discussed under 2.a), would be reduced. **We believe that certain types of entities that are currently excluded or exempt such as those that buy, sell or trade organic product should be required to certify.**

b.) Should operations that take ownership of products or operations that market but don't own products be required to be certified? What impact would this have on the industry, and how would this improve supply chain integrity?

Operations that buy, sell, trade, or are otherwise involved in organic commerce should be certified. More oversight of these operations would reduce the likelihood of contamination, commingling and fraud.

4. Global and National organic crop acreage information.

a.) Would including production acreage and yield information in the Organic Integrity database serve to strengthen global organic control systems? If so, how would this information be used? What concerns do producers have in making this information public?

The information could be used to evaluate whether an operation could have produced what they sold. The value of this information would be limited to how precisely and frequently the data is reported. We also recognize that it could increase the cost of certification. Further, there would need to be a clear directive on how the data would be used. Certainly some producers have real concerns about sharing proprietary business information but some also understand that this is part of participation in the NOP and want to see greater oversight of imported products.

b.) Is acreage and/or yield information currently being accumulated by certifiers? What concerns do certifiers have in collecting and communicating the information to the NOP?

Acreage data is generally captured for operations, but yield data is collected sporadically. OEFFA collects yield estimates for all crops and verifies some of those numbers through mass balance audits at inspection, but the data is not compiled at this time.

c.) Is both acreage and yield information important?

Acreage is important, but yield for most products can be reasonably estimated based using online yield tools.

f.) Should these reporting requirements also be required of countries operating under an equivalency agreement?

Certifications that are deemed to be equivalent to USDA organic should have equivalent fraud detection and deterrent systems in place.

g.) Can this acreage and yield information be a basis by which certifiers can track the approximate volume of product an entity would be allowed to sell under their organic certificate?

Acreage and yield information would not have an impact on handlers which is where the current risk lies. Certifiers tracking every sale would be a large and costly undertaking that may not get to the heart of the issue.

5. Equivalencies, Recognition Agreements and certified operation databases (like the Organic Integrity database).

a.) Should the NOP require foreign governments to maintain a similar database with certified operator data in its equivalency and recognition agreements?

Yes.

c.) How would this data serve to strengthen the global organic control system? Is this system currently being utilized by industry or certifiers, and if so, how?

This data would strengthen the system if it was clear who had charge to utilize it and in what ways. Certifiers and industry will not take it on without a mandate.

6. The role of residue testing to verify bulk shipments of grain.

a.) Should testing of imports be required? Does testing provide useful information, or is it situational? If situational, please provide situations where it is useful or not useful. What burden would this put on the industry? What party (importer, exporter, other) should be responsible for testing?

On an annual basis, **certifiers should sample and test imports from a minimum of ten percent of the operations they certify which are the first certified entities in the U.S. to receive imported goods.** Imports should be selected based on risk assessment. Certifiers should be responsible for this testing in order to preserve its integrity but the cost should be passed on to the operations selected.

b.) Should testing be required if the shipment passes a certain market value or size threshold?

Market value and size thresholds should be used as a risk factor both for imports as well as domestic markets.

c.) If testing should be completed, what type of testing should be done?

Pesticide residue testing is the only type of testing provided for in the regulations and the only testing for which there are clear guidance with regard to taking action on positive results. Our organic grain growers think GMO testing should also be required as it is required by their buyers. They want to ensure fair competition in the industry. Concerns from a certification perspective are that it is difficult to act on results and certifiers are exposed to liability when they take adverse actions on items that are not firmly based in the regulations.

7. Verification of organic status in perishable supply chains

a.) What additional actions can be taken to increase supply chain integrity in fresh produce supply chains?

Labeling requirements could be improved to better identify and trace product. Requiring some of the uncertified entities in the supply chain to certify would also increase integrity.

c.) In an organic fresh produce supply chain, which operators should be certified (transport operators, storage warehouse, distributors, retail distributors, brokers, etc.)? What impact would that have on the industry?

We believe that brokers and distributors should be required to certify. With an adequate timeline, this could be achieved with minimal impact on the organic industry.

