



April 5, 2023

National Organic Standards Board
USDA – AMS
1400 Independence Ave, SW
Washington, DC 20250
Docket # AMS-NOP-22-0071

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 steering committee. OEFFA’s Certification program has been in operation since 1981. OEFFA certifies more than 1,100 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 affect positive food systems change. We want to support OEFFA 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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BIG PICTURE

FIELD AND GREENHOUSE CONTAINER PRODUCTION

OEFFA is part of a working group of certification, education, and policy organizations who agree that soil is the foundation of organic agriculture, and who strive to achieve consistency in our organizational policies and certification decisions.

Specifically, we agree upon the following ideas:

- Soil is the foundation of organic agriculture.
- A full reading of the Organic Foods Production Act (OFPA 6513) and the Regulations requires that organic plants be grown in soil. Aeroponic, hydroponic, and crops grown to maturity in containers do not comply with [OFPA 6513(b)(1)].
- We cannot achieve consistency in our policies and decisions until the NOP goes through the formal rulemaking process for Greenhouse Production Standards which were recommended by NOSB nearly 20 years ago.
- We cannot achieve consistency in our policies and decisions until containers go through the process of NOSB discussion, recommendation, and NOP rulemaking.

The members of this group agree that the following crops grown in containers have historically been certified organic, and ought to be allowed to be certified organic moving forward. We have adopted them into certification policies in the absence of clear and applicable standards.

- **Sprouts** (which are mentioned in the rule as requiring organic seed, and which take their nutrition entirely from the seed)
- **Microgreens** (which are not mature at the time of harvest, but are sold as an immature plant, and which also derives much of its nutrition from the seed)
- **Fodder** (sprouts for livestock)
- **Transplants**, (annual seedlings, and perennial planting stock (which are subsequently transplanted and grow to maturity in soil)
- **Mushrooms** (fungi, not plants, but widely certified with somewhat consistent ad hoc policies developed by certifiers over time, based on the NOSB Final Recommendation on the Mushroom Practice Standard, or using livestock standards, as fungi are other, non-plant life. There are, however, significant differences in terms of what certifiers allow as substrate. Development of mushroom standards is a high priority for us.)

Based on our interpretation and full reading of OFPA and the NOP regulations, our current consensus is that the above is a complete list of crops that should be allowed to be certified when grown in containers. These items still require NOSB discussion, recommendation, and rulemaking to improve the consistency of existing extrapolation, interpretation, and certification. The 2010 NOSB recommendation on Terrestrial Plants in Containers and Enclosures should be used as a starting point. Admittedly, this “cart before the horse” approach to rulemaking, in which production types are certified before clear standards exist, is backwards and ought to be avoided moving forward.

To address these inconsistencies, we urge the NOSB to activate the latent agenda item “Field and Greenhouse Container Production.” We would happily provide detailed input as to the forward movement of this agenda item with the shared goal of improved transparency and consistency and bringing us into greater alignment with the global organic movement, including the IFOAM position on Hydroponics¹. **Please work to add “Field and Greenhouse Container Production” back to the NOSB work agenda and lead our community in a discussion of this essential topic. The future of organic integrity depends upon it.**

Finally, because aeroponic, hydroponic, and crops grown to maturity in containers do not comply with OFPA 6513(b)(1), and because there is significant inconsistency in the way these forms of production are being handled by organic certifiers presently, **we urge the board to call for a moratorium on the certification of new aeroponic operations, hydroponic operations, and crops grown to maturity in containers** until we can utilize our existing NOSB and rulemaking process to move forward with greater consistency.

RACIAL EQUITY

OEFFA appreciates the work of the current Administration to bring equity issues to the fore within USDA, and the efforts of NOC and others to bring these issues to light within the organic community. We support NOC’s racial equity comments and have the following two specific requests:

1. Conduct Anti-Racism and Cultural Sensitivity Training for NOSB Members

It is crucial that the NOSB members experience ongoing education in the history of racism and oppression that has led to today’s landscape and who has access to land, resources, USDA programs, and organic certification. Organic leaders need training focused on understanding the legacy and history of race and racism in U.S. agriculture to be able to support BIPOC farmers. Perhaps the training could involve conversations with affected stakeholder communities so the board could interact directly with impacted stakeholders. Such ongoing education could allow NOSB members to better attend to the needs of BIPOC operators as they advise the NOP.

2. Add Racial Equity as a work agenda item under the CACS Committee

Previously, OEFFA had requested the board add a DEI subcommittee. We understand the challenge of establishing a fully independent subcommittee within the NOSB, and therefore recommend that racial equity be included as a work agenda item in the CACS Committee. This agenda item is needed to help ensure that racial equity is a thread woven through the many efforts of the NOSB with a goal of challenging, rather than repeating patterns of structural racism in USDA programs.

