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National Organic Standards Board
USDA – AMS
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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 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

Soil is the foundation of organic agriculture. This principle is enshrined in the Organic Foods Production Act (OFPA 6513), throughout the USDA organic regulations [7 CFR 205.2, .200, .203, .205(a) and in the proposed Organic Livestock and Poultry Practice Standards 205.2, .241(c)(2)], and in the global organic movement.¹ After the NOP issued a noncompliance to a certifier for quoting OFPA in its explanation of why it would not certify hydroponics, certifiers banded together to issue a Position Statement: Organic Agriculture is Soil-Based.² The position statement has received over 900 endorsements from farmers, consumers, environmental groups and other organic stakeholders including 10 accredited certifiers. The strong support for this position statement, in addition to the number of public comments to NOSB in April regarding the topic, is a clear message that stakeholders want consistent enforcement of organic standards that clearly describe soil-based production practices and do not include hydroponics.

In its July 6, 2023 memo to the NOSB, the NOP expressed willingness to move forward with discussion of greenhouse and container standards. These standards are long overdue and urgently needed to increase consistency among certifiers and provide a fair playing field for farmers. The six certifiers who developed the Position Statement have already worked to align our policies on greenhouse and container production, but without standards we cannot achieve consistency across the industry. **Please 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.

Soil in organic agriculture is not a “wedge issue”; rather, it is foundational to all that we do. Organic agriculture was conceived as a counterpoint to chemical agriculture, and from its inception in the writings of Sir Albert Howard and others – and its roots in indigenous agricultural systems around the world – it has always been about fostering healthy soil to support a living ecosystem of species that synergistically support food production in addition to providing a suite of ecosystem services. This is not a critique of growing food in containers, but such practices are very simply not aligned with the most basic principles of *organic* agriculture. Hydroponic systems also do nothing for soil carbon sequestration, one of the most significant “climate-smart” aspects of organic practices.

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

We thank the Board and NOP for investments toward racial equity, including in the TOPP program (especially the partnership between Florida Organic Growers and Tuskegee University), Organic Market Development Grants (reduced cost share for underserved farmers and ranchers), and DEIA resources and other diversity-focused efforts in the NOP Human Capital Initiative. We look forward to seeing more work on racial equity in the coming years.

¹ <https://www.ifoam.bio/our-work/what/soil>; <https://www.ifoam.bio/sites/default/files/2021-06/organicsinaction.pdf>, p.45 –

Hydroponic Production not in line with Organic Principles

² <https://action.oeffa.org/soil/>

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.**

FARMER ENGAGEMENT IN NOSB PROCESS

A well-functioning process is informed by farmers, organic businesses, the scientific and environmental communities as well as the general public, which is reflected in NOSB representation. Farmers are the key linchpin in the organic industry and their voice should be held as paramount. This is the reason that OEFFA, for years, advocated a variable meeting time to ensure that we are hearing a diversity of farmer voices throughout the country and throughout the year. Farmers are incredibly busy, especially in the spring and fall when the NOSB meetings are held. Even before getting to the point we are at now where we understand that the National Organic Program will not make any meeting time adjustments, we worked on alternatives. These included gathering producers together, when we have the meeting materials in time to have a meaningful discussion, to review agenda items and get their feedback both to inform our comments and to encourage them to sign up for an oral comment slot. OEFFA producers are historically the greatest number of farmer oral commentors.

We are both disturbed and disappointed at the tone of questioning of OEFFA producers during the spring meeting. Some of the dialogue between the board chair, in particular, and some of our farmers was less than respectful. When an OEFFA member and certified farmer included the difficulty of getting to meetings during production time in her comments, Nate Powell-Palm grilled her about why OEFFA did not explain to her why changes were not made (assuming that we did not inform her already) including comments such as "...what are you missing on that?...we did so much work...it took a lot of board time...and it seems like that may not have made it back to you." More disturbing than the words spoken was the condescending tone implying frustration that a farmer would continue to raise an issue the Board deems settled and/or does not want to address.

We respectfully ask that the board adheres to the same code of conduct it expects of those who provide public comment. In NOSB meetings commentors are instructed that "even if you disagree with a speaker's position, in a public process, everyone deserves the same respect and grace you would want for yourself."

We respectfully ask that this is addressed, and board members address farmers with the same grace and courtesy with which they hope to be treated.

We truly appreciate the willingness of some board members to discuss agenda items with farmer working groups as appropriate. This provides an important alternative for the board to not only hear from farmers and ranchers during less busy times, but also to ask questions and engage in meaningful dialogue to inform their discussion documents and positions.

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 ongoing 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

Realization of the climate crisis grows with each consecutive or concurrent weather disaster. Whether faced with wildfires that destroy millions of acres and blanket countries with smoke, more frequent floods, extreme heat or other impacts, the general public and policymakers will be faced with how to act in a way that is impactful while satisfying the always predominant concerns about the economy.

Industrial agriculture has been a major contributor to climate change, but we can move the ship toward a sustainable agriculture that can remediate those negative impacts.

What does this mean for the NOSB, operating within a largely dictated work agenda? What can the board effectively do to tackle such a large agenda item with so much already on your plate?

OEFFA clearly understands the challenges faced by the board and appreciates your thoughtfulness and deliberation with all that is put before you. We offer the following suggestions for how to keep this critical work agenda item moving beyond the discussion stage.

- a. Ensure that NOSB research recommendations always include direction to USDA as a whole to conduct specific studies analyzing the level of carbon sequestration on a variety of organic farming systems across scopes. Additionally, it is important for USDA to also conduct a broader research analysis that effectively analyzes the total greenhouse gas (GhG) impacts of conventional systems compared to organic systems. This is important not as a way to find fault with conventional production systems, but to illustrate the benefits of foregoing the production, transportation, and deployment of GhG-causing inputs that do not need to be used if we truly support producers in transition to more organic and regenerative systems.
 - i. While it can be frustrating to wait for research that we feel fairly confident will support a hypothesis that organic management systems are more “climate-smart” than more industrialized systems, the board heard about the lack of data from NIFA several meetings back and we need to have the scientific data to back our assertions.
- b. As we wait for this scientific data, conduct a panel discussion including soil health and climate scientists and others who can help inform the board on this topic, including the state of science, what the needs are and what we can say with relative certainty regarding organic management systems.
- c. Develop a set of recommendations and principles that the National Organic Program can use in discussions with other USDA agencies and administrators to illustrate the multifaceted nature of the organic systems approach and the climate benefits that accrue from its implementation, with a focus on the lack of dependence upon synthetic inputs and the latter’s role in also providing adaptation and resilience benefits.