9. Additional controls for origins with documented fraud or integrity issues.

a.) Should the NOP develop an ongoing system to impose additional requirements on operations doing business in or with countries or regions with documented fraud?

Yes. International trade requirements are complex and varied on their own, without additional control measures. That said, it's helpful when the NOP helps certifiers perform risk analyses by letting us know about documented fraud cases or issues.

Perhaps the NOP should hold a more rigorous, but more general requirement for certifiers regarding risk analysis and percentage of high risk operations tested. This would allow certifiers with loads of imports to focus their energy efficiently.

b.) Should testing be mandatory for shipments from these regions? If so, where should testing be done?

Yes, a minimum of 20% of all shipments should be tested through a U.S. lab meeting a strong set of qualifications. Certifiers should be responsible for this testing in order to preserve its integrity but the cost should be passed on to the operations selected.

c.) What criteria should be used to identify a region of increased concern? What role do changes in USDA ERS import data play in these evaluations?

Risk factors could include those regions where imports have been rejected, where governments are undergoing periods of extreme instability, and where there have been recently documented cases of fraud.

d.) What impact would this have on the industry?

Identifying risk factors and making a plan to address them is critical to improving and maintaining the integrity of organic system and protecting the investments of all organic industry stakeholders.

10. Full supply chain audits

a.) Do full supply chain audits offer value in ensuring organic integrity? If so, who should conduct these audits, and when?

Full supply chain audits can offer value in ensuring organic integrity. The NOP should conduct supply chain audits. One option would be to conduct enough audits to incorporate information from 5% of the agencies they accredit. For example, if the NOP accredits 100 certifiers, they would conduct 5 separate full supply chain audits per year.

b.) What are the challenges of completing full supply chain audits?

New types of gaps in traceability will likely be discovered that prevent a full supply chain audit. Further, audits of such magnitude would be costly, but not nearly as costly as fraud.

d.) What are possible approaches that a full supply chain audit could take (desk audits, physical audits, etc.)?

They should be a combination of desk and on-site components. A reasonable system would likely include more of the former with the latter used to investigate problematic situations in depth.

11. Other areas/Questions/Opportunities/Threats

a.) What other areas should the NOSB focus on in order to have the greatest impact on strengthening the global organic control system or to deter fraud in an organic supply chain? What are the areas of greatest weakness in the global organic control system, and what can be done to improve them?

b.) What other information would be helpful to inform the NOSB deliberations and work on composing recommendations?

OEFFA's chapter of organic grain growers suggests that one investigate whether importers are insuring their product as organic and at organic values. Insurance companies, such as Lloyds of London, for example, would not knowingly insure non-organic crops at organic rates as they are liable for the difference. What roles do and can insurance companies play in the verification process?

PROPOSAL: INSPECTOR QUALIFICATIONS

OEFFA appreciates the advancement of long awaited inspector qualifications and training guidance. The maturation of the organic industry requires strong and clear parameters for the individuals working in the certification industry as well as thorough oversight through all levels of the NOP. **We support the guidelines as proposed by the NOSB.**

OEFFA believes the proposal should be used as a standard for ACAs to evaluate their inspector pools against, but suggest the list of qualifications be viewed as guidelines and not mandatory requirements. This would allow discretion by certifiers in making hiring decisions. With respect to training and experience, we would emphasize the need to include investigative interview techniques specifically with regard to inspections conducted as part of an investigation and the need for mentorship opportunities for independent inspectors seeking direct field experience.

PROPOSAL: ELIMINATING THE INCENTIVE TO CONVERT NATIVE ECOSYSTEMS TO ORGANIC PRODUCTION

OEFFA is supportive of NOSB efforts to protect native ecosystems from conversion to organic production and the clarifying questions that certifiers can use in the OSP application. We do work with a number of plain community farmers without access to the electronic data required to document the 10 year field history. We reiterate the need for a strong educational effort at the onset of transition and the coordination of resources that may be available to through FSA and/or NRCS in providing this data to applicants.

