



April 5, 2021

National Organic Standards Board  
USDA – AMS  
1400 Independence Ave, SW  
Washington, DC 20250  
RE: AMS-NOP-20-0089

National Organic Standards Board members:

The Ohio Ecological Food and Farm Association (OEFFA) is a grassroots coalition of more than 4,200 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. Certified organic farmers make up the bulk of our membership, as well as the bulk of our policy advisory council. OEFFA's Certification program has been in operation since 1981. OEFFA certifies more than 1,280 organic producers and food processors, in a twelve-state region, ensuring that these operations meet the standards established for organic products, and collaborates with partners such as the Accredited Certifiers Association and International Organic Inspectors Association to foster consistency and clarity both in the way we conduct ourselves, and in what we expect from producers and handlers we certify, as well as from our colleagues at the NOP and NOSB.

OEFFA employs education, advocacy, and grassroots organizing to promote local and organic foods, helping farmers and eaters connect to build a sustainable food system. We work collaboratively with groups such as the Organic Farmers Association, the National Organic Coalition, and the National Sustainable Agriculture Coalition to effect positive food systems change. We want to support our farmers in their efforts to protect organic integrity and educate their communities about its benefits, its rigor, and its strong values of transparency and continuous improvement.

We thank you for your service to the organic community, and we respectfully offer the following comments:

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## COVID-19: GRATITUDE

We are wishing NOSB members, your families, and USDA NOP staff and their families all the best during this ongoing global pandemic. We are thankful for NOP's dedication to continue the meeting in a digital format, and for the NOSB members' focus and attention during a challenging time. Situations like this offer a clear reminder of the importance of a vibrant and robust local and regional food system that offers healthy food to communities and fair prices to farmers. Thank you for all you do to support and strengthen the organic movement!

## BIG PICTURE

### THE NOSB WORK AGENDA AND UNHEEDED RECOMMENDATIONS

Over the past 10 years, the NOSB made 20 recommendations that never advanced to rulemaking.

Members of the National Organic Standards Board have worked diligently to bring clarification and greater consistency to the organic industry relative to: aquaculture production, the use of vaccines that may contain genetically altered material, animal welfare, a prohibition on aeroponics, container production standards, certification for pet food and personal care products, apiculture, ensuring that organic standards do not unintentionally incentivize the conversion of native ecosystems and promoting increased use of organic seed- to name a few.

The USDA has restricted and controlled the NOSB work agenda. In a February 27, 2014, memo, the NOP states that for an item to be added to the NOSB work plan it "must be a priority for the USDA/NOP."<sup>1</sup> However, OFPA gives the NOSB the duty "***to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of this chapter.***" This duty to advise transcends NOP priorities. Indeed, as stated in U.S.C. § 6518(a), NOSB should help to establish NOP priorities.<sup>2</sup> This is further reflected in the responsibility, 47 U.S.C. § 6518(a), never undertaken, to "hire a staff director." Clearly, OFPA intends that the NOSB play a large role in setting priorities of the National Organic Program.

Despite the stated motivations for this move, the workload for board members has not necessarily decreased because of USDA's constriction of the work agenda. In the meantime, the challenges to organic integrity have increased and the value of the label put in jeopardy.

The NOSB was envisioned to be more than a traditional Federal Advisory Committee Act (FACA) board. OFPA directs the Secretary to consult with the NOSB and gives the NOSB the responsibility for advising

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<sup>1</sup> <https://www.ams.usda.gov/sites/default/files/media/NOSB%20Memo%20Training%20Summary.pdf>, p 3.

<sup>2</sup> 7 U.S.C. § 6518(a).

the Secretary in all aspects of the implementation of the Act, as well as spelling out several specific areas of responsibility. Designed to not only fulfill the traditional role of FACA boards, the NOSB was also to consult with organic practitioners and proponents to guide the USDA development and administration of the program.

The USDA is, contrary to the requirements of FACA, exerting undue influence on the recommendations of the NOSB. Previous memos from the program itself detail that “Once a work plan is assigned to a subcommittee, NOP must ensure that the subcommittee is not inappropriately influenced by the appointing authority (e.g., the NOP itself) or by any special interest.”

USDA/NOP actions change organic policy making from one driven by the public process to one controlled by USDA, which can choose to dismiss critical issues. For example, NOP continues to arbitrarily remove agenda items and has required that USDA/NOP priorities drive the public process. The NOSB was designed to maximize public input from a community with strong and diverse views about the meaning of “organic.” That input and the 2/3 “decisive vote” requirement ensure that NOSB proposals can only pass when they garner broad and diverse support from different stakeholder groups.

USDA has exerted undue and inappropriate influence on the recommendations of the NOSB, both by setting its agenda and through inaction on existing recommendations. Again, we urge the Board to reject the undue and inappropriate influence of the USDA that denies the NOSB and the public their due roles in setting organic policy.

Over the past 10 years this group of board members worked diligently to address concerns that, to this day, are problematic and lessen the value of the organic label to many consumers. Clarity and consistency are not just important for enforcement of the organic standards; a clear and transparent process for bringing issues forward and for ensuring that those issues are acted upon sets the tone for the program.