We thank the Board for your attention to these matters and we would be happy to support your efforts in this arena.

NOSB AGENDA ITEM: SWINE MANAGEMENT

OEFFA is eager for the final Organic Livestock and Poultry Standards to be published. We are supportive of OLPS and look forward to its swift implementation. That said, it is clear there is more work to do in the development of standards that relate to the production and processing of swine. We would like to request the Livestock Subcommittee add the topic of swine management to its work agenda to begin addressing the gaps in the existing and proposed standards.

¹ <https://www.ifoam.bio/sites/default/files/2021-06/organicsinaction.pdf>, p.45 – Hydroponic Production not in line with Organic Principles

FARMER ENGAGEMENT IN NOSB PROCESS

The National Organic Program was built by and for organic farmers. It must continue to be shepherded by this important stakeholder group. They are core to this process. As such, **we are committed to finding other ways for OEFFA farmers to engage in the NOSB process and we are eager for NOSB leadership in this arena.**

OEFFA farmers “workshop” NOSB meeting materials. They gather in groups and form opinions that shape our comments through robust discussion. That said, until the meeting times are scheduled in a way that works for farmers, we need your help to continue to make this work better.

We need:

- **Detailed and swiftly published subcommittee notes**
- **Meeting materials for a longer period of time ahead of comment submission. We are wondering- could there be a “soft publishing” of the discussion documents and proposals ahead of the federal register notice?**
- **A structured opportunity for interaction with the board in the winter. One OEFFA farmer suggested a winter listening session. Such a session could be timed to help inform NOSB meeting materials for the fall meeting.**

It is our hope that we, in collaboration with OEFFA farmers and handlers, can find ways to continue to communicate with board members outside of NOSB meetings, including informal communication, group meetings, and the use of the open docket. For us, this underscores the importance of NOSB members having the ongoing support they need to make time to engage with stakeholders and juggle all of their other board responsibilities. **We urge the program to move forward with the recommendation made by the board last fall for NOSB support while we also brainstorm other ways to work around the NOSB meeting schedule.**

GLOBAL ORGANIC MOVEMENT CONSISTENCY

Just as the US organic regulatory system benefits from consistency of interpretation and application, the international organic movement benefits from increased consistency across national organic programs. There are a few materials in which there is a lack of consistent practice in the US system, which conflicts with our trade partners, organic neighbors, IFOAM interpretations, and CODEX regulations. We appreciate the Board’s attention to this matter when reviewing each material, and we agree that we should bring our standards into greater concert with the global organic movement.

COMPLIANCE ACCREDITATION, AND CERTIFICATION

PROPOSAL: ORGANIC AND CLIMATE-SMART AGRICULTURE- ORGANIC IS CLIMATE SMART

OEFFA is appreciative to the board for taking on the task of demonstrating to the USDA how organic agriculture is “climate-smart”. While most of the organic community understands that the holistic and synergistic suites of practices that make up organic management systems provide numerous ecosystem functions including climate adaptation and mitigation benefits, research funding to document those benefits has been extremely limited. It is past time to increase research funding so that we can effectively demonstrate the numerous benefits of organic management systems and for USDA to acknowledge these benefits clearly and publicly.

The idea of a “*universal OSP*” has again been put forward in this document as a tool for streamlining, providing greater consistency in reporting and ease of use with other USDA programming. It is important to think about who benefits and what the unintended consequences may be. A frequent argument for the universal OSP is that current OSP’s look like checklists and do not demonstrate the kind of comprehensive planning needed. The OSP was designed to be a tool for site specific planning, to build and utilize on-farm resources, and demonstrate both systems thinking and compliance with NOP standards. By creating a streamlined OSP that is plug and play with other programming, it becomes a more

bureaucratic tool than what it was designed to be. It may, in fact, promote more of a “checkbox” mentality than the forms currently in use.

Organic producers can demonstrate compliance and qualify for other USDA programming through the use of existing OSPs. NRCS is well-versed in the variations not only across regions, but even within fields, and has the capability to identify common elements on existing system plans for program qualification. Further, it is not at all clear that a universal OSP would actually make NRCS programming more accessible in practice and in fact, organic literacy training should be a prerequisite to consideration of a universal OSP.

OEFFA farmers are demonstrating that they want to be part of the solution to climate change and are willing to apply for programs where they see clear benefit for their farm and their goals for mitigation and adaptation. Let’s not conflate the idea of a universal OSP with steps to meet goals for participation in climate-smart programming. Additionally, recognizing that organic practices are indeed climate-smart, arguably the most streamlined way by far for organic farmers to access other government programs is for those programs to simply accept an organic certificate as proof that the farmer complies. If we really want to eliminate barriers to organic farmer participation in such programs, USDA should acknowledge the suites of good farming practices inherent to organic farming instead of creating new hoops for farmers, and certifiers, to jump through.