JUSTIFICATION FOR NOSB STUDY OF OIL AND GAS INDUSTRY IMPACTS ON ORGANIC FARMS

The impact of oil and gas infrastructure on organic farms is a very real concern across the country. Several factors increase the potential for contamination of farm inputs for producers, including: the hard infrastructure, use of chemicals with trade secret protection, release of naturally occurring radioactive material, and the variety of production methods- particularly unconventional natural gas development (UCNGD) and the need to store the waste material. This reality necessitates action by the board and the NOP to provide instruction to certifiers and make information available to producers at risk of decertification. Make no mistake, certifiers are getting calls. Unfortunately, they sometimes do not find out about this activity until the annual inspection, when it is too late to prevent adverse consequences and potential decertification. The NOSB can be proactive to protect the growth of the industry, vulnerable organic producers, and certifying agents.

Though we have been asking the NOSB to look into this issue for years, please understand that we are not asking for our own benefit. We have been employing tools such as an adaptable, Agricultural Impact Mitigation Plan successfully to protect our certified operators. It is our hope that through NOSB action and ultimately NOP guidance or instruction, existing tools can be shared more widely protecting farmers across the country. The lens and expertise brought by the NOSB and national partners has the opportunity to improve existing tools and provide new tools and resources that may also be beneficial in protecting the integrity of individual operations and the integrity of organic products.

OEFFA, in collaboration with our NOC partners, submitted an analysis of the Organic Foods Production Act, highlighting areas of clear authority for the board to develop such instruction. Enough preliminary discussion has taken place and, based on discussion at the fall 2017 NOSB meeting, the board reiterated the national scope of this issue and proposed some next steps including development of a proposal (or discussion document) followed by board discussion.

Every meeting that passes without action means that more producers may be at risk of adverse consequences. We do not have an excess of organic producers and need to both protect existing operators, and provide much needed clarification to certifiers on the front line of the issue.

Recommendation:

We recommend that the NOSB develop a proposal around this issue that identifies potential impacts on organic farms, as well as resources that can mitigate that impact. It would also help the board develop instruction to have a panel of certification agency staff, inspectors, oil and gas industry representatives, and others discuss the issue and help the board formulate recommendations. Please place this issue on the NOSB work agenda now so that we, as an organic community, can begin providing support to certifiers and farmers that are dealing with this issue.

Fracking and Oil and Gas Industry Infrastructure development may threaten the certification of the land by the use of prohibited substances or practices that are not compatible with a system of organic agriculture. The NOSB could address this by taking the following actions from a “protecting certified operators” perspective:

- Producers can be forced to allow unwanted infrastructure on their farms through eminent domain and mandatory pooling that could lead to contamination or decertification. The impacts of energy development on organic farms should receive attention from those who regulate the industry and state departments of agriculture working directly with farmers. ***We have worked with regulators and the industry on this with positive outcomes.***
- NOSB could invite a panel of specialists to unpack this issue in a panel discussion at an NOSB meeting. Experts could focus on various aspects of fracking and oil and gas industry infrastructure, such as fracking, injection wells, pipelines, sandpit extraction, compressor stations, etc.
- Review and potentially add to the Organic Agriculture Impact Mitigation Plan which has been employed with both the Federal Energy Regulatory Commission (FERC) and pipeline construction companies.
- Create a discussion document outlining the various issues at hand, and those considered worthy of inclusion on its work agenda. The committee could ask questions of the community as needed.
- Propose guidance or instruction for certifiers regarding how to work with farmers faced with this infrastructure so that certification can be maintained.

- Organic farms could be classified as “sensitive areas” in need of special consideration during infrastructure development.

We look forward to hearing your response to these ideas, and to supporting the first steps to address this important issue with you.

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 notes that we perhaps do not have the data or guidance with which to evaluate the GMO status of vaccines at this time, but recognizes this is a topic worthy of further discussion, and asks 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 they 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 organic livestock, and are striving to be consistent with other certifiers. Our way of handling this grey area points to the need for further discussion and clarification, which could benefit from the expertise and attention of the NOSB.

ELECTROLYTES [205.603(A)(8)]

OEFFA supports the continued listing of Electrolytes as a medical treatment for livestock. Regarding the questions posed by the Subcommittee:

1. Yes, this substance is essential for organic livestock production. Yes, it is used regularly.
2. OEFFA is not aware of additional commercially available natural alternatives since the last review of this material.