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

We thank the CACS subcommittee and the full Board for delving into a critical topic for organic farmers: the ability to secure effective risk protection on par with non-organic farmers across the country. This is a very comprehensive examination of the subject matter as it relates to organic producers.

The considerable investment by American taxpayers who subsidize close to 64% of farm insurance policies is formative for the entire food and agricultural system. This program, to a large extent, helps decide who will have the capacity to weather the storms of the marketplace and the impact of increasingly frequent weather extremes. As such a major investment in agriculture, it is critical that risk management tools are available to all producers, of all commodities, in all

areas of the country, in a fair and accessible manner.

Risk management is a topic that OEFFA farmers have devoted significant time and attention to over many years. In the run up to the 2023 Farm Bill process we gathered key organic farmer leaders to identify what issues and concerns they have experienced with the crop insurance program and develop suggestions for improving the program generally, and for organic growers specifically. A summary of those recommendations can be found in [OEFFA's Crop Insurance Platform](#) which includes clear steps to make the program fair, functional, and informed. In the comments that follow, we will answer the questions posed by the committee using that body of knowledge and conversations with growers, policymakers, and the Risk Management Agency's (RMA) organic team.

Does this document accurately reflect the challenges organic farmers face regarding crop insurance? And are any important pieces missing?

The CACS committee points out in the introduction that with increased transition will come increased risk from climate change. While transitioning does pose a risk to producers, we know that once they fully and effectively implement the holistic ecological practices embodied in the organic standards they will likely experience greater protection from extreme weather events. However, for the producers going through that tenuous transition period, and the first several years of organic certification, crop insurance tools as they exist today do not effectively provide essential protection for this group of farmers. We have heard many stories of farmers who have informed their agents that they were transitioning, experienced a loss and then were not covered as their practices were not deemed as "Good Farming Practices" or GFPs under the RMA program. In other instances, the agents did not document the transition appropriately, and farmers who had just come out of their third year of transition were denied organic coverage for the certification they had just achieved.

Reasons for denials could include a lack of communication from the agent to the Approved Insurance Provider (AIP), lack of understanding on the part of the agent of the differences in organic management practices, or structural issues with what is classified as GFP.

The data issues identified in the discussion document are critical and will take time to resolve. To underscore the importance of this issue and the problem with a suggested "work-around", often organic producers are instructed to use written agreements with their agents as a means of alleviating the problems they have had with traditional insurance products, something that was reiterated in a recent meeting OEFFA's crop insurance working group had with RMA. Unfortunately, what our growers have experienced is that trying to use these agreements has not been effective. If RMA does not have the yield data needed for organic, they use nonorganic data, discount conventional data and then have to do organic calculations. Most agents don't want to deal with that. According to RMA they are doing more than 14,000 written agreements per year. It would be helpful to know how many of those agreements are for organic producers and if they primarily serve a specific region of the country, production type, and for what crops they are written. OEFFA underscores the committee's comments around yield history in particular. **The fact that an experienced conventional farmer is treated as a beginning farmer when they transition to organic production is a form of penalty and is a disincentive to transition.** Also, at a time where we need to support growers utilizing longer-term and diverse crop rotations, crop insurance **actively disincentivizes** that best practice. Yield history is field-specific and can therefore take 10-15 years to establish for a diverse rotation.

The document effectively lays out some of the issues plaguing the Whole Farm Revenue Program (WFRP). The product was initially conceived as a holistic policy that could serve every producer in every county of the country no matter what

they grow and that would also incentivize the diversity needed to hedge against risk and provide greater food security. Despite tweaks around the margins to this program, its utilization has experienced a decline, as noted in the discussion document. The high paperwork burden and low payout cited are reasons for that decline. Additional reasons include that producers have entered into insurance contracts with a certain level of risk protection and upon filing a claim RMA has provided a lower level of risk protection than originally agreed upon. Providing sufficient documentation for historic revenue has also been another considerable hurdle for participation.

We would also concur with the lack of knowledge and interest on the part of crop insurance agents to sell WFRP. As noted in the discussion document, it is complicated! It takes longer to write these policies and the agents themselves get paid on the value of the policy, not on the time it takes to write. If one of the intended benefits of this type of policy is that it incentivizes diversity, it will take longer, be more complicated, and require more agent knowledge for which the agent will need to be appropriately compensated.

Education of agents on organic management systems is critical, as noted, and OEFFA has developed a potential solution to this issue which we are exploring with partners and will be expounded upon in answers to question three.

Thank you for effectively sharing the experiences of growers who are being penalized for engaging in normal organic practices. Strategic, delayed planting dates are accounted for in annual yield history data, but the existing policies cause organic farmers to be penalized for planting later, despite the annual accounting for this practice in their yields, on which the system bases coverage rates. These are serious, long-standing issues that must be addressed.

Suggested Solutions

First and foremost, organic producers require an extensive skill set that includes agronomics, soil science, economics, marketing and more. They do not have the time and should not be required to develop the expertise to know all of what it takes to secure an effective crop insurance policy. Our government handsomely subsidizes AIPs to deliver these products to farmers, but the experience of our growers suggests that finding an agent knowledgeable about organic management systems is rare and that the level of knowledge required on behalf of farmers to ensure adequate coverage is burdensome.

Crop Insurance Agents and Organic Education

OEFFA is working with partners to secure funding for a program that would educate crop insurance agents across the country on organic management systems. This education could and should occur within RMA, existing agent continuing education programs, and externally. Our members also suggest the development of a handbook for producers which could include questions to ask, things to check for and so on.

After these tools are developed it would also be advisable for the National Organic Program to develop a crop insurance education module in the Organic Integrity Learning Center.

We have heard directly from agents that there is interest in such education, which they could also use to promote their business specialty and preparedness to serve organic growers.