**We urge the NOSB not abdicate its responsibilities under OFPA. We ask that you:**

- Request that the NOP provide an update on all previous recommendations made but not advanced including a rationale for lack of NOP action.
- Request results from peer review audits conducted annually by the American National Standards Institute. The Board should pay careful attention to peer review findings as one way to assess the health of the NOP’s accreditation program and to identify areas of future work so they can make recommendations to the NOP about ways to address systemic shortcomings in the NOP’s accreditation program.

The credibility of organic foods is dependent on the Board being able to advance issues of concern in the community and the NOP’s action on those recommendations.

## FIELD AND GREENHOUSE CONTAINER PRODUCTION

We continue to note that the updated Work Agenda lists “field and greenhouse container production” as being “on hold” since 2017. **Please refer to our comments on NOSB Work Agenda and Unheeded Recommendations, which relate to this topic. This is an issue of tremendous importance to the organic community and should be restored to current status on the NOSB work agenda.**

It is our understanding that a focus of the NOSB and NOP is clarity and consistency of enforcement. OEFFA agrees that clear and consistent standards are critical. There are existing and evolving systems of production that need additional oversight to eliminate inconsistencies among 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 2021 NOSB meeting.**

## TIMING AND FORMAT OF MEETINGS

OEFFA’s Grain Growers have continually requested an alternative to the current meeting schedule. They have heard the constraints of the board with regard to scheduling and continue to request a solution which would allow greater engagement of this important organic constituency. They suggested moving the schedule back two weeks each meeting. This would mean the meeting would rotate throughout the year, equally benefitting and inconveniencing various stakeholders over time.

**Please provide an update on alternatives to ensure that the meetings are scheduled to maximize input from a variety of organic production systems across the country.** Further, we would like to again thank the Program for making the NOSB meeting virtual during the pandemic. We appreciate the ability to access both the public comment and the formal meeting virtually. The virtual format increases access to participants, both individual partners and organizational stakeholders, who may not have the funds, time, or farm and family circumstances to enable several days away from home to attend the meeting. Please consider this feedback as you plan for future meetings.

## ORGANIC AGRICULTURE AS A SOLUTION TO CLIMATE CHANGE

The current administration has prioritized the issue of Climate Change and recently released a request for comments on how the USDA can “...best use Department of Agriculture programs, funding and financing capacities, and other authorities, and how to encourage the voluntary adoption of climate-smart agricultural and forestry practices that decrease wildfire risk fueled by climate change and result in additional, measurable, and verifiable carbon reductions and sequestration and that source sustainable bioproducts and fuels.” Docket No. USDA-2021-0003.

As the organic sector continues to grow, farmer transition to organic continues at a strong pace. Further supporting and incentivizing transition to organic management systems provides an opportunity for the USDA to respond to this call for action on climate and encourage the voluntary adoption of the kinds of suites of agricultural practices that can have the strongest climate impact and that certified organic production requires.

In previous comments to the NOSB, OEFFA detailed the scientific case for why organic must be at the table in these upcoming conversations. The research and field data are conclusive enough to warrant the USDA making significant investments in and educational outreach to promote the value of organic management systems as a way forward in dealing with this impending crisis.

**As the advisory body to the USDA on the National Organic Program, you have a unique opportunity to send comments to the agency requesting that there is a recognition of certified organic agriculture as a comprehensive and voluntary systems-based approach to climate smart agriculture and that the NOP have a seat at the table as the department reviews feedback and provides administrative recommendations for program and policy to address this important issue.**

## **COMPLIANCE, ACCREDITATION, & CERTIFICATION SUBCOMMITTEE**

### **PROPOSAL: HUMAN CAPITAL MANAGEMENT: STRATEGY FOR RECRUITMENT AND TALENT MANAGEMENT- ORGANIC INSPECTORS AND REVIEWERS**

We appreciate the NOSB's work on this topic and share many of the concerns raised through the survey of inspectors and reviewers. We are also concerned with other shortages of expertise or capacity in the organic industry, including reviewers with many years of experience in organic certification, technical service providers and educators with knowledge of organic methods (and organic research), NOP auditor and accreditation managers with deep knowledge of organic production and certification, and effective peer-review of the NOP itself. We have been heartened by NOP's recent increase in audit and accreditation staff – but with the foundational community value of continuous improvement in mind, there is room for improvement. To answer the questions in the proposal:

#### **1. What have you experienced or witnessed that contributes to the shortage of organic inspectors/reviewers?**

We do not use bidding pools for inspectors so we cannot speak to their consequences, but the other concerns raised in the survey responses ring true for us. We would add:

- Travel time as an inspector is especially high because many inspectors cannot make a living with fewer inspections per year.
- Professionalization is a concern with reviewers too – we cannot both keep certification costs low for farmers and compensate reviewers equally to other regulatory professionals and have therefore struggled with turnover of review staff.

- The quoted inspector’s point about individuals with poor skill sets continuing to conduct inspections is well taken and is a symptom of the wider problem of lack of expertise and capacity; lack of available inspectors in certain regions we certify can limit options.
  - Both inspectors and reviewers can get burned out from doing repetitive yet challenging work with little upward mobility. (Some of that can be addressed with continuing education and/or specialization.)
- 2. What are some additional strategies that can be employed to increase the numbers of organic inspectors and reviewers?**

Increasing work flexibility (virtual trainings, remote work and remote or hybrid inspections) and professionalizing inspector and reviewer work through standardization of training/certification requirements and providing professional-level pay and benefits would help address the aforementioned recruitment and retention issues.