GLYCERINE [205.603(A)(12)]

OEFFA does not use this listing, as glycerine is not considered an active ingredient in teat dips and is thus evaluated against [205.603(f)] under Excipients.

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

OEFFA does not support the continued listing of hydrated lime as an external pest control, not permitted to cauterize physical alterations or deodorize animal wastes. The operations we work with typically want to use hydrated lime as a white wash, or in bedding, but rarely use it in the ways in which it is described for use on the National List.

MINERAL OIL [205.603(B)(6)]

OEFFA supports the continued listing of mineral oil, and supported 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.

SUCROSE OCTANOATE ESTERS [205.603(B)(8)]

OEFFA has never seen sucrose octanoate esters used in organic production.

PROPOSAL: GLYCOLIC ACID- PETITIONED

OEFFA does not support the petition for glycolic acid. The petition for glycolic acid teat dips should be denied because it poses environmental and health hazards, is not essential, and is incompatible with organic production. Glycolic acid is incompatible with organic production for several reasons –it is a synthetic designed to be used preventively, and it is generally used in combination with “inert” ingredients not permitted in organic production.

PROPOSAL: CLARIFYING “EMERGENCY” FOR USE OF SYNTHETIC PARASITICIDES

OEFFA appreciates the work of the Livestock Subcommittee in addressing the clarification of the term “emergency” as it pertains to the use of synthetic parasiticides in organic livestock production. It has been difficult to explain “emergency” to transitioning producers proposing a more routine use of these materials as a preventative when there is an historical problem with parasites. **We appreciate the Subcommittee’s proposal to both define “emergency” in 205.2, and add to 205.238(b) to further clarify the hierarchy for use. We support the proposal as written,** and note that this is a particularly important issue given the recent, and disappointing, withdrawal of the Organic Livestock and Poultry Practice Standard, which included a comprehensive parasite management plan as part of the Organic System Plan.

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. 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

2020 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 available. The use of organic flavors also streamlines the process for ingredient approval for OEFFA and its certified operations.

Additional Handling Issues

COMPREHENSIVE REVIEW OF SANITIZERS

OEFFA maintains the organic community would benefit from a comprehensive review of sanitizers, disinfectants, and cleaners to address when a new material is petitioned or a material is reviewed at sunset. It is very difficult to evaluate the essentiality of proposed materials, such as the [proposal for Sodium dodecylbenzene sulfonate \(SDBS\)](#) 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.

OFPA requires that materials on the National List be itemized “by specific use or application.” This requires the NOSB 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. In particular, the TR must 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 program²³ and the Toxics Use Reduction Institute at the University of Massachusetts, Lowell²⁴) 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; and
- The hazards to humans and the environment of the various options identified.

We look forward to seeing the Comprehensive Review of Sanitizers move forward as part of the NOSB’s work plan.

PACKAGING SUBSTANCES USED IN ORGANIC FOOD HANDLING, INCLUDING BPA

In the newly published work agenda, we noted that “packaging substances used in organic food handling – including BPA” is listed as “active” with the next action being a discussion document for the fall 2018 meeting. OEFFA thanks the NOSB for keeping this important topic on the Work Agenda.

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. We strongly suggest that the NOSB inform its deliberations with a technical review on BPA alternatives as well as BPA itself. We look forward to future discussions of alternatives for addressing this issue in a timely manner.

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. 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.

CROPS SUBCOMMITTEE

2020 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)]

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. In reference to the questions posed by the Subcommittee regarding plastic mulch and covers:

1. There are alternative methods and materials available, such as various forms of paper mulch, but all of the alternatives have significant trade-offs and shortcomings, particularly with increased scale.
2. We have not seen mulch films last well past a single growing season. While there are sometimes pieces of plastic mulch left in the soil, this can be minimized when plastic mulch is removed promptly and under the right soil conditions.
3. Woven fabrics, on the other hand, hold up well over extended periods and are, to our knowledge, allowed for perennial production.
4. When plastic mulch is removed from the field, it is generally landfilled. Producers are eager to use recycling programs, but the few that have popped up have not lasted long. Often, residual soil on the plastic is noted as a challenge for recyclers.
5. The burning of plastic should be prohibited.