Improvements to WFRP

- Ohio Senator Sherrod Brown is a lead sponsor of S. 2598, the Whole Farm Revenue Protection Program Improvement Act. This bill, if included in the Farm Bill, will address some of the shortfalls cited by the board and these comments.
- Additionally, S. 2421, H.R. 4804 the Insuring Fairness for Family Farmers Act would level the playing field when it comes to how agents are compensated and ensure that they are not penalized for writing longer and more complicated policies and receive appropriate remuneration.

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.
- **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.
 - *To ensure that these programs are all implemented effectively and provide greater cross-department cooperation on organic into the future, the USDA needs to fill the Organic Liaison position that has remained open for approximately two years.*
- **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.

Better Inform the Crop Insurance Program

- **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.
- **Initiate conversations with RMA and the Natural Resources Conservation Service to ensure that Good Farming Practices and Best Management Practices include holistic organic management practices and are consistently applied** across all USDA agencies, including such issues as organic cover cropping practices.

OVERSIGHT IMPROVEMENTS TO DETER FRAUD: CONSISTENT LOCATION IDENTIFICATION PROPOSAL

While the title of this proposal is “Oversight Improvements to Deter Fraud,” an aim that OEFFA wholeheartedly supports, the stated goal of the recommended NOP guidance is “database consistency.”³ But **database consistency is not an end in itself**; we are not (or should not be) slaves to the very idea of data. And if consistency is our goal, we should focus on the far more pressing and consequential consistency of standards and enforcement than of data alone. To evaluate whether we as an organic community should support this proposal, we must ask:

- Is the degree to which certifier databases lack consistency harming the industry?
- How can increased database consistency help the industry? Do proposed uses require greater consistency than what already exists?
- How will data be used?
- What are the costs of more precise requirements for certifier data collection?
- **Fundamentally, do the benefits outweigh the costs?**

Contrary to the CACS committee claim that “generally there is consensus that a consistent, industry-wide standard parcel location collection system would boost certifiers’ ability to verify information and more effectively monitor those parcels they certify,” OEFFA, NOC, and others expressed deep misgivings in spring 2023 comments to NOSB about this proposal.

³ NOSB meeting materials p.31, paragraph 3

We hope and expect that our comments this fall will be given due consideration by the Board.

To answer these necessary questions:

- Is the degree to which certifier databases lack consistency harming the industry?

The CACS proposal treats this as an answered question, but we do not agree. Existing regulations require that certifiers be able to conduct unannounced inspections at all locations they certify [NOP 205.403(b)(2)]. Such inspections may be conducted without an authorized representative of the operation present, which means the certifier and their inspector must be able to independently locate the parcel to inspect without verbal assistance from the operator. Public commenters in the spring, and the Board chair, expressed that sometimes organic inspectors find it difficult to independently locate parcels to inspect. This is certainly a problem when it occurs, but as the CACS proposal notes and as stated by multiple stakeholders in the spring, GPS or other geolocation coordinates are not the only answer to this problem. Parcel numbers given by the county, physical street addresses, and legal addresses such as Section/Township/Range all provide sufficient information to locate a parcel. There are therefore multiple ways for certifiers to collect information, to comply with the unannounced inspection requirements. If certifiers do not comply, NOP should issue noncompliances at accreditation audits.

CACS also states that “this lack of data impedes certifiers’ ability to act quickly in the case of aggregated mass balance investigations across clients or in the case of a major contamination event.” When the Norfolk-Southern train derailed in East Palestine, Ohio earlier this year, the very next day OEFFA made a list of operations we certify that were nearby or downstream and could have been affected by the chemical spill or smoke and we began outreach to those operations and monitoring for contamination. We used street addresses rather than GPS coordinates. Having GPS coordinates in a GIS-mapping program would have perhaps hastened the process by an hour, but not by enough to make a difference to the promptness of our response. We were similarly able to promptly respond to mosquito sprays for Eastern Equine Encephalitis in northern Indiana in 2020.

We are puzzled by the assertion that GPS pins for certified parcels would help with an aggregated mass balance investigation. If the goal of the investigation were simply to locate certified parcels in a certain area, then having a GIS-linked list of locations would expedite the process. But generally mass balance exercises are conducted on a particular crop or commodity, and CACS explicitly states that the goal of this proposal is only to locate the fields, not to match the location with certified or transitional crops. (We are glad the scope is limited in this way; we and many other commenters in spring expressed a variety of concerns with collecting geolocations for every crop every season.) Additionally, mass balance exercises are meant to check quantities produced or processed against the production capacity of the operation or production area, but a pin on a map with no linked size of the production area cannot assist such an exercise. Only the full set of information in the OSP – field size, crops grown, growing conditions, and inputs used – can determine the success of a mass balance audit.

- How can increased database consistency help the industry? Do proposed uses require greater consistency than what already exists?

Surprisingly, this question is also not fully answered in the CACS proposal. CACS states that “a consistent process for locating certified organic operations, including fields, would aid in executing parts of the SOE, including cross-checking and supply chain verification.” Unfortunately, CACS does not elaborate on what these cross checks or supply chain verification could entail. Geolocation pins would be nearly as unhelpful for traceability audits as they are for mass balance audits, since they are not linked to specific crops or commodities produced at the location. At best, they could enable a certifier to more rapidly generate a list of operations in a specific geographic area – but only if the certifier imports the locations into a GIS-type software. Simply collecting a list of locations that can be filtered by range of coordinates would not be significantly different from the filtering by keyword (like county) or zip code that many certifiers already do. Cross checks such as

searching for double-reported/double-certified acres would also not be possible with a single pin per location because it does not define the boundaries or total area certified. In fact, it is common for multiple operations to certify different fields on the same legal parcel, so searching for duplicate pins would turn up a lot of false positives for improperly certified acreage.

- How will data be used?

Data is not an end in itself; it is a means to an end. If the goal of certifiers collecting GPS coordinates is to facilitate communication and enforcement across the industry, then that data collection needs to be matched with a robust database for centralizing the information or with software integrations that allow each individual certifier's database to communicate with the databases of other certifiers. Either project would be a massive undertaking, with a significant cost that would inevitably be passed on to certified operations. The Organic Integrity Database is the obvious place to centralize such data collection but does not currently have any of the relevant functionality. And as noted above, simply collecting one pin per parcel with no other connected information about what is being produced there, in what quantity, and with what certification status (transitional, organic), will not actually be enough information to conduct either traceability or mass balance audits across the industry. Certifiers will still have to seek that information in individual OSPs, or their own internal databases if they track it there.