As we have previously suggested, IOIA could offer or administer an insurance program for independent inspectors who are not certification agency employees, perhaps in partnership with other agriculture-focused businesses. IOIA, ACA, OTA and others could partner with universities to develop organic-focused agriculture programs that funnel well-trained professionals into organic research, certification and inspection, education, policy, and farming/processing jobs. Technical assistance provided by agriculture educators and consultants is a crucial and underdeveloped part of the organic industry; currently there are few standardized resources for farmers or processors to navigate organic transition, or learn successful organic management, recordkeeping, or to gain familiarity with the regulations in accessible language (ESOL farmers’ native languages and plain English). Partnership with educational institutions would both increase inspector/reviewer numbers and help address these resource shortfalls.

There is a specific knowledge and experience gap for inspecting and reviewing handling and processing operations with complex activities and supply chains. Offering more competitive pay and benefits and targeting recruitment to processor/distributor trade shows, food science curriculum and other regulatory activities such as food safety could greatly benefit capacity of inspectors, certifiers/reviewers, and NOP alike to verify compliance and conduct complex audits.

**3. Are there appropriate ways for the National Organic Program to assist with the financial burdens of?**

- 1. Initial cost of becoming a trained organic inspector.**
- 2. Costs of continuing education for existing experienced inspectors, and**
- 3. Compensation for organizations and/or experienced inspectors to provide qualified one-on-one mentorships to beginning inspector/reviewers.**



As a nonprofit certification agency for whom farm viability is a primary value, OEFFA strives to keep certification costs as low as possible. As the organic community has striven for continuous improvement, standards have become increasingly complex to verify and training needs for all staff and contract inspectors are increasing. Over the years, we therefore have had to continually raise our fees to account for this increasing cost of providing certification at the same, or higher, standard of quality. We constantly feel the tension between keeping certification affordable, especially for small farmers, and doing our work as well as possible. Because we have kept our fees lower than those of many certifiers, we have not been able to pay staff or inspectors as competitively and have struggled to retain experienced reviewers. Over the long term, this balancing act puts our certification program in an untenable position.

To support the goals of high-quality certification, the ability to attract and retain qualified staff, and affordability for producers, the National Organic Program, and USDA more generally, could most usefully help by funding organic certification with taxpayer dollars. At minimum, this means restoring National Organic Certification Cost Share Program funding to its pre-2020 level (75% or up to \$750 per scope). However, merely restoring previous funding is not enough to address the deep problems of building and retaining expertise in the organic industry. Organic farmers steward the soil, water, and air and help to counteract climate change, as well as providing healthy food. These stewardship efforts, which benefit the entire world and especially the local communities where the farm is located, are costly to the farmer. Taxpayers who benefit from clean air, clean water, productive soils and carbon sequestration should pay for these benefits by subsidizing the cost of organic certification.

The cost of certification itself is not standardized nor, in many cases, are certification fees paid by farmers and handlers high enough to adequately compensate inspectors, reviewers, or certifiers and accreditors for the need for ever-increasing expertise in both the depth and breadth of certification activities. Instead of certifiers continually having to raise certification fees to cover costs, which pushes out small farmers and handlers and also raises organic food prices (making it less accessible for low-income communities), USDA can compensate, in whole or in part, for the increased education, training, fraud prevention and oversight needs by directly paying certifiers to perform certification and oversight activities. Fundamentally, we ask USDA to reimburse 100% of certification costs up to a standard amount and distribute additional funding to offset new training and education in an equitable manner.

Specific funding could go to experienced inspectors for mentoring. Scholarships or other funds could be made available for beginning inspectors to pay for training while paying special attention to bringing in BIPOC individuals to expand the diversity of the organic industry. USDA NOP has supported such efforts in the past. During the Sound and Sensible Initiative, OEFFA gratefully partnered with USDA and IOIA in making organic certification more accessible to the Plain Community we serve, including subsidizing the training of four Amish organic inspectors. Similar projects could support the training of BIPOC reviewers and inspectors with specific expertise and/or language abilities, thereby adding to much needed perspectives and skillsets in the industry. Inspector and reviewer pay could be standardized across the industry, with respect to cost of living, based on level of expertise and regular performance review. Consistently increasing inspector pay with expertise would compensate for out-of-pocket training costs (of both IOIA or other trainings and unpaid apprenticeships) and higher pay overall would help balance out the initial cost of learning to inspect. IOIA, ACA, and certifiers all have roles to play in

facilitating conversations about standardizing inspector/reviewer pay and certification costs, but it will take federal action to allocate funding.

## DISCUSSION DOCUMENT: HUMAN CAPITAL MANAGEMENT: SUPPORTING THE WORK OF THE NOSB

OEFFA thanks the NOSB for taking this suggestion and turning it into a discussion document. We think a creative solution can be found which serves the Board and the stakeholders, ultimately also benefitting the Program. Our first, general response is that this sort of exchange already takes place on an informal basis. NOSB members seek input from, or are provided unsolicited input by stakeholders between formal comment periods and through informal channels. Stakeholders share research, on-the-ground experience, and conversations on an ongoing basis. These practices are generally fine, and not new, and while they are not the same thing as having a research assistant, demonstrate that informal input can be provided to NOSB members for their information and further evaluation without issue.