OEFFA strongly supports the board’s assertion that USDA-Agricultural Marketing Service has a key role to play when it comes to marketing organic agriculture as “climate-smart”. The agency must get beyond the idea that it is “choosing between two children” if organic agriculture is supported. Just as good parents know that different children have different talents and abilities that are to be supported and celebrated, the USDA can acknowledge and promote the multiple ecosystem benefits of organic agriculture as a marketing function through AMS without being considered disparaging to conventional agriculture.

With regard to critical research needs for organic producers in the arena of climate, **OEFFA would like the board to gather a panel of researchers with experience on organic agriculture and climate issues to have a more thorough discussion with the board and to add to the list of organic research priorities related to climate.** We would also love for there to be an **annual meeting between the NOSB and NIFA** so the agency can report on which NOSB priorities were advanced in the previous year, and what NIFA might need from NOSB in order to better collaborate to support organic farmers and handlers.

We would also like to request that impacts on climate be included as a criterion the Board uses to review materials for inclusion on the National List. This would be a way of institutionalizing climate concerns as part of NOSB process and ensuring accountability to climate concerns in the arena of organic production materials.

Finally, we must all acknowledge that **USDA organic certification of “water-based” systems undermines the ability of us all to champion the benefits of organic management systems as a solution to climate change.**

DISCUSSION DOCUMENT: ORGANIC AND CLIMATE-SMART AGRICULTURE- CLIMATE INDUCED FARMING RISK AND CROP INSURANCE

1. What has been your experience with crop insurance, including the type purchased?

OEFFA farmers have had myriad experiences with crop insurance, ranging from fairly good experiences with regard to organic corn and soybeans, to absolutely no viable access for small and diversified operations. Many transitioning operators have experienced misinformation from agents and poor risk management during a vulnerable time, often resulting in the loss of thousands of dollars of revenue that should have been protected through the crop insurance program in which they were enrolled. To address these needs, OEFFA members formed a Crop Insurance Work Group. This group has been working together for some time, outlining a list of

recommendations to help crop insurance become more fair, functional, and informed. The goal of this group, in the face of a changing climate, is to make crop insurance work for everyone.

OEFFA farmers have purchased a variety of different multi-peril and Whole Farm Revenue Protection plans over time. Several OEFFA farmers also use Pasture, Rangeland and Forage (grazing program) insurance for forage crops.

2. What do you see as the most significant obstacle to organic farmer adoption of crop insurance?

There are multiple obstacles facing organic farmer adoption of crop insurance. These barriers arise in different ways for different types of producers.

Crop insurance is largely not designed for diversified producers, and so they do not use it. Most of crop insurance is designed for commodity grain production, with the exception of Whole Farm Revenue Protection which is a good idea but needs RMA investment and improvements to effectively support small and diversified operators. Because diversified farmers think these programs are not designed for them, a common response to questions about crop insurance is, “my diversity is my crop insurance,” frequently followed by, “I wouldn’t mind having crop insurance if it worked for my farm.”

Crop insurance is a big obstacle for transitioning farmers, much as it is for beginning farmers. During transition, even experienced farmers are treated like beginning farmers and are required to start all over building Actual Production History (APH- the average yield obtained on the insured unit for four to ten consecutive crop years in which that crop was produced) for a series of crops in the rotation, which takes a long time. The most robust organic crop rotations take the longest to build APH, which could be a disincentive to farmers having greater crop diversity, a move in the wrong direction if we are incentivizing “climate-smart” agriculture and promoting organic as a solution in that regard.

A related issue, **T-yields** (an estimated county yield of the insured crop, that's assigned if the insured isn't able to provide a minimum of four years of actual production history on each specific parcel) don't work for anyone- conventional or organic. OEFFA farmers are unclear on the source of these numbers and find them to be lacking in logic. Further, this practice of averaging, and the length of time it takes to remove the T-yield disincentivizes diverse rotations and thereby, soil health and innovation.

Planting date requirements are another example of an element of crop insurance that is not designed with organic systems in mind. Cultural practices such as cover cropping which are both typical and necessary in organic systems require time for termination. Additional considerations such as optimal field conditions for planting, and coordination with neighbors utilizing GE seeds, in addition to organic farmers’ use of untreated, non-GMO seeds which will rot in cold conditions, leave organic producers habitually planting later. Crop insurance penalizes late planting by dropping the guarantee by one percentage point each day until planting occurs, even though the previous year’s yields were often also planted at that time, because later planting benefits organic farmers’ and fits with their systems of management. This means organic producers are penalized coming and going, which is both unfair and unwise in terms of risk management.

