May 10, 2024

Erin Healy, Director, Standards Division
National Organic Program, USDA–AMS–NOP
1400 Independence Ave. SW
Room 2642–So., Ag Stop 0268
Washington, DC 20250–0268

Docket ID: AMS-NOP-22-63
Agency: Agricultural Marketing Service (AMS), US Department of Agriculture (USDA)
Subject: OEFFA Comments to the USDA on the National Organic Program Proposed Rule: Market Development for Mushrooms and Pet Food

Dear Ms. Healy:

The Ohio Ecological Food and Farm Association (OEFFA) is a grassroots coalition of over 1,850 farmers, gardeners, retailers, educators, and others who since 1979 have worked to cultivate a future in which sustainable and organic farmers thrive, local food nourishes our communities, and agricultural practices protect and enhance our environment. Certified organic farmers make up the bulk of our membership. 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 and food businesses 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.

Our comments on this proposed rule are informed by conversations with our certified mushroom growers and by our collaboration with the National Organic Coalition (NOC), whose comments we also wholeheartedly support.

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

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OVERVIEW

We are glad to see the National Organic Program (NOP) moving forward with rules on mushrooms and pet food based on NOSB recommendations and are excited to see nascent organic markets develop as a result. As we noted in March 2022, mushroom standards have been high on our list of regulatory priorities; while pet food is a lower priority, we welcome these standards as well. However, we have serious concerns with the departure of the proposed mushroom rules from the NOSB recommendation. In the following comments, we will discuss our concerns, present a preferable path forward, and respond to AMS's questions to stakeholders.

MUSHROOMS

BIG PICTURE

As AMS notes in the preamble to the proposed rule, "recognizing mushrooms as a fungal crop cultivated under unique and specialized conditions would foster greater consistency in how organic mushrooms are cultivated and certified." We completely agree with this comment. However, AMS's proposed rule does not fulfill this purpose.

Mushrooms are fungi, a separate biological kingdom from plants and animals. Whereas plants make their own energy through photosynthesis and over 95% of their bodies are comprised carbon, oxygen, and hydrogen gained from carbon dioxide and water (with less than 5% comprised of nutrients gleaned from soil), fungi are comprised entirely of digested substrate. Because of this unique biology and heterotrophic nature, fungi are a poor fit for the crop standards, which are written with plants in mind. Later scopes of certification (livestock and handling) are based on the use of organic crops, and while outdoor access and animal welfare are irrelevant to fungi, this basis on the use of organic crops in some sense makes the livestock scope a better fit than crop scope. But fungi are neither plants nor animals, and if they are certified under either scope, it is the result of certifiers (and NOP) selectively choosing which of the regulations to enforce. Fungi deserve, and need, their own scope of certification which recognizes their unique biology and can foster consistency in their cultivation and certification.

Additionally, there are already some organic fungal products in the marketplace that are not mushrooms, such as drink powders made from lion's mane mycelium as well as the fruiting body and mycelium extract dietary supplements.[1] Yeasts produced for direct consumption (such as nutritional yeast) are currently produced under the Handling scope, but would fit better under a Fungi scope. Framing new production standards to include only mushrooms would unnecessarily exclude these products from certification (or leave them without consistent production standards) and make it harder for future innovative products to become certified. Conversely, framing new production standards to include all fungi would not only provide a better fit for current organic fungal products, but provide ample room for additional markets to develop.

AMS notes that NOP chose not to move forward with mushroom production standards when first proposed by NOSB. In the early 2000s, NOP did not have enough staff to move forward with all the regulatory additions proposed by NOSB. Now, NOP is well staffed and should have capacity to develop these new rules effectively.

CONCERNS WITH CURRENT PROPOSAL

First, there is a procedural issue when AMS departs from NOSB recommendations. The 2001 NOSB recommendation on

[1] See for example, fungi.com and ommushrooms.com.

mushroom production provided a clear, considered, and usable structure for mushroom standards. **Because the NOSB's recommendation was essentially complete and actionable by certifiers, AMS is not justified in departing from it.** NOSB's recommendations are the result of stakeholder input and robust discussion. When AMS does not implement NOSB recommendations, it undermines confidence throughout the industry. Both certifiers and producers refer to NOSB recommendations to determine what practices will be compliant once the recommendations are implemented. Significant departures from NOSB recommendations create information disparities and increase the likelihood that the best-intentioned operations will invest in activities that wind up either being out of compliance OR undercut by cheaper production methods that were not anticipated based on the NOSB recommendations, as would be the case under the proposed mushroom rules.