### **2. Is the organic community comfortable with the Board getting support to “to help conduct and provide literature reviews, write drafts, and otherwise support the work of NOSB members”?**

Yes, we are very comfortable with the Board receiving this type of support. The better informed the Board is, the better questions it will ask, the better feedback it will receive, and the better advice it will provide to the Secretary and the NOP. A multidisciplinary team of research assistants could greatly benefit the board by providing literature reviews, drafts for further review, and even reaching out to producers, handlers, certifiers, or inspectors to ask specific questions that would help inform a topic, or the function or availability of a material.

The current structure of the board is such that some board members, because of their roles, are able to incorporate some portion of their Board service into their work week, whereas others' (especially farmer members') service on the Board is not supported by an employer. This creates a disparity which could be remediated by a research assistant. The Board is appointed by the Secretary of Agriculture ensuring USDA preferences are considered Adding research assistants to the mix could bolster the capacity and the efficiency of the board. Further, research assistants with particular areas of expertise could add value to the conversation through efficiently obtaining and summarizing information for the Board's evaluation on-demand, so the Board members could spend more time reviewing, discussing, deliberating, and offering recommendations. Finally, respect for confidentiality and avoidance of conflict of interest are aspects of the organic certification and inspection process and are not foreign to the community. Research assistants could each sign appropriate forms which could be kept on file along with other Board materials. Information and resources provided by these support personnel could be shared on an ongoing basis through committee meetings and ongoing discussion between the board and NOP staff.

### **3. If so, what areas are appropriate for the Board to get support?**

#### 4. For which areas should the Board not use outside support?

In our view, the research assistants would support the work of the Board, so they would work individually with Board members and supply the information and literature reviews as needed. We envision their relationship being with NOSB, not NOP, as we view the Board as an independent entity. With appropriate confidentiality and conflict of interest procedures in place, we cannot think of a specific topic for which it would be inappropriate for the Board to seek support. Further, we could see other positive externalities that could come from such a relationship, if care were given to its design. We'll share a few ideas here for the sake of discussion, but we'd be happy to share more if you think this is a worthy route to explore.

As was brought up in the initial "Human Capital" discussion document, a pipeline could be created for young people to enter the organic industry in multiple different ways. One such way could be through service to the NOSB as research assistants. To build capacity among students within a cohort over time, these could be 2-3 year graduate fellowship opportunities, which could be funded through industry, or through USDA programs such as the [National Needs Graduate and Postgraduate Fellowship Grants Program](#), or perhaps something like the [Centers for Excellence at 1890s Institutions Program](#). This could be an open application program, or it could even be an opportunity to gain more diverse perspectives on NOSB topics. Research assistants could be graduate students at Historically Black Colleges or Universities. Programs within USDA already partner with HBCUs in various ways, including the [USDA 1890 National Scholars Program](#). The program could provide a stipend for the research assistant, and the college or university could provide free or reduced tuition. The whole program would need a home or a caretaker that could provide the infrastructure for the entire process, including developing and maintaining partnerships with institutions, interfacing with the NOSB, overseeing the application process, organizing fellows, etc., which could be arranged.

NOSB members could "hire" students from the pool, or perhaps one or more students could be assigned to staff a particular committee. Perhaps that would aid in a tighter match between the expertise of the student and the needs of the committee. Perhaps with more than one student (a senior and junior fellow) could support one another as well as the committee and help each other learn the ropes, so that mentorship would be built into the research assistant just as it is with relationships among seasoned and new NOSB members. Diverse fields could be recruited to fill niches needed by the board in multiple subject areas, and the research assistant fellows could graduate to be well informed members of the organic community.

We hope you take this input as it is intended- as ideas of ways to both support the Board in its important work, and a way to bring along new organic community members and advocates at the same time. Thank you for picking up this idea and running with it. We want you to have the tools you need to do your job in a way that builds capacity and expertise.

## CROPS SUBCOMMITTEE

### PROPOSAL: PAPER BASED CROP PLANTING AIDS

OEFFA continues to view Paper Pots as a necessary part of an innovative and labor-saving transplanting system. As the NOSB noted, this system has the potential to diminish the amount of plastic used on mixed vegetable operations, as plastic cell trays and plastic mulch are not compatible with the paper pot transplanter. We are grateful for the July 2019 Technical Report on Paper Pots and Containers, and the NOSB's careful consideration of this topic.

We do, however, share concerns about the need for continued research on the impact of the portion of the material that does not decompose, including the portions that partially decompose. To limit the synthetic substances included in the paper pots and planting aids, we suggest the addition of the words "*listed in the Technical Review dated 7/26/2019*," to the proposed 205.2 Terms Defined, as follows:

*Paper-based crop planting aid.* A material that is comprised of at least 60% cellulose-based fiber by weight, including, but not limited to, pots, seed tape, and collars that are placed in or on the soil and later incorporated into the soil, excluding biodegradable mulch film. Up to 40% of the ingredients can be non-synthetic, other permitted synthetic ingredients at §205.601(j), or synthetic strengthening fibers, adhesives, or resins **listed in the Technical Review dated 7/26/19**. Contains no less than 80% biobased content as verified by a qualified third-party assessment (e.g. laboratory test using ASTM D6866 or composition review by qualified personnel). Added nutrients must comply with §205.105, 205.203, and 205.206.