Additionally, **Good Farming Practices**, as defined by RMA, do not align with Best Management Practices as defined by NRCS. This speaks to a greater opportunity for inter-agency collaboration, communication, and education about various USDA programs, including organic production and certification systems. OEFFA farmers have had very typical organic rotations and practices questioned and have had to engage in stressful and time-intensive mediation processes to ultimately receive RMA support.

3. *What benefit do organic producers receive from crop insurance (in other words, what is working for them?)*

Broadly, OEFFA farmers agree that a farm safety net is important. Possessing crop insurance, regardless of how well it actually functions, has the beneficial side effect of allowing farmers to receive bank loans. Corn and soybean policies work well for organic producers currently, and re-planting, when needed, has generally been allowed with some degree of flexibility. Pasture, rangeland, forest (PRF) coverage has worked well for some OEFFA producers over time. OEFFA farmers believe Whole Farm Revenue Protection is a good idea, and would serve a number of OEFFA producers if it functioned properly. It requires the concerted investment of RMA to review the actuarial data to make it work better so that all operators have an insurance option, and so that diversification is encouraged, rather than penalized by crop insurance systems.

4. *What problems have farmers experienced with their crop insurance policies?*

Crop insurance currently serves to support a very small number of crops very well. This leads to a disincentive to grow other crops beyond those that are well protected by crop insurance (in our region, corn, soybeans, and in some cases, wheat). This disincentivizes robust crop rotations, cover cropping, and nimble, farm-level, site-specific decision-making by holding farmers accountable to more conventional practices and timing. Crop insurance does not dovetail well with organic production systems. It is tailored for conventional growing systems and timing. OEFFA farmers have experienced myriad problems with Crop Insurance, but the Crop Insurance Work Group has chosen, instead, to focus on solutions.

5. *What recommendations would you make to improve the functioning of crop insurance for organic producers?*

OEFFA Member Proposals to Make Crop Insurance Work for **Everyone**

Make Crop Insurance **Fair**

- Each operation should receive one subsidy and no more. The Farm Bill should include a strong “actively engaged in farming rule” to set this limit. No double-dipping.
- Crop insurance should only apply to land that is suitable to be farmed. The Farm Bill should prohibit crop insurance premium subsidies on unsuitable land.
- The Farm Bill can better support beginning farmers with less costly crop insurance policies, continue to support the majority of farmers with policies valued between \$10k-\$100,000 and reduce the rate of support for the largest farms who hold policies totaling more than \$100,000.

Make Crop Insurance **Functional**

- Organic producers often plant later than their non-organic counterparts, due to strategic organic systems management. RMA must establish a unique final planting date for certified organic crops in each region *with a non-penalizing grace period* so that organic producers can maintain productivity and organic status.

- Organic producers should use the transition period to develop an organic management system and then write their Organic System Plan in conjunction with their application for organic certification. RMA should provide organic insurance to producers transitioning to certified organic status without requiring an Organic Systems Plan.
- A clear, transparent, consistent path for organic transition and crop insurance must be established. As USDA invests \$300 million in organic transition, transitioning operators must be supported through a streamlined farm safety net.
- Create an Enterprise Unit (EU) by Practice Type option for organic status. This would enable operators to group land separately so that each type could be managed and insured appropriately.
- Whole Farm Revenue Protection is intended to serve small and diversified producers but has limited utilization. It must be improved to better support these growers through lower premium costs associated with higher levels of diversity, and true revenue protection for operations already mitigating risk through diverse production systems.

Make Crop Insurance **Informed**

- NASS and RMA should work together to regularly conduct an organic production survey.
- Expand NRCS technical capacity and cooperative agreements to support adoption of soil health plans.
- Require organic literacy within RMA to help employees and agents be informed about organic insurance in order to better serve organic clients and grow the benefits of the organic industry.

6. *In your view, are there other, perhaps better, mechanisms for organic farmer risk mitigation?*

Many organic farmers use diversification as crop insurance. Please see our list of recommendations under number 5. At this point, we're still focused on fixing what we have.

DISCUSSION DOCUMENT: OVERSIGHT IMPROVEMENTS TO DETER FRAUD: CONSISTENT LOCATION IDENTIFICATION

We appreciate the committee's continued efforts at fraud prevention. OEFFA is committed to fraud prevention in organic, and we're generally willing to do what it takes to be part of the solution. OEFFA farmers in our organic work group do not take issue with sharing GPS coordinates. They are already providing this information if they work with the Farm Service Agency and **encourage inter-departmental collaboration at USDA so that they are not required to double-report data**. However, we also certify hundreds of Plain Community farmers who engage less frequently with FSA and utilize technology selectively in accordance with their religious beliefs and culture. It would be a heavy lift for us to collect GPS coordinates for farms in this community, for reasons outlined below. The suggestion that Previous Land Use Affidavits must include GPS coordinates creates an even greater barrier for operators in the Plain Community, particularly if they acquire land from others in the Plain Community who also do not use GPS technology.