- What are the costs of more precise requirements for certifier data collection?

The regulations that require certifiers to have the administrative capacity to conduct inspections, both announced and unannounced, at every location they certify do not prescribe *how* certifiers track those locations. This is important because certifiers work with a wide variety of operations across social demographics as well as geographic areas. Some operations use GPS technology to plan and plant their crops. Some work with NRCS for soil improvement projects, or with FSA for crop insurance, and as a result have highly accurate aerial maps of their fields that align with county Tract numbers or other legal addresses. Others, such as most farmers in the Plain communities of Amish and conservative Mennonites, limit their use of modern technologies and use street addresses only. All of these means of tracking locations are currently acceptable for farmers to provide in their OSPs because they allow operators to choose the method of complying with NOP standards that best fits their operation. And **all of these means of tracking locations should remain acceptable, so that farmers are not burdened to change how they track their own fields solely to match the demands of the certification program – especially because this could exclude many Plain farmers from certification, which would be both unjust and a major blow to organic production in the Northeast and Midwest United States.**

Of the approximately 1000 farms OEFFA certifies, at least half are Plain farmers. Other certifiers, including PCO, MOSA, GOA, NICS, and MOFGA, work with Plain farmers as well. Unfortunately, requiring that certifiers consistently collect GPS or other geolocation coordinates for each certified parcel would have a very inconsistent effect on certifiers across the industry. Those who work with Plain farmers – or any other operations that don't provide their own GPS coordinates – would need to do additional data collection: either to match certified addresses with GPS pins manually in the office and/or to collect GPS pins during the initial inspection of each location requested for certification. Building the software to collect such pins efficiently will be costly. While all locations should be inspected at least annually, the additional requirement to collect a GPS pin will increase time spent inspecting, so that it can be either written in the OSP and/or recorded for the certifier. Some certifiers might choose to require operators to provide their own GPS coordinates, resulting in exclusion of certain farms or increased burden on farms that don't already collect that information for their own business purposes. Certifiers might also require GPS coordinates on Prior Land Use Statements, which would prevent organic farmers from using land for which the prior manager did not provide coordinates. Certifiers who do not require all operations to provide their own GPS coordinates, or who do their due diligence to verify coordinates (as all certifiers should verify the information provided in OSPs), will spend significantly more time than certifiers who shift the burden

onto certified operations or cut corners with verification. For operations that rent multiple parcels that are not necessarily contiguous, and often have a list of fields that changes yearly as a result, these burdens will be ongoing, not just a one-time collection.

We appreciate that the CACS committee clarified that locations are meant to be collected per-parcel rather than per-field, as the definition of a “field” shifts based on who is farming it. 120-foot x 3-foot beds are considered “fields” on some farms; on other farms, a “field” may encompass hundreds of acres across multiple contiguous properties. However, the parcel as a legal unit is not the unit of measurement that certifiers are used to tracking, precisely because it is not the relevant unit for certification (because in most cases it does not match the cropped area). If certifiers are to verify the accuracy of a parcel designation (and whether a GPS pin accurately denotes that location), we will have to start looking at legal property lines, including documents that have traditionally been outside our purview such as deeds or property records. In a context of strained capacity across certifier and inspector personnel, this additional burden is not desirable. We also must point out that a single large field that is managed as a unit may require multiple GPS pins under this proposal if it encompasses more than one legal parcel, increasing data collection time and complicating any software used.

GPS-enabled smartphones are generally accurate to within a 16-foot radius under open sky.⁴ Coordinates are typically nine digits long (seven decimal places after the degree) and come in pairs for latitude and longitude. These two facts are important to consider when weighing the costs of this proposal, because both have consequences for the accuracy of data that can be collected and the challenges of verifying it. A 16-foot radius is excellent accuracy for putting a pin on a map to be able to drive to a location for inspection. It is also far smaller than the area of most fields. If inspectors are expected to verify coordinates each year – which would be an important process to make the most of collecting this information, since it would clue them in to changes that have not been reflected in the OSP – they will spend time comparing long strings of decimal places to see if the spot where they are standing is within a reasonable distance of the original pin. If the numbers do not precisely match, inspectors will likely collect new pins, which the certifier must then compare with the previous pin to see whether the parcel being farmed has indeed shifted, or whether the inspector was just standing in a slightly different part of the field. Additionally, writing down all those decimal places is an unreasonable burden for inspectors working with operators using paper OSPs (again, most Plain farmers and many others). Sharing coordinates with the certifier electronically is more efficient than on paper because of the ability to copy and paste, but to be truly done efficiently will require investment in software beyond what many certifiers already use.

Finally, as we noted in the spring, GIS-type mapping software can be quite costly to license, on top of the time spent configuring it and uploading data. If OEFFA were required to collect GPS coordinates and enter them into such a database, we would have to raise our certification fees to cover the costs.

- **Fundamentally, do the benefits outweigh the costs?**

We are happy to put effort into initiatives that help organic farmers and handlers, increase the efficiency with which we can serve them, and improve our ability to uphold the integrity of the organic label. The proposal to require certifiers to collect GPS coordinates or equivalent geolocation pins for each certified parcel and facility location has no apparent benefit to farmers or handlers and presents obstacles to some. It would diminish the efficiency with which we can provide certification services to them and burden small certifiers like us more than large certifiers or those who do not work with Plain farmers. And we see only very limited potential benefits for our ability to uphold organic integrity, which come with significant anticipated costs. Essentially, **this proposal would be an unfunded mandate, the burdens of which would fall unequally and hardest on certifiers that work with farmers who do not themselves use GPS technology, with limited justification for the requirements. We do not support this proposal.**

⁴ <https://www.gps.gov/systems/gps/performance/accuracy/>

DISCUSSION DOCUMENT: OVERSIGHT TO DETER FRAUD: RESIDUE TESTING IN A GLOBAL SUPPLY CHAIN

We are excited to discuss broadening the list of substances certifiers regularly test for – and eagerly anticipate guidance for what to do with positive results. With limited exceptions, we conduct most residue tests on the NOP 2611-1 pesticide list or for GMO contamination. Both of these are broad-spectrum tests, aimed to identify any possible contamination of a crop or product for which there is not a specific suspected contaminant. The exceptions are when we have reason to worry about a specific contaminant in a particular product, plus a few samples that we test for glyphosate each year since it is a common chemical but not on the 2611 list. We would greatly appreciate a list of additional substances, especially if that list includes information about the highest-risk crops or products to test for each substance or set of substances, as is suggested in the proposed framework. This would help us focus our surveillance efforts more effectively, especially for handled or processed products. Broadening the list to include solvents, fumigants (particularly those used at the borders), conventional fertilizers, and other prohibited substances used in conventional food production would give us more useful tools without increasing the burden of testing.