Despite these concerns and minor suggestions, we support the NOSB's motion to add Paper Pots to the National List at 205.2 and 205.601(o). We also concur with the comments made by the National Organic Coalition suggesting that it would be appropriate to apply a statement to paper planting aids similar to that suggested for BDM. "When 100% biobased biodegradable paper planting aids become available, producers are required to use 100% biobased content paper planting aids."

### PROPOSAL: BIODEGRADABLE BIOBASED MULCH ANNOTATION CHANGE

OEFFA appreciates the Crops Subcommittee's continued work on this topic. Biodegradable biobased mulch films are regularly sought by OEFFA certified producers. We support excluding GE feedstocks in the mulch film. That said, we harbor several of the concerns we shared previously. We have materials review concerns regarding the three qualifying criteria at 205.2 and our ability to garner the necessary information to effectively review the material. Finally, we see the potential benefit to producers, and the producers certainly desire the labor and waste-saving potential of this material, but not at the cost of the soil food web. In the absence of longitudinal data on the effects of the mulch on the soil food web over time, we cannot support this proposal.

## 205.601 SUNSETS: SYNTHETICS ALLOWED FOR USE IN ORGANIC CROP PRODUCTION

### OZONE GAS

#### 205.601(a)(5)

Ozone is requested occasionally by our producers for use in irrigation lines. As it is relatively environmentally friendly and there are no comparable allowed substances, we support relisting ozone gas.

### PERACETIC ACID

#### 205.601(a)(6) 205.601(i)(8) -

Peracetic acid has historically been used infrequently by our certified producers, but there have been increasing requests in recent years. Given its relatively low toxicity to humans and the environment we support its relisting but note that this substance would also benefit from consideration as part of a comprehensive review of cleaners and sanitizers.

### EPA LIST 3- INERTS OF UNKNOWN TOXICITY

#### 205.601(m)

This group listing functions differently than much of the National List, which allows or disallows specific materials. The group listing and long defunct reference leads to regulatory inconsistency among certifiers. We appreciate the long history of work the Board has already put in on this topic in dealing with EPA List 4 inerts of minimal concern, which was well articulated by Terry Shistar of Beyond Pesticides, including the more recent October 2015 recommendation proposing an annotation to remove the reference to EPA List 4 and to find a path forward with a formal, transparent, public relationship with the EPA Safer Choice Program. We believe a similar path should be followed for EPA List 3. A transparent, public MOU between the EPA and NOP would be necessary so OEFFA materials reviewers would understand how and why materials decisions are being made and could apply that same logic to lingering grey areas. We support the clear and detailed list of steps submitted by the National Organic Coalition which could serve as a checklist to address this issue moving forward. **Finally, we believe EPA List 3- inerts of unknown toxicity should be removed from 205.601 of the National List.**

## 2023 CROP SUNSET REVIEWS

### 205.602 SUNSETS: NON-SYNTHETICS PROHIBITED IN ORGANIC CROP PRODUCTION DISCUSSION DOCUMENT: AMMONIA EXTRACT

We urge you to approve this petition to prohibit the use of ammonia extracts in organic production by listing it at §205.602 - Nonsynthetic substances prohibited for use in Organic Crop Production or the “prohibited naturals” section of the National List. It belongs in this listing due to its lack of compatibility with systems of organic agriculture, its lack of necessity in a system of organic production, and its toxicity to humans and other organisms.

### DISCUSSION DOCUMENT: KASUGAMYCIN

While we respect the challenges faced by fruit producers, especially, we harbor serious reservations about the inclusion of antibiotics on the National List and believe this would set a dangerous precedent. While fire blight is a terrible problem for orchards, kasugamycin is unlikely to stay effective against blight for very long given the history of other antibiotics used; therefore, even if we consider it necessary at present and allow it, we will no longer consider it necessary (let alone effective) in a handful of years.

More importantly, the questions in the related discussion document around the use and efficacy of this material miss the main question about whether we should be considering the inclusion of a class of materials that is currently excluded from organic certification. Kasugamycin does not meet any of the OFPA criteria for the National List—it poses health and environmental dangers, is not necessary, and is incompatible with organic practices.

**OEFFA opposes the inclusion of Kasugamycin on the National List.**

## LIVESTOCK SUBCOMMITTEE

### 2023 LIVESTOCK SUNSET REVIEWS ACTIVATED CHARCOAL (CAS# 7440-44-0)

**205.603(a)(6)- Must be from vegetative sources.**

We support the relisting of activated charcoal, which is the only substance currently allowed as a toxin binder. Charcoal can be a lifesaving measure for livestock who have accidentally eaten a poisonous plant while grazing. We regularly hear from producers asking to use activated charcoal.