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

OEFFA has only received one request to review a product containing aqueous potassium silicate in the past year; it is not a material frequently requested by OEFFA producers. That having been said, the logic of justification for using aqueous potassium silicate is problematic in the same way that justifying the use of crop stimulants that contain synthetic inert ingredients listed at [205.601(m)] is problematic. Both are EPA registered pesticides that can play a role in preventative pest and disease control, but their primary mode of action is plant growth stimulation. Both contain synthetic materials, so according to the hierarchy at [206.603(e)], preventative, mechanical, and physical methods of pest, weed and disease control must be tried and found insufficient first. The language in [205.603(e)] includes pest and disease prevention as an allowed use, so a farmer could potentially meet the criteria to use this material based on persistent pest or disease issues from previous years that were not sufficiently controlled by other means. **If potassium silicate is re-listed, OEFFA requests clarification on what constitutes an acceptable use of this material.**

HYDRATED LIME [205.601(I)(4)]

OEFFA supports the continued listing of hydrated lime as a plant disease control to be used in combination with copper sulfate, 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. Regarding the additional information requested by the Subcommittee:

1. To determine the minimum amount of acid needed to stabilize liquid fish products, OEFFA requests a statement of the pH of the product as necessary. That said, most of the liquid fish products we see on organic systems plans are reviewed by OMRI.

The ecological impact of the use of liquid fish products in organic production is an issue that should be considered in examining marine materials. Following this sunset cycle, the Crops Subcommittee should consider adding an annotation that restricts the use of liquid fish products to those whose source materials are harvested in a manner that ensures that such harvesting will not be destructive to the environment and will sustain the growth and production of the population of the species.

PROPOSAL: POLYOXIN D ZINC SALT –PETITIONED

In April of 2018 the NOSB found Polyoxin D zinc salt non-essential and had concerns regarding impact on soil bacteria, fungi, and environmental health. The new petition argues that there are few to no alternatives for certain fungal diseases and that OMRI listed alternatives are not as effective as Polyoxin D zinc salt. OEFFA has not heard from growers that currently approved inputs are not effective for fungal diseases. Further, Polyoxin D Zinc causes nontarget effects on beneficial organisms in the organic system, moderate toxicity to aquatic organisms, and chromosomal aberrations test animals. The mode of action is inhibition of the enzyme chitin synthetase, which stops the growth of the target fungi. However, plant pathogenic fungi are not the only fungi in an organic system. The soil ecosystem depends on fungi for breaking down organic matter and supplying nutrients to plants. It is a broad spectrum fungicide that attacks the very basis of the organic agroecosystem. It also endangers some biocontrol organisms.

As there are alternatives available, Polyoxin D zinc salt is not considered essential for organic production and OEFFA does not support this petition.

PROPOSAL: SULFUR (AS A MOLLUSCICIDE) –PETITIONED

According to the published materials, “information on the specific mode of action of sulfur on mollusks is not provided.”¹ Before recommending that a material be added to the National List for a specific use, there is a need for third party efficacy studies to ensure the material is needed and able to meet the OFPA criteria of essentiality, i.e. unavailability of a natural material.

¹ NOSB April 2018 Proposals and Discussion Documents, p 165, available at:
<https://www.ams.usda.gov/sites/default/files/media/AllNOSBProposalsApril2018.pdf>

OEFFA urges the NOSB to send this petition back to subcommittee until further third-party efficacy studies can be obtained. In addition, OEFFA requests the NOSB to consider all formulations when considering new materials.

FIELD AND GREENHOUSE CONTAINER PRODUCTION

We noted that the updated Work Agenda lists “field and greenhouse container production” as being “on hold pending action (Subcommittee not working on).” Further notes indicate this item as being “on hold pending NOP review of Fall 2017 production systems recommendation.”