An added benefit to establishing thresholds for additional substances is that operations could refer to the guidance for their own internal testing as well. For example, we have had operations fog a building (with no organic products in it) and ask how soon they can put organic products back inside. We don't have best practices for these situations, so generally we refer to label directions if those exist. Operations may want to refer to test result guidelines even when executing approved plans to use fumigants or other prohibited materials.

Questions for Stakeholders

1. **Certifiers: Describe your experience with prohibited residue testing in extended supply chains and describe challenges that you have encountered**

We have done fairly limited testing of products with long supply chains due to the types of operations we certify. Because farms comprise over 90% of the operations we certify, we have historically collected many more samples at farms than at handling operations. In cases where there is a longer supply chain, the greatest challenge has often been communication with other certifiers. Prior to SOE, we sometimes would not hear back for weeks after notifying another certifier of a positive result in a product their client produced or processed. We do anticipate increased frequency of positive results when testing products with long supply chains and using a more targeted list of substances to test for. This will require greater coordination among certifiers, as supported by SOE, not just to notify the other certifier but to collect information from them to complete a supply chain audit. It can be challenging for certifiers to promptly communicate the level of technical information needed when a positive result occurs, and it will be particularly challenging with multiple certifiers involved – as is especially likely with aggregated products, processed multiple-ingredient products, and products with long supply chains. There may be hundreds of farm sources and thousands of intermediary handlers further up the supply chain from a processed product.

Some of our certified handlers have done their own testing and self-declared positive results to us (e.g. heavy metals). We asked for traceability back to the farm and looped in the certifiers of the source material. We asked for corrective action from our operation (if relevant) to improve their processes. The handlers had processes to identify contamination, recall products if necessary, and mitigate future risks via their sourcing procedures. We expect to see more such programs at handlers under SOE.

2. **Certifiers: How do you evaluate the risk of your certified clients, and how do you determine which operations to target for periodic residue sampling?**

OEFFA considers several factors when deciding where to collect samples:

- Some settlement agreements resulting from Adverse Action require sampling
- We use the ACA Best Practices for Risk Assessment, plus a few additional factors of our own, to assign a “risk rating” to each operation. High risk operations tend to get flagged for unannounced inspections and/or sampling
- Operations may be “flagged” by a reviewer or inspector with a specific concern or a general suspicion
- Some operations self-report an incident of drift, overspray, flooding, or other potential or suspected contamination

In addition to these four categories of “flagged” operations, we also collect samples based on geography. For instance, if we do a week-long sampling trip in Missouri one year, we might focus on Indiana or Pennsylvania the next year to collect a large number of samples. We try to ensure that samples are collected throughout our coverage region each year, and that over time the number per state is proportionate to the number of OEFFA-certified operations in that state. We also select operations randomly for sampling – for example, if one operation is flagged, we will collect samples from some certified operations that are not flagged, that are either nearby or along the inspector’s route.

3. Inspectors: Describe challenges with residue sampling on farms and handling facilities when sampling imported, processed, or aggregated products.

Collecting samples is rarely difficult, in our experience. OEFFA staff inspectors conduct nearly all residue testing (rather than contract inspectors). The greatest challenge is often not in the collection of a sample, but in rural areas, getting perishable samples to a common carrier with same-day shipping. Operations are generally gracious about receiving our inspectors and allowing them to collect material for a sample. Challenges with tracing the source of contamination of imported, processed, or aggregated products occur not during sample collection, but rather in the follow-up investigation or compliance proceedings for positive results.

4. Testing Labs: What tests are available for synthetic solvents and fumigants, and what issues do you encounter when conducting residue tests submitted by organic certifiers, organic inspectors, and other organic stakeholders?

Testing – especially for the full 2611-1 list – can be quite expensive. Under 205.670(c), certifiers must eat the cost of all residue testing. This means that integrity is assessed fairly across certified operations, and there are multiple benefits of not charging the sampled operation for the testing. As a result, the annual cost of conducting testing gets split among all certified operations. However, in the interest of keeping certification affordable, we are interested in whether additional labs or testing methods could be used that would be less expensive than the USDA lab tests we currently use – without losing any integrity in handling and without diminishing the sensitivity of the tests.

5. Substances for NOSB focus: NOSB intends to evaluate testing options for organic solvents and fumigants. Are there additional substances NOSB should evaluate that are not currently encompassed by periodic residue sampling guidance and practices?

Glyphosate is a commonly-used chemical that is not on the 2611-1 list. We are unsure what testing options exist, but would be interested in testing for conventional fertilizers as well as herbicides and pesticides. Tests for residues of prohibited livestock drugs (hormones, antibiotics, or synthetics) would also be helpful. We are definitely interested in testing for fumigants that are used at the borders, where there is little oversight and likely contamination even if it’s not willful. NOP could request best practice protocols to be conducted by research scientists to look at fumigants and make recommendations based on persistence for timing of use before organic contact.

There may be substances on 2611-1 that no longer need to be tested for because they are either banned or have fallen out of use – DDT, for example. If even a few substances are removed from the list due to obsolescence, it would still be helpful to revisit to minimize the cost of testing for the full pantheon of listed substances.

It may be important to consider as well what substances should not be a focus for residue testing. PFAS and other

persistent contaminants will most commonly fall into the category of UREC (unavoidable residual environmental contamination) and should not be targeted by increased testing.