## CALCIUM BOROGLUCONATE & CALCIUM PROPIONATE

### 205.603(a)(7) & 205.603(a)(8)

Calcium borogluconate and calcium propionate are critical treatments for lactating animals with milk fever and we support their continued availability to organic producers. It is necessary to have a variety of calcium products to treat milk fever because each performs differently (i.e. some offer a quick shot while others are long lasting to prevent relapse, some are better for I.V. and others for oral administration). While the listing for electrolytes at 205.603(a)(11) and the listing for nutritive supplements at 205.603(a)(21) encompass calcium borogluconate and calcium propionate, they are not redundantly listed because they have special restrictions that other electrolytes and nutritive supplements do not.

## CHLORINE MATERIALS

### 205.603(a)(10)

Currently chlorine materials are one of the few categories of sanitizer mutually agreed on by the Federal Milk Production Order and NOP. Hydrogen peroxide is not an approved sanitizer per the FMPO; peracetic acid leaves a strong and unpleasant smell in milk; we have not yet been able to approve any phosphoric acid sanitizers due to the presence of inactive or inert ingredients in conflict with the National List (which means these products have been approved as cleaners but not as sanitizers without a rinse). Rinsing with clean water itself runs contrary to the FMPO. As we say later in comments for Comprehensive Review of Cleaning and Sanitation Materials, harmonizing the organic regulations with these other regulations is essential and could be done most effectively with a comprehensive look at all such materials. In the meantime, we **support relisting chlorine materials, including calcium hypochlorite, chlorine dioxide, hypochlorous acid-generated from electrolyzed water, and sodium hypochlorite** for use in organic livestock production.

## KAOLIN PECTIN

### 205.603(a)(17)

Kaolin pectin is an important tool for dealing with diarrhea in organic livestock. We have struggled to approve kaolin products because various manufacturers have been unwilling to disclose complete information on inactive ingredients. We support continued listing of kaolin pectin at 205.603.

## MINERAL OIL

### **205.603(a)(20)**

Mineral oil is critical for relieving a compacted or impacted rumen. Natural oils get partially digested and do not work as effectively. We have had many requests from producers for mineral oil use and support its relisting.

## NUTRITIVE SUPPLEMENTS

### **205.603(a)(21)**

Nutritive supplements are probably one of the most effective organic treatments and are critical for assisting the animal help itself heal by boosting the vitamin/mineral responsible for whichever body function is affected by illness or injury. Many types are requested by producers and we currently have at least 200 products approved in this category.

## PROPYLENE GLYCOL

### **205.603(a)(27)**

Propylene glycol is an important treatment for ketosis as it works faster than other sugars. We currently have five products approved in this category and a handful of producers requesting their use.

## SODIUM CHLORITE, ACIDIFIED

### **205.603(a)(28) & 205.603(b)(9)**

We have approved several teat dips containing sodium chlorite for our certified producers but it is not frequently used. We would support keeping one but not both of the listings as they appear to be redundant.

## ZINC SULFATE

### **205.603(b)(11)**

Zinc sulfate is more environmentally friendly than copper sulfate and just as effective for heel warts and other foot issues. Currently we have approved just one zinc sulfate product due to difficulty getting information from manufacturers when producers have requested we review additional products. We support its relisting.



## MATERIALS SUBCOMMITTEE

### ASSESSING CLEANING AND SANITATION MATERIALS USED IN ORGANIC CROPS, LIVESTOCK, AND HANDLING

Thank you for organizing the panel discussion on sanitizers on November 12, 2020. The discussion made clear just how useful a comprehensive review of sanitizers, disinfectants and cleaners would be to the organic sector and started us in the right direction. Some of challenges identified were categorization (plurality of both common names and CAS #s), harmonization between organic and other regulations (dairy farmers are especially challenged by this regarding final substances used before milk contact), diversity of specific situations encountered by producers and handlers (on-farm water quality, resistance and adaptation by bacteria and ubiquity of biofilms), and varying approaches by food handlers (inconsistent cleaning quality affecting sanitizer efficacy).

The panel also suggested several existing regulatory bodies we could lean on for determining the safety of various cleaning and sanitation materials, including EPA-approved food contact substances, FDA-approved food treatments, and GRAS limits. These other regulations are a good starting point to filter options (both at Sunset and new petitions) but do not address all criteria in OFPA including necessity for use in an organic system and environmental toxicity (for FDA substances). In conversation with the panelists, the Board raised several excellent ideas which we support exploring further: a holistic view of food safety meshing with an IPM-like approach to microbial populations in food processing environments, safety for handlers of the materials, and considering only those materials that pass through a publicly-shared decision tree that incorporates OFPA criteria as they specifically relate to cleaners and sanitizers.

We continue to support the request for a Technical Review for each active sanitizer ingredient to provide a foundation for this broader review and the pragmatic idea to have a reference document that could be passed to future NOSB members. The Technical Review should incorporate a “standard of identity” for the active ingredient which includes common inert ingredients that accompany it. It is our understanding that the NOP has not put this Technical Review topic out for bid because the topic is viewed as being too unwieldy or broad. That is precisely why we need to get started with such a technical review, so we urge the NOSB and NOP to support a Technical Review, even if it is not all-encompassing at this time. Our participation in the ACA Materials Working Group has informed our position but has not been able to resolve this issue.