In describing how this proposed rule came about, AMS states they "also engaged directly with mushroom experts, producers, and trade associations about organic mushroom production." While these are certainly relevant stakeholder groups to consider when proposing a rule, consulting with an industry that has developed inconsistent practices in the absence of standards - putting the cart before the horse throughout its development - effectively waters down the proposed standards from the original intent of the NOSB to the least-strict interpretation that exists in the marketplace. In this case, the least-strict option is for mushroom substrate to contain non-organic agricultural materials, wood products produced from lumber that was treated with prohibited substances within the last 3 years, and compost that does not meet the time, temperature, and turning requirements for organic compost. All of these allowances contradict the 2001 NOSB recommendation. This watering-down of standards drives a race to the bottom which may make USDA organic a "big tent," but only by removing meaning and integrity from the label. By contrast, OEFFA certifies mushroom producers that are capable of meeting the NOSB recommended standards and have not asked for a watering-down of standards. Producers we talked to in developing our comments all supported following the NOSB recommendation.

Including mushrooms under the Crop Production standards and then explicitly exempting mushrooms from many sections of those standards opens the door to the idea that operations and certifiers can pick and choose among the standards based on production type. This slippery slope of thinking that only "applicable" standards need to be followed leads to at times significant disparities across the industry about what counts as "organic," contrary to the purpose of the regulations. Instead of trying to shoehorn the Fungi kingdom into the production standards that are focused on kingdom Plantae, and then taking a piecemeal approach to applying those standards, let's instead do things right from the start by giving fungi their own scope of certification.

THE BETTER PATH FORWARD

Mushrooms and other fungi require their own scope of certification, with dedicated production standards and their own section of National List materials.

As specified in the NOSB recommendation, agricultural materials in substrate should be organic. Even in 2001 when the organic marketplace was far less developed, NOSB did not recommend a commercial availability clause for substrate. There are plenty of organic plant and animal materials available to serve as mushroom substrate. Unlike plants, the fruiting bodies of fungi are composed entirely of nutrients from the substrate. Substrate is, in that sense, much more similar to livestock feed than to soil for plant crops. Allowing mushrooms to feed on nonorganic agricultural materials would make certified organic mushrooms essentially and substantially indistinguishable from conventional mushrooms. In addition to undermining the integrity of organic standards overall, this permission would counteract the intent of this rule to improve markets for organic mushrooms because it would be very difficult to explain to a consumer why they should pay a premium for an organic mushroom produced through the same methods as a conventional mushroom.

In practice, this means allowed materials in organic mushroom substrate should include only:

- Certified organic agricultural plant materials
- Wood products (i.e. non-agricultural plant materials) not treated post-harvest and free of prohibited substances for three years prior to harvest
- Manure from certified organic livestock, which must be composted according to 205.203(c)
- Synthetic substances included on the National List for this purpose
- Non-agricultural, non-plant, non-synthetic substances unless prohibited on the National List (so mined minerals such as gypsum would be allowed)

This list is comprehensive and includes compost feedstocks as well as uncomposted materials.

Any other substances currently allowed for organic crops, such as sanitizers or pest control materials, should be petitioned for fungi production specifically to ensure that their use is consistent with National List criteria for those specific uses. Items currently on the National List, except for microcrystalline cheesewax (see below), were petitioned with plant crops in mind. While many of these substances may be just fine to use with mushrooms (such as hydrogen peroxide or chlorine materials used to sanitize equipment), other items at 205.601 such as insecticidal soaps, horticultural oils, and ferric phosphate may not be appropriate for mushroom production and ought to be considered by NOSB specifically with fungi in mind if requested for use on fungi.