Finally, we must mention that seed contamination was a subject of much work years ago, with a pilot program to test organic corn seed for GMO contamination. Farmers were willing to help with testing and resources were devoted to research. Producers getting loads rejected due to a certain level of contamination wanted to know what the source was. Unfortunately, NOP stepped back from the pilot program and no final action was taken. Purity of seeds planted by farmers throughout the industry remains uncertain. It could be beneficial for NOSB to include a recommendation for this work to be picked back up.

6. Comments on proposed evaluation framework: Do stakeholders have recommendations for refining the proposed framework within which we will evaluate prohibited substance residue testing?

The proposed framework provides an excellent foundation for this work, asking the four most important questions. Some additional nuances to consider include:

- Evaluating residues of materials that are prohibited by themselves but could be used as “inert” or ancillary ingredients in allowed input materials, or as processing aids in those inputs. For instance, synthetic solvents would not be allowed directly on organic products, but they could exist in the formulations of allowed input materials; the manufacturer might state that the solvent evaporates but there could occasionally be residue. An example is sodium lauryl sulfate, a common inert ingredient (and allowed as an inert) but also used as an active pesticide; we could not distinguish if a residue of sodium lauryl sulfate resulted from use as an allowed inert or a prohibited active. Another example is hexane, which is used to extract soybean oil; manufacturers say it all evaporates because it is so volatile, but if any remained it would be a prohibited residue. EPA List 4 “inerts” such as castor oil are allowed in pesticide formulations but cannot be directly used on organic crops. To ensure compliance with input restrictions, it may make sense to include such synthetic substances on the list of materials to test for – but if they are included, it will be necessary to set tolerance thresholds that account for their inclusion in allowed inputs.
- Tolerance thresholds for any material that does not have an EPA tolerance: There are many materials prohibited in organic production that do not have EPA tolerances established. It is important for certifiers to be able to test for any prohibited substance that could contaminate organic products and for which reliable testing methods exist. If materials that lack EPA tolerance limits are not included in certifier testing, operations are more likely to use/abuse such materials. It will be essential for NOSB and/or NOP to propose action levels when EPA does not have a tolerance limit. Action levels established for the organic industry could also be set below the EPA threshold; we note that the US EPA sets higher tolerances for many substances than its peers in the European Union, for example.
- If no tolerance threshold is established by EPA or NOP, it will be essential for guidance to describe compliance outcomes for detection of the material. Guidance may be “items with no tolerance limit cannot be excluded from sale,” or the reverse, “items with no tolerance limit must be excluded from sale when any residue is detected.” Even better than guidance would be amending 205.671 to include direction for excluding sale of things without an EPA threshold.

7. What else should the NOSB consider to strengthen periodic residue sampling as an organic compliance verification tool?

We hesitate to suggest increasing the number of tests required beyond 5% due to the aforementioned costs; increased testing would increase fees for all certified operations, not just high-risk operations. However, we would be interested in NOP serving as a central point for positive residue test information. Reporting all positive results to NOP (but not negative

results) would not be a huge burden given our experience has been that very few positive results arise. NOP could then aggregate that data and provide certifiers with quarterly or annual summaries of trends in which commodities are most frequently reporting positive results, where those results occur, and which substances are most frequent contaminants. That communication from NOP could then feed back into certifier risk assessments and choices of what to sample. Moreover, such data collection could be used for additional initiatives in the organic industry, beyond certifier residue testing, including thinking more broadly about common sources of contamination, and taking proactive steps and developing strategies to mediate or prevent future contamination.

DISCUSSION DOCUMENT: IMPROVING SUPPORT FOR ORGANIC TRANSITION

We appreciate the CACS committee's consideration of support for transitioning operations. OEFFA has a long history of offering support to transitioning (and organic) farmers through educational programs and resources, workshops, our annual conference, direct one-on-one educational support, connecting transitioning or beginning organic farmers with experienced farmer mentors, and providing transitional verification services. We were thrilled to learn of USDA's investment in organic transition support through the Organic Transition Initiative (OTI) and Transition to Organic Partnership Program (TOPP). We have been less thrilled with the rollout of the programs. Comments here are based on our long experience providing educational and networking support to transitioning farmers as well as the specific experiences of our staff who participated in the OTI and TOPP programs.

Questions to Stakeholders:

- **Have you been involved in the USDA Organic Transition Initiative? Describe your experience to date. What is working well? What could be improved? What barriers to organic transition need more attention?**

We are serving as a TOPP partner organization in Ohio. Regional leads were chosen based on the highest number of certified organic operations rather than level of experience providing educational services to transitioning farmers. While we appreciate the leadership and hard work of our partners at MOSA, we believe that this was a faulty premise on which to begin efficient program rollout. USDA expected a quick timeline from the program's inception to announcement of funds and support to the general public, but the lack of educational experience from some regional leads led to delays in coordination of contracts with partner organizations and in the planning of actual services to be offered. Generally with grant funding, a contract is signed and plans for how the grant will be fulfilled are made *prior* to the time that deliverables are expected. In the case of TOPP, everything happened at once – which meant in practice that deliverables were delayed or diminished in value because the coordination and logistics had not yet been figured out. We have done almost a full year's worth of work to build this program without the funding to support our efforts. Last-minute requests have been made with 24 hours or less turnaround time. Core partners have been asked for recommendations to build the program, and then the recommendations have been unheeded.

Most importantly, the challenges in administering this program have resulted in low participation by farmers because of the very limited window of time for rollout and recruitment. For instance, the time from announcement of OTI-EQIP funding to the deadline was less than a month. Consequently, in Ohio, only three applications were submitted, all from operations who were already in process of submitting other applications with NRCS EQIP (i.e., these farms already had an established relationship with the service provider). Outreach to additional potential transitional farmers was almost nonexistent.

Improving the program requires some changes of approach from USDA. The first is seeking partnerships with organizations that are already providing relevant services. The second is trusting those organizations to be experts

in their fields. The third is providing plenty of time from when an opportunity is announced until the deadline for applying. The good news is that none of these is a difficult change to make, and moreover the changes would have benefits for diversity, equity, and inclusion.