Our Certification Program requests further information regarding how this information would be collected, aggregated, and cross-referenced by certifiers so that it can be a fraud prevention tool. We also want to fully understand how this data would serve to prevent fraud. The connection between geolocation data and verifying land eligibility is unclear; acres in transition to organic by uncertified farms or managed organically without certification (such as CRP land) are not tracked by certifiers. We are curious how aggregated data would be used – and whether it would be reported to OID. We see theoretical potential for aggregate data in a public (to certifiers) database to be used in conjunction with automated cross-check tools to find instances of double-reported fields or other concerns, but we wonder how useful that would really be given the human error involved in dropping pins in the precise center of a field, and programming issues with finding near-matches as well as exact matches. We do not think such data analysis, on a large scale, would be feasible to do manually.

Responses to specific questions to stakeholders:

1. Are you currently collecting field-level location information? If so, what method are you using to collect this information?

OEFFA Certification collects the locations of all fields using maps submitted by the producer and street addresses. Since not all fields have street addresses, producers have creative ways to communicate field locations like "northeast corner of Township Line Rd and Smith Rd" or "driveway just north of the grain bins across the road from our barn". Some producers do list GPS coordinates, but it is not the norm. We do not list field addresses on organic certificates because of the lack of consistent addresses to list.

We also collect the locations of all facilities used. Facilities under the management of the certified operation (as opposed to contracted facilities with their own certification) are listed on the operation's organic certificate as an additional street address.

3. Certifiers: Are you able to locate every field you certify via the information provided solely by your client (e.g., maps, field history, OSPs), or would you need the certified client to show you where the field is located?

While some maps – particularly those provided by Plain Community farmers – are hand-drawn, we can locate fields for inspection based on the information provided in the OSP. In rare cases where an inspector discovers that fields cannot actually be located in practice based on the OSP because the map or address information is misleading or insufficiently specific, we require additional information from the farmer until the fields can be located independently.

4. What would be the best GIS or Geospatial Tool for certifiers and inspectors to view aggregated location data via maps?

OEFFA does not currently aggregate location information via maps. We have some concerns with any software tool that might be used. Inexpensive or free software providers such as Google Maps may harvest data, leading to potentially massive confidentiality concerns if certifier field data is aggregated in the program and connected to contact information or certification information for individual farms. Other programs that may have more robust privacy policies such as ArcGIS are significantly more expensive (for example, ArcGIS appears to be \$765 per basic business user license annually), which means a greater burden for smaller certifiers or state departments of agriculture with fewer resources.

Additional logistical barriers we foresee include:

A GPS pin is not equivalent to an outline of field boundaries; for larger fields that are 50 or 100 acres, the pin may be less useful, even in aggregated data, for verifying whether for example the boundaries overlap with other certified ground

(to notice if acres are being double-counted by one or more certified operations). A pin drop in the middle of each field would be time-consuming to acquire for operations with many fields – it is not uncommon to have 30 or more fields in an OSP. And again for large fields, walking out to the middle of each field and trying to find the center may be very time consuming if the operation has many certified fields. We do require inspectors to visit each certified or requested field every year, but anticipate that specifically seeking the center of the field to verify – or provide, in the case of Plain Community farmers or others who do not self-report – GPS coordinates would greatly increase time spent inspecting. Additional considerations, such as pollinator strips, quail habitat, or other forms of buffers would make it even more difficult to delineate from GPS coordinates how much of a parcel is actually in production.

OEFFA takes pride in contracting with several inspectors who are themselves in the Plain Community. We believe they add unique qualities and perspectives in communicating with others in their community and we are glad to have this diversity in our inspector pool. However, Plain inspectors do not typically use GPS technology; it would be exclusionary to require GPS use at inspection. Certifiers who work with Plain inspectors would have an additional logistical burden to avoid assigning them inspections of new operations or operations with new fields so that an inspector who uses GPS can visit instead.

We appreciate the thought behind this proposal but hesitate to support it due to these several logistical, practical, and equity concerns.

CROPS

DISCUSSION DOCUMENT: POTASSIUM SORBATE- PETITIONED

For considered addition at:

§205.601(e) for use as an insecticide

§205.601(i) for use as a plant disease control

OEFFA does not support this petition for the reasons mentioned in the last two paragraphs of the meeting materials:

“KS is not made from renewable resources, the materials used to produce KS are not recyclable, do not compliment the use of natural and biological controls, and many alternative substances and practices exist currently.

As the TR states in several places, more research is needed to understand the impacts of allowing KS to be used as an active ingredient for insect and plant disease control...”