It will be important for AMS to clarify in the Preamble to the final rule (when published) that **the fungi production standards are intended to apply to production of fungi for direct consumption**. Fungi are also used as processing aids (yeasts in bread and beer, SCOBY, molds for cheeses, etc.) and in these cases, they will occasionally consume substances that are neither organic nor included on the National List specifically for fungal consumption, such as natural flavors or colors. These uses of fungi as processing aids are not the intended target of the proposed market development rule we are currently discussing, which is meant for fungi that are marketed directly for human consumption, *as fungi*. This clarification will allow handlers and certifiers to continue to reference the National List at 205.605(a) for Microorganisms and Yeast and will not disrupt those existing markets.

PROPOSED STANDARDS REVISIONS

Below are the revisions and regulatory language we propose (bold), along with discussion as applicable. We urge AMS to revise the proposed mushroom standards to match the NOSB recommendations, with the revisions noted below, and to take seriously the implications of lowering any bars for mushrooms to be classified as organic.

205.2 Terms defined.

Compost – we do not recommend altering the definition to exclude production methods. We do suggest adding "and synthetic substances allowed on the National List for compost feedstock" to better align with current practices (since newspaper and recycled paper are not plant or animal materials). Please also see the discussion in response to question 4, below.

Fungus (fungi) - Any of a group of spore-producing organisms in the Kingdom Fungi feeding on organic matter, including molds, yeast, mushrooms, and toadstools.

As discussed above, adding a definition for fungi and broadening the scope of the rule to include more than fungal fruiting bodies will increase its effectiveness in encouraging organic market development. This definition comes from Oxford Languages. FDA has a definition of fungi in its standards for medical drugs [21 CFR 333.203(d)] which describes them as a subset of plants lacking chlorophyll, which does not match current biological taxonomic understanding and is not relevant

for food production.

205.203 Soil fertility and plant crop nutrient management practice standard.
205.205 Plant crop rotation practice standard.

Adding the word "plant" before "crop" clarifies the purpose of these standards, in contrast to fungal crop production.

205.210 Fungi production practice standard.
(a) The producer must manage fungal production in accordance with the provisions of 205.200, 205.201, 205.202 as applicable, and 205.206(b) through (f).

The referenced provisions of 205.203(d) and (e) are not needed if substrate is described in greater detail. Section 205.206(a)(2) and (3) includes "selection of plant species" which is not appropriate for fungi and would be better placed and easier for producers to interpret if listed in its own section along with the allowance of sanitizers on the National List (see proposed 205.210(e) below). On the whole, it would be preferable for section 205.206(b) through (f) to be restated as part of 205.210(e) rather than being incorporated by reference, since section 205.206 is otherwise dedicated to plant crops and so that the provisions can be placed alongside other relevant requirements. **In this case, 205.206 should be retitled to "Plant crop pest, weed, and disease management practice standard."**

(b) The producer must manage fungal substrate and spawn media, including spent substrate and spawn media, in a manner that does not contribute to contamination of crops, spawn, fungal substrate, soil, or water by pathogenic organisms, heavy metals, or residues of prohibited substances. The producer must not use lumber treated with arsenate or other prohibited materials for new installations or replacement purposes in contact with the growth substrate.

If substrate and spawn media are required to be free of prohibited substances, the provision regarding residues of prohibited substances may be unnecessary. The phrasing "in contact with the growth substrate" makes more sense for fungi than 205.206(f) which refers to "soil or livestock."

(c) The producer must use organically produced spawn, Except, that nonorganically produced spawn that that have not been treated with a prohibited substance and have not been raised on GMO substrate may be used when equivalent organically produced spawn are not commercially available. Spawn must use organic agricultural products as the spawn media and be under continuous organic management after the mycelium or spores are applied to the organic spawn media.

AMS's proposed additional specificity regarding organic spawn production methods is aligned with NOSB's proposal that substrate must be organic and provides important clarification. Spawn media should contain only organic agricultural materials and untreated wood products; these ingredients should not be subject to commercial availability. The spore or mycelium component of spawn is the relevant one for commercial availability, since market expansion depends partly on new species and varieties being cultivated.