One of the needs in the organic community, which we also identified above in our comments on A Strategy for Recruitment and Talent Management, is for better educational resources and technical assistance for farmers and food handlers. Specifically, resources should be developed to help operators learn cleaning and sanitation best practices including monitoring site-specific sanitation needs, hygienic design, water quality standards, cleaning methods and sanitizer rotation. Using these best practices may reduce the need for "emergency" materials which are typically more toxic to handlers and/or the environment and often leave chemical residues that contact food. (Indeed, quaternary ammonium compounds are designed to do precisely that.) NOSB could collaborate with educational institutions to

simultaneously develop such resources and improve its own ability to judge which materials belong on the National List.

We also support the development of a tool, as NOC suggests, that identifies the needs in organic production for cleansers, sanitizers, and disinfectants, and that would help inform the NOSB when evaluating petitions for sanitizers to assess whether other materials currently on the NL meet the same needs, or if there is a special characteristic to the material under review that justifies its placement or renewal to the NL. This assessment may help identify areas where there are gaps in necessary sanitizers or disinfectants which aid organic crops, livestock, and/or handling operations in the promotion of food safety.

In the course of reviewing each sanitizer, NOSB would first note if there is an identified need, then evaluate the full list of ingredients (including common inerts) against the criteria in OFPA. This process would happen every three years and could include revisions of the Technical Review to include new ancillary/inert ingredients as necessary. If new ancillaries are not in keeping with OFPA, the listing could be annotated to exclude those specific formulations. For example, “Chlorine materials, *except* chlorine materials containing quaternary ammonium compounds.” Anything mentioned in the Technical Report as a standard ancillary ingredient, or other inert ingredients that are consistently included by materials manufacturers with a listed active ingredient, would be considered automatically allowed along with the active ingredient unless specifically restricted by annotation. Materials review organizations would then review only the listed active ingredient in a sanitizer product unless the National List entry for that active included an annotation (and then would review inerts/ancillaries as well).

We think the previously proposed evaluation criteria and list of materials classified by their active ingredients are a good start and appreciate NOSB’s acknowledgement of previous comments and desire to move this topic forward. As NOC notes, the goal of this work would be to result in a comparative reference tool for the NOSB to help them understand the various categories, classes, or families of sanitation materials, where they are most needed, and what would have the least and most environmental and human health impacts. Both the NOSB and the broader community need reference tools that will help them decide if petitioned materials are filling a need, as well as if a material that is less desirable could be taken off the list and replaced with a new material.

We thank you for your continued interest in this topic, and we urge the NOP to support NOSB by issuing initial Technical Review(s) to begin this important work.

## DISCUSSION DOCUMENT: NOSB RESEARCH PRIORITIES SPRING 2021

OEFFA appreciates the board’s overall recommendation that integrated research consider whole farm systems. This is especially pertinent as we experience a long-term climate crisis. We further request that the board and USDA advance research into the role of holistic systems, such as organic agriculture and the role that organic can play as we advance into this crisis.

While we support the range of research priorities identified by the NOSB we continue to reiterate the top-line research priorities that we have advanced for the past several years. Given the increases in NIFA funding, please amplify the importance of these sustainable alternatives to the USDA.

### ***The Role of On-Farm Research***

#### **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**

OEFFA supports NOSB's priority of "Evaluat[ing] natural alternatives to DL-Methionine in a system approach for organic poultry feed program."

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. Conservation tillage systems in organic agriculture, carbon sequestration and the soil microbiome**

OEFFA supports NOSB's priority of "Organic no-till practices for diverse climates, crops, and soil types."

That said, conversations around agriculture and climate change as well as soil health often dissolve into a focus on no-till vs. minimal tillage systems. We are seeing some progress on organic no-till and more research continues to be needed in this area. However, it is also necessary to acknowledge producers who have lost entire crops in organic no-till experimentation. They need on-site technical assistance and research support as they test this system out in varied geographies and soil types across the country.

It is equally important to research minimal/conservation tillage systems in terms of how they affect the soil food web and carbon sequestration. While organic no-till is something to be working toward, we should not ignore the fact that it may not work in all areas and all production systems and that there may also be unique advantages to conservation tillage systems that require further study.

### **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. While we are eager for an alternative to plastic mulch, we would like to see more research, including longitudinal studies, on the effects of biodegradable mulch decomposition on soil biology and human health. Additional research and development of a safe, biodegradable biobased mulch film for organic production is imperative.

## **Excluded Methods**

OEFFA supports NOSB's research priorities outlined related to coexistence with GE crop production.

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

Given the current climate crisis and potential future impacts, the integrity of public germplasm collections is of even more pressing importance. Those resources must be kept viable and free from contamination for the viability of the organic food system but also as they may be needed to respond to future climate change. This is a critical research priority.

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

Organic and non-organic systems have continued to coevolve for decades now with minimal attention to the impacts on organic growers. The reality is that they have been bearing 100% of the risk and the cost of contamination. We know this is not effective or equitable. A research strategy that combines the state of the science on drift and other forms of contamination accompanied by the social science dynamics of these very different farm cultures and cohorts would be able to bring together these dynamics and make workable recommendations for both organic and non-organic growers. As more and more producers focus on soil health, organic AND regenerative agriculture, the issue will only continue to grow in importance.

3. Please see our research comments included in the Excluded Methods Determination section related to a federal database of existing and emerging GE technologies in the food and agriculture sector along with the research support necessary for Organic producers, handlers, certifiers, and this Board, to stay educated on emerging methods and the potential for contamination of certified agricultural products.