2025 SUNSETS

NEWSPAPER OR OTHER RECYCLED PAPER

§205.601(b) as herbicides, weed barriers, as applicable. (2) Mulches (i) Newspapers or other recycled paper, without glossy or colored inks.

§205.601(c) As compost feedstocks- Newspapers or other recycled paper, without glossy or colored inks.

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) as herbicides, weed barriers, as applicable (2) Mulches (ii) Plastic mulch and covers (petroleum-based other than polyvinyl chloride (PVC).

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.

- 1. Please describe in detail how this listing for plastic mulches is being applied in conjunction with the §205.206(c)(6) requirement for removal, and specifically, how is the provision being applied in all areas of organic cropping systems?***

OEFFA does require the prompt removal of plastic following the growing season, whereas woven fabrics, on the other hand, hold up well over extended periods and are, to our knowledge, allowed for perennial production. Crops such as strawberries and garlic have planting schedules and harvest seasons that fall outside the norm in our region. OEFFA does, in certain situations, allow plastic mulch film over winter such as in garlic and in spring and fall planted strawberries.

HYDRATED LIME

§205.601(i) as a plant disease control (4) hydrated lime

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) As plant or soil amendments (8) Liquid fish products- can be pH adjusted with sulfuric, citric or phosphoric acid. The amount of acid used shall not exceed the minimum needed to lower the pH to 3.5.

OEFFA supports the continued listing of liquid fish products, as they are widely listed on Organic System Plans by OEFFA producers. Regarding the additional information requested by the Subcommittee:

- 1. Is the liquid fish product's annotation- "-can be pH adjusted with sulfuric, citric, or phosphoric acid. The amount of acid used shall not exceed the minimum needed to lower the pH to 3.5." clear and able to be enforced?***

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. We urge the NOP to put into effect the NOSB recommendation made in 2020 on this point, which suggested limiting the use of fish for liquid fish products to "sourced only from fish waste, bycatch, or invasive species." While this annotation would prevent fish from being primarily harvested for fertilizers, it may not go far enough. Allowing the use of "bycatch" allows the harvesting for fertilizer of not only fish, but also dolphins, marine turtles, and sea birds. Fish meal for livestock feed should also be covered by this annotation. It is important that "fish waste" be defined as waste after processing for market to ensure that to the extent possible, nutrients are returned to the marine ecosystem.

A significant body of work was produced over the span of two boards on organic farming systems and their relationship with the marine environment. We want to honor that body of work and use it as we reconsider the Sunset of marine materials. The NOSB should revisit annotations to marine-based materials to ensure that their use to foster fertility in terrestrial ecosystems does not threaten the health of marine ecosystems.

MICROCRYSTALLINE CHEESEWAX

§205.601(o) as a production aids (1) Microcrystalline cheesewax (CAS#'s 64742-42-3,8009-03-08, and 8002-74-2)- for use in log grown mushroom production. Must be made without either ethylene-propylene co-polymer or synthetic colors.

OEFFA has permitted microcrystalline cheesewax in log mushroom production based on the NOSB recommendation made in 2001. We need the mushroom standards which were recommended by NOSB in 2001 to move forward to rulemaking to ensure the consistent certification of mushrooms.

SUNSET UNDER 205.602: NONSYNTHETIC SUBSTANCES PROHIBITED FOR USE IN ORGANIC CROP PRODUCTION

POTASSIUM CHLORIDE

§205.602(e) Potassium chloride- unless derived from a mined source and applied in a manner that minimizes chloride accumulation in the soil.

OEFFA supports the relisting of potassium chloride at 205.602.

1. *Is potassium chloride widely used by producers of organic crops?*

OEFFA currently has 25 operations listing products that have a potassium chloride restriction on their Organic Systems Plans. There are 5 different products in use by OEFFA operators. Three are blends and two are straight potassium chloride. Greater industry consistency is needed regarding how certifiers determine chloride is not accumulating in the soil over time. OEFFA Certification currently accepts, but does not require, soil tests to prove that chloride accumulation is minimized. We also accept OSPs that include very small amounts of potassium chloride and very infrequent applications as techniques that minimize soil accumulation. We are unsure if other certifiers handle this material restriction in the same way.

HANDLING

PROPOSAL: ION EXCHANGE FILTRATION

OEFFA appreciates the work of the board on the Ion Exchange Filtration. Drawing lessons from our experience with inerts, OEFFA believes that the roughly 15 resins in use should be individually reviewed for use in organic handling and placed, as appropriate, on the National List. We do not agree with the Handling Subcommittee recommendation that any resin be categorically allowed with the only stipulation being that they are properly maintained, as what constitutes proper maintenance is unclear. The fact that resins are sometimes classed as indirect food additives by FDA supports their inclusion on the National List; more importantly, the National List is supposed to include all substances that contact or might wind up in organic products. We request that this individual review and listing take place with a 5 year phase-in period to allow for adjustments by organic handlers and avoid economic disruption.