(d) Fungal substrate and spawn media may be composed of the following materials in accordance with the conditions specified in this paragraph (d):

(1) Agricultural plant materials that are used in production substrate must be organically produced;
(2) Sawdust, logs or other materials derived from wood used as a growth substrate must originate from trees that have been grown in areas free of prohibited materials for at least three years, and must not have been treated with a prohibited substance after tree harvest;
(3) Manure used as a growth substrate must be composted and must be produced by certified organic livestock;
(4) Nonsynthetic substances, except those on the National List of nonsynthetic substances prohibited for use in

organic fungi production (205.609);
(5) Synthetic substances on the National List of synthetic substances allowed for use in organic fungi production (205.608); and
(6) Compost used as a growth substrate must be produced in accordance with compost guidelines presented in 205.203(c)(2) and agricultural materials used as compost feedstock must be organic.

As discussed above, requiring organic agricultural materials in substrate is aligned with both the NOSB recommendation and AMS's goal of encouraging development of organic markets. While requiring manure to be from organic livestock is stricter than NOSB recommended, it is aligned with the heterotrophic nature of fungi – like animals, they are what they eat. There are plenty of certified organic livestock operations to allow organic manure to be sourced, some of whom might welcome an additional market for this livestock "product." Conventional manure often contains prohibited substances, many of which may not be broken down by composting and would be taken up into the fruiting body of the fungus.

This language would continue to allow newspaper and other recycled paper as compost feedstock for fungi as well as plant crops if newspaper and other recycled paper is added to 205.608.

(e) The producer must use management practices to prevent crop pests, weeds, and diseases including but not limited to:
(1) Sanitation measures to remove disease vectors, weed seeds, and habitat for pest organisms;
(2) Cultural practices that enhance crop health, including selection of fungi species and varieties with regard to suitability to site-specific conditions and resistance to prevalent pests, weeds, and diseases; and
(3) Sanitizers and disinfectants not on the National List for such purpose may not be applied to crops or growing substrates.

This paragraph combines 205.206(a)(2-3) with NOSB's recommendation regarding sanitizers and disinfectants.

205.601(i) and (j) do not need amending if fungi have their own scope. (If fungi are not given their own scope, then the proposed amendments make sense.)

205.608 Synthetic substances allowed for use in organic fungi production.

A new section for the new scope.

Newspaper and other recycled paper should be duplicated in new section 205.608, Synthetic substances allowed for use in organic fungi production if it will continue to be allowed in compost used for fungal substrate.

Microcrystalline cheesewax for mushroom production should be moved to new section 205.608, Synthetic substances allowed for use in organic fungi production. Its annotation does not require a change.

Additional synthetic substances should be petitioned for use with organic fungi, as needed. (A 5-year implementation timeframe would allow these petitions to be written and considered.)

205.609 Nonsynthetic substances prohibited for use in organic fungi production.

This section could include all materials currently prohibited in organic crop production at 205.602, since currently-certified organic mushroom producers would not have been allowed to use them (i.e. there will be no market disruption – this is functionally equivalent to leaving mushrooms under the crop scope). Additional substances could be petitioned for

inclusion if applicable to fungi only.

RESPONSES TO AMS QUESTIONS FOR STAKEHOLDERS

1. Is the regulatory language and accompanying discussion in this document clear enough to allow producers, handlers, and certifying agents to comply with the proposed requirements?

The language is clear but the commercial availability allowances at proposed 205.210(c)(2) will allow inconsistency in substrate and reinforce an unlevel playing field for producers. Producers being able to comply with the requirements is one thing; having requirements that actually create consistently-produced products is another thing entirely.

A commercial availability clause for the mycelium component of spawn makes sense given the sheer number of species of fungi that could be cultivated organically; not all will have readily available organic spawn at all points in time. The search for organic spawn is currently being enforced similar to searches for organic seeds; while the system does not perfectly move the market toward higher adoption of organic spawn sources, it does provide a familiar structure for evaluating sources and use.