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. In NOC’s recent meeting with Under Secretary Ibach, he expressed his commitment to consistent standards and a level playing field, as well as working with certifiers to ensure fair competition and fair application of the rules.

OEFFA agrees that clear and consistent standards are paramount. There are systems evolving 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 Fall 2018 NOSB meeting. Further action is essential to ensure clarity and consistency in the organic standards and to prevent multiple conflicting requirements across certifiers.**

While the topic is not on this agenda, we have examples of challenges related to a lack of clear and consistent standards with regard to container production for your consideration in the meanwhile:

1. **The first has to do with manure in potting mix being used in container systems.** OEFFA recently received a request to use a Roots Organics potting soil from Aurora Innovations:
<http://aurorainnovations.com/original-potting-soil.html>

This potting mix is approved by CDFA with raw manure restrictions because it contains bat guano. However, one advertised use of the product is to grow crops directly out of the bag. The standards require that raw manure be “incorporated into the soil” for a minimum of 90 or 120 days prior to harvest, depending on whether the edible portion comes into contact with the soil [205.203(c)(1)]. Since the manure is in a mix which does not contain soil and will not be incorporated into soil, the starting point of time to harvest, and further, the question regarding whether the potting mix can be used at all, becomes unclear.

2. **A second challenge that has arisen with regard to container production is the documentation of micronutrient deficiency in container systems.** To date, we have reviewed two potting mixes from two manufacturers that contain synthetic micronutrients. For one, we have accepted a lab test documenting that the media without the micronutrients is below the recommended level. The other manufacturer did not provide us with documentation of a deficiency, so that mix has not been approved for use by OEFFA producers. This issue is less concerning for transplant media and more problematic for container production. What is the point of documenting a soil

or plant deficiency if the growing media and the system within which it is intended to be grown is “deficient by design?” We do not think this what was intended by the standard at [205.600(j)(6)] **Please take these examples into consideration as you continue to work on the Field and Greenhouse Container Production document as it returns to active status on the work agenda.**

MATERIALS SUBCOMMITTEE

DISCUSSION DOCUMENT: PROTECTING THE GENETIC INTEGRITY OF SEED GROWN ON ORGANIC LAND

We thank the board for addressing this difficult subject. While the problems are complex, if we do not sufficiently address them now, producers will lose contracts and the organic industry as a whole will suffer.

First and foremost, the businesses responsible for introducing GE products into the marketplace need to bear responsibility for the contamination and loss caused by their technologies. They have profited most from the technology and bear responsibility for its introduction in to the environment. In response to the question as to whether the NOSB/NOP should move to quantify the extent of GMO contamination in order to better understand the scope of the problem and how that can be accomplished we reiterate our comments from the NOSB meeting of April 2016:

*The NOP should begin gathering data on the presence of GMO materials in seeds and crops. We ask that the NOSB recommend **a national pilot study with proper sampling methodology**. ACA members could conduct a percentage of their required sampling for GE presence and voluntarily report anonymous data to the NOP. An analysis and report of those findings could help the NOSB in future discussions about the presence of excluded methods and any threshold establishment.*

New methods of biotechnology, for which testing methods are costly or non-existent, present particular difficulties. Given the current testing limitations, we recommend an affidavit system for ACAs to use for varieties identified as being derived from these new excluded methods. This is a system that ACAs, producers, and seed dealers use and are familiar with and while it has limitations, it is, at present, the most suitable alternative.

Further, we ask you to consider a national reporting system for genetically manipulated crop and animal material. If statutory authority is required for the establishment of such a system, we urge you to request that support from the Secretary. As GE technology rapidly evolves and outpaces the U.S. regulatory structure, measures must be put in place to allow for protection of the organic industry.

A pilot study should precede establishment of a seed purity threshold. **Once the data gathering and analysis is complete, a threshold for purchased seed should be established and seed label statements should indicate the percentage of GMO traits detected.** This availability of information is essential for organic producers to compete in an open and fair market.

ADDITIONAL TOPICS

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.

Thank you for your consideration of these comments.

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

A handwritten signature in black ink that reads "Carol Goland". The script is cursive and fluid.

Carol Goland, Ph.D.
Executive Director