- **Have you recently transitioned to organic, or do you help operations transition to organic? What are the most significant remaining barriers to organic transition? What works well to reduce those barriers? What have you tried that didn't work? How do support organizations find farms or ranches interested in transitioning? How do organizations advance racial equity in outreach?**

Historically, major barriers to transition have been a dearth of education and support for transitioning farmers, including both mentoring and educational resources on methods of organic farming as well as information about markets for organic goods. Farmers sharing information with other farmers is the best way for them to feel supported. But education and research from educational institutions including Extension and USDA/NRCS is equally important to their ability to successfully adopt new methods of production and to evaluate markets for their products. Access to information and technical assistance varies widely across the US (this is part of what OTI is meant to address!), with very few universities focusing research or educational programming on organic practices and a smattering of nonprofits like OEFFA that fill the gaps as well as we can in our region. There are very few extension educators or government employees that are knowledgeable about organic practices and since successfully achieving organic certification requires a substantial amount of research and planning prior to transitioning, this education and guidance is necessary to be successful. Additionally, there is very little diversity among agriculture educators, so recruiting a diverse group of transitioning producers is also challenging.

- **What impacts do choices and availability of organic-compliant inputs and ingredients have on organic transition? Are there particular materials or ingredients that have an outsized impact on operations' decisions to go organic?**

We have encountered few situations where a lack of preferred organic-compliant ingredients or inputs made a difference for an operation's choice to transition. This is likely because transition to organic involves adopting an entire system of practices, not just input material replacement.

- **How do transitioning producers plan for the first few years after achieving certification? How does support for organic transition also support retention?**

Effective support for transition includes resources that describe organic principles and practices in sufficient detail for an operation to adopt them. That knowledge supports their continued use of those practices. Supportive relationships developed during transition, either from educational institutions or organizations or with mentor farmers, tend to evolve into ongoing support with questions that arise after transition is complete. Excellent support during transition smooths the process of applying for and receiving certification, sets operators in good stead with both organic practices and recordkeeping, lends itself to more successful business ventures, and leads to greater satisfaction with organic farming overall that in turn supports retention of organic farmers.

- **What could be done to foster a more diverse, equitable, and inclusive organic sector?**

We should not only focus additional education on organic principles and practices for existing agricultural educators, but also do more outreach to colleges and universities to emphasize organic agriculture in their programs since these are the folks that will fill those agriculture educator roles in the near future. Focusing that outreach – and monetary support – on historically Black colleges and universities and other institutions and organizations that are run by and for Black, Indigenous, and People of Color (BIPOC) will bring more diversity and

understanding of equity issues to the educator pool, which will in turn help to build a more diverse, equitable, and inclusive organic sector.

Programs like OTI should specifically include BIPOC-led organizations from the start, rather than asking core partners to bring in diverse organizations after the program has been built. Let BIPOC organizations take the lead in crafting programs to support their own constituents, as they are best positioned to understand the needs of their communities, the barriers to accessing resources, and how to overcome those barriers.

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 complement 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

ETHANOL & ISOPROPANOL

§205.601(a)(i) & (ii) As algicide, disinfectants, and sanitizer, including irrigation system cleaning systems.

OEFFA supports the continued listing of ethanol and isopropanol on the National List. These materials are used by a large number of operations and are essential for disinfecting and sanitizing.

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. These materials are 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, while we also appreciate the desire to move away from disposable plastic products in organic production. We would like the industry to promote cultivation practices over plastic covers for weed management, but this is not a viable option for all operations. Also, plastic covers used as mulch for heat-loving plants do not have a good alternative. We support more work being done to identify real alternatives and to ensure that a biodegradable product would not contribute to the contamination of soil and natural resources.

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 requires 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.

ELEMENTAL SULFUR

205.601(e)(5) As insecticides (including acaricides or mite control).

205.601(i)(10) As plant disease control.

205.601(j)(2) As plant or soil amendments.

OEFFA supports the continued listing of elemental sulfur, as it is used by a large number of operations for all of the purposes listed above.

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.

Liquid fish products are widely listed on Organic System Plans by OEFFA producers. **OEFFA supports the continued listing of these products only in accordance with the 2020 NOSB recommendation for a revised annotation.**

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 all 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 and we are heartened to read that NOP plans to move forward with this “Market Development” rulemaking.

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

PETITION: MAGNESIUM CARBONATE and MAGNESIUM CARBONATE HYDROXIDE

§205.605

OEFFA does not have any operations who process chicory, but we would need to see the Technical Report before commenting on these materials.

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.

ETHYLENE

§205.605(b) Synthetics allowed. (14) Ethylene - allowed for postharvest ripening of tropical fruit and degreening of citrus

OEFFA supports the relisting of Ethylene. We have operations listing this material on their Organic System Plan for ripening bananas.

XANTHAN GUM

§205.605(b) Synthetics allowed. (37) Xanthan Gum.

OEFFA supports the relisting of xanthan gum. We have operations listing this material on their Organic System Plan for baked good mixes.

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 supports the continued listing of vaccines as they are crucial for maintaining healthy organic herds. We acknowledge that there is concern among stakeholders for the presence of excluded methods which are used to produce many of these vaccines, and that this will be a major point of discussion moving forward. We share some of those concerns, but would like the NOSB to keep in mind the following points as this topic gains more traction in the industry:

1. Vaccines are essential tools for production with limited treatment options and without antibiotics.
2. We need clear and consistent guidelines that would allow for consistent enforcement while not preventing timely administration of necessary vaccines.
3. An implementation of the “commercial availability” annotation that has been recommended would need to allow for producers and veterinarians to utilize a vaccine without the potential extended material review process that may jeopardize animal health.
4. A centralized list of approved non-GMO vaccines would likely be necessary to facilitate the decreased reliance on GMO vaccines while not creating a burden on producers and certifiers that could result in sick animals.
5. We live in a global system with ever-increasing rates of novel viral pathogens and the pace of vaccine technology will likely exceed our ability to eliminate the use of GMO vaccines.

We know the presence of GMO vaccines in organic production is a matter that may discourage some consumers, but we feel that education on the importance of these products would help to create some understanding of their necessity.