## **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.

## **Water quality**

1. In Ohio and many other states concerns about agriculture impacts on water quality continue largely unabated. Whether the concerns relate to nitrogen or phosphorous, state governments and farmers alike are being tasked with identifying and implementing solutions. After approximately 10 years of study and tens of millions of dollars of federal investment in the Western Lake Erie Watershed Basin more than  $\frac{3}{4}$  of the agricultural land in the watershed remains without winter cover crops. While there has been some reduction in nutrient loading, significant progress toward the international goal of reducing dissolved reactive phosphorus by 40% remains out of reach.

Organic producers must plan for their applications of nutrients in a way that protects watershed health and do not use the synthetic phosphorous which is a significant contributor to nutrient loading, which some research indicates can be exacerbated by the use of glyphosate. Despite these benefits of organic management systems there has been little to no study of how wider adoption of these management practices could help meet water quality goals. ***Please ensure that USDA prioritizes research into the connections between organic management systems and water quality.***

## EXCLUDED METHODS DETERMINATIONS

OEFFA appreciates the board moving the issue of Excluded Method forward after a period of inaction. We also support the continued affirmation that genetic manipulation of any kind is to be prohibited in organic agriculture and that "...GMOs are a transgression on the integrity of the entire organic supply chain from cell to table."

Identifying emerging technologies in the food sector and determining whether they will be considered excluded methods in the organic system will need to be an ongoing priority of this and subsequent boards and the continuity of that work must be maintained. The NOSB and the NOP should not, however, be doing this work in isolation from the rest of the US Department of Agriculture (USDA). In 2016, OEFFA provided a recommendation to the board that USDA begin housing a database of all GE methods used in agriculture. This work could be completed in cooperation with the Food and Drug Administration (FDA).

The past year demonstrated to many, and to our emergency management agencies in particular, that we need increased attention to the security and resilience of the U.S. food system. A comprehensive listing of the existing and emergent GE technology related to food and agriculture should be catalogued and analyzed as a matter of national security.

1. OEFFA does not have information to provide relative to the first question regarding new emerging methods to be added to the TBD list.
2. Please prioritize the remaining TBD list methods according to the definitions, principles and criteria established in the 2016 Proposal.
  - a. With regard to the question of prioritizing the current TBD list, we concur with NOC's comment that the board create an ad hoc committee to provide information on these methods to the board so that you are prepared to vote on all of the TBD methods at the fall 2021 NOSB meeting.

**c. How do we regulate technologies used to develop new seed varieties that companies are otherwise under no obligation to disclose?**

We can best regulate new technologies used by seed companies by requiring preemptive declaration that only traditional plant breeding techniques and no genetic engineering" methods were used in the production of each seed/planting stock variety. This straightforward affirmation limits the need to comprehensively define excluded methods, which is invariably a reactive and ill-informed project due to the ongoing development of new techniques which may not always be publicly advertised or described. Organic producers are already familiar with collecting untreated and non-GMO statements from seed and planting stock suppliers, and suppliers are already familiar with providing such statements. It is therefore a natural next step to include positive affirmation of breeding on seed tags and other marketing materials, or as a supplemental document at sale, for all seeds, seedlings and planting stock used in organic systems.

**3. Are unintentional excluded methods hiding in organic systems when the actual material produced and used has no trace of excluded method in the final organic product?**

Yes, we know that these methods are currently being used in vaccines and if we go far enough back many microorganisms may have been cultured on GE substrate. We also know there is GE contamination in organic crops even when certain products from those crops (such as soybean oil) do not contain GE DNA.

**Do we have the inspection, testing, and enforcement tools to keep prohibited methods out of the organic marketplace?**

We do not have the tools we need to keep prohibited methods out of the organic marketplace and have not begun to assess the extent of prohibited materials in the marketplace, but such information is an important baseline of understanding.

In 2016 comments to the NOSB, OEFFA requested the NOP begin a pilot study on the inadvertent presence of GE material in organic products to inform future deliberation. Data collection and testing projects were also recommended by OEFFA in the fall of 2017. In the spring of 2018, we requested the NOP conduct a national pilot study with proper sampling methodology and in the fall of that year supported a start to that work focusing on the integrity of organic seed and subsequently organic corn seed. Unfortunately, none of that work has moved forward.

While organic certification is a process-based standard we do require testing. ACA's have been collecting data on GE contamination for several years as part of their annual 5% residue testing. As far as we are aware, there has not been a compilation or analysis of these testing results. Therefore, we request that the NOSB work with the NOP to coordinate the aggregation and analysis of existing ACA testing data on inadvertent presence of genetic material in organic as a point of reference.

**4. Given the lack of transparency around emerging technology entering food and agricultural systems, how can Organic producers, handlers, certifiers, and this Board, etc. stay educated on emerging methods and the potential for contamination?**

In addition to our prior comments regarding a USDA/FDA dataset of existing and emergent GE technologies, OEFFA suggests this item be added to the NOSB's research agenda request and forwarded to the USDA. We appreciate and support stakeholder recommendations to create a committee focused on these issues. We also urge broader agency engagement, additional research, and data. This is a moving target which requires a multi-faceted response.

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

*Amalie Lipstreu*

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