2025 SUNSETS

CALCIUM CARBONATE

205.605(a) Nonsynthetics allowed. (6) Calcium carbonate.

OEFFA supports relisting of calcium carbonate.

FLAVORS

205.605(a) Nonsynthetics allowed. (12) Flavors - nonsynthetic flavors may be used when organic flavors are not commercially available. All flavors must be derived from organic or nonsynthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservative. 2022 Limited Scope TR pending

OEFFA supports the relisting of flavors. There remains a lack of organic flavors to fill the need. OEFFA shares NOC's concerns that the FDA definition of natural flavor includes fermentation products. Since more fermentation processes are using excluded methods, this is another potential loophole for excluded methods to make their way into organic products.

GELLAN GUM (HIGH-ACYL FORM ONLY)

205.605(a) Nonsynthetics allowed. (13) Gellan gum (CAS # 71010-52-1) - high-acyl form only.

OEFFA does not currently have anyone listing gellan gum on Organic System Plans. We share NOC's concerns regarding excluded methods and urge continued information in this arena to be gathered.

OXYGEN

205.605(a) Nonsynthetics allowed. (21) Oxygen - oil-free grades.

OEFFA supports the relisting of oxygen. We have handlers listing it on Organic System Plans as part of the produce misting system in the grocery to prevent algal build up and in cheese caves.

POTASSIUM CHLORIDE

205.605(a) Nonsynthetics allowed. (23) Potassium chloride. 2023 TR (crops, handling) pending

OEFFA does not have any operations currently listing this material on Organic System Plans.

ALGINATES

205.605(b) Synthetics allowed. (3) Alginates.

OEFFA agrees with NOC that this listing should be broken down by species. Some marine species may be overharvested, while others may be okay for use. The NOSB has recommended reviews of the use of marine materials and OEFFA encourages the forward movement of that recommendation.

CALCIUM HYDROXIDE

205.605(b) Synthetics allowed. (8) Calcium hydroxide.

OEFFA supports the relisting of calcium hydroxide. We have operations listing this material on their Organic System Plans for tortilla production.

LIVESTOCK

2024 LIVESTOCK SUNSET REVIEWS

ASPIRIN

§205.603(a)(2) As disinfectants, sanitizer, and medical treatments as applicable. (2) Aspirin-approved for health care use to reduce inflammation.

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) As disinfectants, sanitizer, and medical treatments as applicable. (4) Biologics - Vaccines.

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.
4. It would be helpful if a centralized materials reviewer, such as OMRI, were tasked with providing a master list of approved vaccines, produced through traditional methods, so that certifiers would have consistent information from which to work.

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, 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) As disinfectants, sanitizer, and medical treatments as applicable. (11) Electrolytes - without antibiotics.

OEFFA supports the continued listing of Electrolytes as a medical treatment for livestock. This substance is essential for organic livestock production and is regularly used. OEFFA is not aware of additional commercially available natural alternatives since the last review of this material.

PHOSPHORIC ACID

§205.603(a) As disinfectants, sanitizer, and medical treatments as applicable. (25) Phosphoric acid - allowed as an equipment cleaner, Provided, that, no direct contact with organically managed livestock or land occurs.

Phosphoric acid yielded new information and robust discussion this sunset cycle at OEFFA. Several issues emerged related to this topic that we think could be helpful to the NOSB.