However, the commercial availability clause for uncomposted plant materials does not make sense, either practically for mushroom producers or in light of AMS's rulemaking goals. If we are looking to increase market opportunities for organic products – and given the wide availability of organic crops – it makes no sense to allow nonorganic plant materials to be used. On a practical level, what would it mean for an organic variety to be commercially unavailable? An OEFFA mushroom grower located in an urban area mentioned that she is unsure off the top of her head where to find organic straw. But there are many organic grain farmers in her state, most of whom would have straw they could sell. At worst, the requirement to find organic substrate will require growers to make some new connections, but it would not prohibit them from growing organic mushrooms. For substrate that includes brewer's grain, allowing nonorganic grain could introduce a variety of prohibited substances to the substrate such as preservatives, antifoaming agents, flavor enhancers, and genetically modified malt and hops used in nonorganic commercial beer production; many other post-processing plant materials would have similar risks. And conventional crops would commonly have residues of prohibited fertilizers, pesticides, or herbicides in addition to GMO content. Because fungi are comprised entirely of digested substrate, any prohibited substances found in that substrate would be a far greater risk of contamination than prohibited substances used to produce conventional crops used as mulch or compost feedstock for plant crop production. In short, a commercial availability clause for plant materials in substrate will result in wide disparities between mushrooms produced with organic substrate and mushrooms produced with nonorganic substrate, contrary to the goal of consistent standards. Both spawn media and mushroom substrate including compost feedstocks should contain only organic agricultural materials and untreated wood products; these ingredients should not be subject to commercial availability.

2. Do the proposed amendments create any conflict with current organic regulations?

While we object to the certification of terrestrial plants grown to maturity in containers, which do not comply with all the crop production standards, we recognize that USDA currently allows this certification based on the (faulty) premise that crops grown without soil do not need to meet the soil-related production requirements. According to USDA's logic, plant crops grown in containers could therefore also be exempt from the compost production requirements listed at 205.203, the Soil fertility and crop nutrient management practice standard. Removing time, temperature, and turning requirements from the definition of compost at 205.2 would mean that compost used as growing media for container-grown crops would not have any restrictions on its production, and could therefore be produced through processes that do not adequately remove pathogens. This poses food safety risks to organic consumers as well as philosophical risks to organic integrity. NOP Guidance 5006 and 5021, while extremely useful to both compost producers and to certifiers, do not carry the enforcement weight of actual production standards.

3. Would a one-year implementation period (from the effective date of a final rule) be appropriate for affected operations to comply with these proposed changes? If not, what timeframe would be appropriate?

We believe a one-year implementation period is sufficient for affected operations to comply with the changes proposed by AMS. However, the proposed rule is weak and will be ineffective in achieving its purpose of developing markets and improving consistency in certification. We strongly encourage AMS to adopt our proposed changes, which because they are stricter than some operations currently comply with, could reasonably be given a longer implementation period. Three years would be adequate for operations to transition woodland, if needed, to comply with the requirement for untreated wood substrate. Five years would be generous and would allow ample time for all affected operations to reevaluate and make changes to their processes and supply chains. Five years would eliminate the need for any commercial availability clauses for substrate. Five years would also allow time for synthetic substances such as sanitizers and pest control products specifically intended for fungi production to be petitioned and considered for inclusion on the National List and for rulemaking to move forward to add them. We do not see any justification for a longer timeline than 5 years.

4. Are there any concerns about the proposed requirements for compost used in organic mushroom operations? Are there any additional health and sanitary issues that AMS has not considered? Would the proposed requirements hinder any current methods of substrate preparation? Would the proposed changes impact other organic sectors and if so, how?

We are concerned with the proposal to lower the bar for time, temperature, and turning. The NOSB recommended using the same compost production standards at 205.203 for mushroom production as for plant crop production. This is for good reason, as the time, temperature, and turning requirements were aimed at producing a consistently pathogen-free compost. Since the time from inoculation to harvest is even shorter for many mushrooms than for most plant crops, it is especially important to ensure that no pathogens remain in compost. For example, varieties of *Agaricus bisporus* (which AMS notes comprise 82% of all mushrooms sold as organic) such as Cremini and Portabella typically take only 2-3 weeks, faster than even the speediest field crops like lettuce and radishes. Many mushroom producers steam sterilize compost before use, which would typically remove pathogens as well as fungal competitors from the substrate. If steam sterilization is being relied upon to remove pathogens in lieu of the time, temperature, and turning requirements currently included in the compost definition, steam sterilization should be included in the compost production requirements. OEFFA does currently require mushroom compost to meet the standards at 205.203 and it would not be a burden to our operations for those requirements to be kept.