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 parts of the milk system, for example, in the bulk tank. Phosphoric acid is meant to be used as a sanitizer but the word “cleaner” in the annotation confuses this use. Additionally, we commonly see it formulated with other ingredients that are not on the National List, for which we consequently require a rinse even though the phosphoric acid does not seem to require a rinse per annotation. 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 that is kept on hand in the case of emergencies as well as for parasiticide use.

MATERIALS

INERT INGREDIENTS IN PESTICIDES

OEFFA has worked in collaboration with NOC to discuss the background and implications of the question of inert ingredients in pest control products and we support NOC's comments on this topic. Here we will share our specific

suggestions on how to handle these materials, as well as comments on some of the proposed methods put forward in the NOP's June 2023 memo "Work Agenda Request: Inert Ingredients in Pesticide Products."

We strongly recommend that all synthetic inert ingredients be named on the National List to remain in compliance with OFPA. This would also provide a clear guideline for certifiers and materials review organizations and ensure that these materials receive due consideration as with all allowed synthetics to maintain confidence in the Organic label.

One suggestion in the June 2023 memo was to allow inert ingredients in products that are registered with the EPA. There are a few problems we see with this approach. First, the EPA does not allow for public comments on actual materials, as the NOSB does, which removes stakeholder participation that is crucial to approval of other allowed synthetic materials. Second, this would not cover or allow FIFRA 25b materials listed at 40 CFR 152.25(f), which are generically accepted as "minimum risk" by EPA but are not registered. Lastly, the EPA sets tolerances higher than many other countries, so we do not have faith in this approach to protect organic integrity.

Another approach was to develop another external list. This is the situation we are trying to move away from, and the memo mentions that it is unclear how this would be created or maintained. This would be marginally, if at all, better than the current EPA List 3 and 4 in that it might have a more current starting point, but will eventually suffer from the same problem of obsolescence as the EPA lists.

Any functional approach to this problem will require a staggered approach to make it manageable for all involved in its implementation and to limit disruption to certified operations and manufacturers. We offer the following suggestions:

- Two possible approaches to adding the substances to the National List:
 - Allow EPA Lists 3 and 4 allowances to remain active until all allowed substances are added to the National List; Stakeholder comments can be used to prioritize the addition or review of certain substances, leading to a staggered addition to the National List, and therefore a staggering of sunset reviews.
 - Ideally, substances would be prioritized for review and addition to the List based on their level of concern, with suspected carcinogens and other substances of toxicity to humans or the environment reviewed first. This would shorten the timeframe in which any problematic material would continue to be allowed, while letting lower-risk materials be evaluated later.
 - Alternatively, all of the known inerts on Lists 3 and 4 that are in use now could be added to the National List and then reviewed during their sunset reviews, which would be set up in a similarly staggered manner according to priority from stakeholder feedback.
- Two possible locations on the National List to add these substances:
 - 205.601 – this would most closely resemble the functionality of the current listings, including the current 5-year sunset cycle that applies to everything in this section.
 - 205.607 – create a new section just for pest control inert ingredients. Having a separate section of the standards dedicated to Inerts would allow the sunset review criteria to be adjusted to make the process more efficient and less burdensome. For example, substances could have an 8- or 10-year sunset cycle instead of a 5-year cycle, so that each year would have a shorter list of substances to review.
 - In either location, substances could be broken into categories based on chemical type that would allow for multiple substances to be included in the same Technical Report, significantly reducing the sunset review burden. NOC has suggested a grouping of synthetics based on chemical structure, with natural substances as their own group (natural substances from Lists 3 and 4 are already automatically allowed in pesticide formulations unless listed as prohibited at .602).

Individual substances could still be prohibited from an allowed category, as is the case with some current annotations on the National List.

NOSB should request stakeholder comments on how to categorize and group inerts that are currently in use, and then how to prioritize review of each group. It is our preference to create a new section at 205.607 with a longer sunset cycle to minimize the impact to NOSB of reviewing more materials and because this section is relevant to livestock and handling pesticides as well as crop pesticides. **We ask the NOSB to adopt a recommendation that:**

- 1. Starts with a motion to delist inerts from 205.601(m) unless NOP publishes the list in the Federal Register by January 1, 2024; and**
- 2. Builds on the List 3 recommendation that was passed but not implemented, adding a section that lays out the schedule for sunsets of the List 4 inert materials known to be used in organic production.**

RESEARCH PRIORITIES

OEFFA supports the NOSB research priorities and appreciates the Board's ongoing work on this topic. We know there is interest from many sectors in eliminating the use of plastics in organic agriculture and to begin doing that work we are still in need of biodegradable bio-based mulch research that will facilitate effective product development and implementation. This is a tremendous business opportunity, and we hope to see progress on the research to facilitate that development soon.

OEFFA co-facilitates the Ohio Organic Farmer Researcher Network along with Ohio State University and Central State University. The network continues to prioritize **on-farm research in addition to university research station trials**. On-farm research grounds the trial in farmer experiences and the site-specific context of the work that is necessary for identification of needs and optimal solutions. On-farm research can facilitate ongoing communication between farmers and researchers as questions are posed and requests for letters of support and commitment are secured. Please emphasize these partnerships 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.

We previously requested **the development of scientific methodology to assess and quantify soil biological activity in an accurate and accessible manner for on-farm use**. As we advocate for the prioritization of organic management systems in addressing the climate crisis, it will be critical that we have the tools and processes to assess the many benefits of holistic and synergistic management approaches. While we know that there is no one tool that will provide all of the data on soil health that we need, we would appreciate some assessment of the tools out there and how organic producers can start to collect critical soil health data.

Please also include holistic analysis of conventional and organic management system greenhouse gas impacts. If we are to continue to move the USDA in support of organic agriculture, we need to have data illustrating the climate benefits of these systems.

We have not had an update from NIFA since the spring 2022 NOSB meeting. Please schedule another meeting for early 2024 so that we can better understand how NOSB research priorities relate to the NIFA research priorities, what has been acted upon and what remains. This regular communication would best serve the organic community and research institutions writ large.

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

Amalie Lipstreu

Amalie Lipstreu, Policy Director

A handwritten signature in black ink, appearing to read "Sal Pinkham". The signature is fluid and cursive, with a prominent initial "S" and a long, sweeping underline.

Sal Pinkham, Certification Program Manager