- 1. Big picture:** OEFFA reiterates the need for a comprehensive review of sanitizers. This work could be tackled incrementally beginning with sunset materials and passed from board to board until it is completed. A reference document could be shared with stakeholders so they could better understand the relative strengths and toxicities of various cleaners and sanitizers.
- 2. Bulk tank cleaners vs. “milk system cleaners”:** OEFFA recently began asking different questions on our Organic System Plan which yielded different information when it comes to bulk tank cleaners. Previously, the wording on OEFFA’s OSP solicited input regarding “milk system cleaners,” but we’ve recently come to realize that many operators did not view the bulk tank as a true part of the “milk system,” but rather as a separate piece. When we began asking more specifically about bulk tanks, operators shared they were using sanitizers without a rinse for which a rinse is required per NOP regulations. Operators like to use Phosphoric acid due to its relative lack of odor and low foaming properties. Now that additional information is being asked, OEFFA is discovering a rinse of the bulk tank is not taking place as it was in other parts of the system, or that a different sanitizer is being used on the bulk tank than the NOP approved sanitizers being used on their milking equipment. Operators are being told they cannot use a bulk tank cleaner that has been in use for the last 20 years, the formulation of which has not changed.
(As an aside: This is a good example of one reason why OEFFA opposes a universal OSP. When we control our own forms, we can far more readily adapt to new information, edit our forms, and ask questions in different ways over time. Negotiating such changes with all other certifiers would be an impediment to progress.)
- 3. Consistency or lack thereof among certifiers:** It is not clear to OEFFA if other certifiers are requiring a rinse for some cleaners when used in certain part of the milk system, for example, in the bulk tank. We would want to ensure this listing is being consistently interpreted (both by operators and certifiers), and consistently enforced.
- 4. “No contact with livestock or land”:** Additionally, this listing requires “no contact with livestock or land,” but OEFFA generally allows the application of parlor wastewater to organic fields. Given the nature of the water cycle, how do we expect operators to handle parlor wastewater if phosphoric acid is being used as a sanitizer?
- 5. Confusing or misleading information being provided to operators:** Finally, it has come to our attention that producers may be misunderstanding when dealers are marketing them PMO compliant sanitizers that are not permitted to be rinsed, but these same sanitizers may or may not be NOP compliant sanitizers. This could be perceived as an educational opportunity: through the comprehensive review of sanitizers, stakeholder-facing tools could be developed to help keep farmers, dealers, certifiers, and product manufacturers on the same page.

LIME, HYDRATED

§205.603(b) As topical treatment, external parasiticide or local anesthetic as applicable. (6) Lime, hydrated - as an external pest control, not permitted to cauterize physical alterations or deodorize animal wastes.

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 described in this listing.

MINERAL OIL

§205.603(b)(6) As topical treatment, external parasiticide or local anesthetic as applicable. (7) Mineral oil - for topical use and as a lubricant.

OEFFA supports the continued listing of mineral oil. OEFFA operators prefer to use mineral oil because it is shelf stable. It doesn't go rancid or spoil, which is helpful for an input which is kept on hand in the case of emergencies.

MATERIALS

NOSB RESEARCH PRIORITIES

OEFFA supports the NOSB research priorities and appreciates the Board's ongoing work on this topic. We are particularly eager to see progress regarding biodegradable biobased mulch film decomposition, ecosystem services, and the continued exploration of organic no-till (low till) systems. We are also very much looking forward to research regarding sanitizer review and ancillary ingredients.

The Ohio Organic Farmer Researcher Network, which OEFFA co-facilitates along with our partners at The Ohio State University and Central State University, shared **the need to emphasize the importance of on-farm research in addition to university research station trials.** On-farm research grounds the trial in the experience of the farm and the site-specific context of the work, whether it is conducted by the farmer directly, or in partnership with researchers and students for design, data collection, and support. It also has the potential to facilitate good, ongoing communication between farmers and researchers as questions are being posed ahead of grant deadlines and requests for letters of support and commitment. We would like to request an emphasis on these types of partnerships be put forward by the NOSB as having merit in the world of organic research, especially since organic farmers have achieved so much with such a comparatively small investment of USDA research dollars over time.

One OEFFA farmer who participates in the Farmer Researcher Network requested an addition to the list: **the development of scientific methodology to assess and quantify soil biological activity in an accurate and accessible manner for on-farm use.**

Finally, thank you for the update at the Spring 2022 NOSB meeting regarding how NOSB research priorities relate to the NIFA research priorities. We would like to request an ongoing feedback loop like this with NIFA at the NOSB meetings. We would like to know how many research projects are investigating NOSB priority issues, and open space for ongoing, scheduled, direct communication with the board and stakeholder community.

EXCLUDED METHODS

OEFFA appreciates the ongoing inclusion of Genetic Engineering and evaluation of excluded methods on the NOSB work agenda. This quickly evolving technology will require ongoing efforts by the board to determine if new technologies do or do not meet their current definitions, or if there is a need to incorporate additional criteria into definitions to evaluate new and unique technologies.

We would like to direct your attention to the comments of the National Organic Coalition on this topic, which have been well informed by our colleagues at Consumer Reports, The Center for Food Safety, and Beyond Pesticides regarding specific technologies.

Broadly, OEFFA concurs that NOP should continue to assert that organic is different: excluded methods, including methods used to genetically modify organisms or influence their growth and development by means that are not possible under natural conditions or processes, are very clearly NOT allowed or wanted in organic production.

Specifically, we are wondering how confident the organic industry is in accepting non-GMO statements. It's unclear to us if everyone that signs an affidavit is following the same recommended chart to determine what is an excluded method and what is not. Additionally, OEFFA certification requests clarity regarding whether a TR can be used to determine if an ancillary substance or production method is allowed, if it is not explicitly mentioned in the National List annotation. This seems to be common practice in industry but not officially condoned.

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

Amalie Lipstreu

Amalie Lipstreu, Policy Director