Additionally, the removal of the composting process from the definition of “compost” at 205.2 makes the definition far too broad. Many processes completely unrelated to compost could meet the definition of “a managed process through which microorganisms break down plant and animal materials into more available forms suitable for application to the soil or as a component of mushroom substrate.” While nobody would argue that the most “suitable” use of sauerkraut, yogurt, or beer is soil application or mushroom substrate, those materials would meet the definition because they are products of a managed process through which microorganisms break down plant and animal materials into more [nutritionally] available forms. More relevantly, manure digesters would also meet this definition, but digestate and biogas are not compost.

While we dispute the removal of composting process from the definition of “compost” (since we believe that the composting process already described at 205.2 is appropriate for mushroom compost as well as for plant crops and soil application), if AMS is determined to go that route, we suggest an alternative definition that does not have the same level of detail as the current definition but avoids being too broad. For example, the American Association of Plant and Food Control Officials (AAPFCO) has the following definitions:

> “Compost is a biologically stable material derived from the composting process.” [AAPFCO Rules and Regulations–

Bulk Compost 1(d)]
"Composting is the biological decomposition of organic matter by mixing and piling in such a way to promote aerobic and/or anaerobic decay. The process inhibits pathogens, viable weed seeds and odors." [AAPFCO Rules and Regulations–Bulk Compost 1(e)]

These definitions are simple and broad enough to encompass multiple compost production methods (which could be different for different production scopes) while being specific to what compost really is.

5. Are there any concerns about the proposed requirements for producing certified organic spawn? What are the barriers to producing certified organic spawn for mushroom production? How would this rule affect these barriers?

The proposed rule largely aligns with the NOP Notice to Certifying Agents: Shiitake Mushrooms issued in 2019, which requires ready-to-use spawn to be certified organic. Five years after the notice, many mushroom producers use certified organic ready-to-use spawn, indicating that it is feasible to produce spawn according to the methods described in the proposed regulations and that such spawn is currently commercially available. As noted in the response to question 1, a commercial availability clause for spawn makes sense given the sheer number of species of fungi that could be cultivated organically; not all will have readily available organic spawn at all points in time. This clause will leave sufficient flexibility for producers to experiment with less-common varieties and products. The clarity of production methods being in the standards rather than just a memo to certifiers will also serve AMS's goals of increasing consistency and increasing markets for organic products. However, as stated earlier, the commercial availability clause should apply only to the spore/mycelium component of spawn, and not to the spawn media.

6. Stakeholders and data indicate that many organically produced mushrooms are sold as conventional mushrooms. Why are certified organic mushroom operations producing significantly more organic mushrooms than they are selling as certified organic? What could be included in this rule to help ensure that mushrooms that are produced organically can be sold as organic?

Please see our discussion of concerns with the proposed rule and a better path forward. Currently, the lack of mushroom production standards and inconsistent certification practices do not provide a platform for organic mushroom producers to differentiate themselves from conventional mushroom producers. There is a lack of public understanding of what an organic mushroom is, as distinct from a nonorganic mushroom – and the lack of consistent standards is a huge impediment to building that understanding. As noted above, allowing mushrooms to feed on nonorganic agricultural materials would make certified organic mushrooms essentially and substantially indistinguishable from conventional mushrooms. Strengthening this rule to require organic agricultural materials in substrate will help create markets for organic mushrooms because it provides a clear and succinct way for producers to differentiate themselves in the marketplace and aligns with existing consumer ideas about what organic means (natural system, avoiding toxic chemicals, etc.). The changes we propose would slightly but not significantly increase costs for some existing producers (and would not affect others) but would greatly increase the benefits of increased organic markets overall.

PET FOOD

RESPONSES TO AMS QUESTIONS FOR STAKEHOLDERS

1. Is the regulatory language and accompanying discussion in this document clear enough to allow producers, handlers, and certifying agents to comply with the proposed requirements?

In general, yes. The logic is a little hard to follow because it is framed partially in the negative: pet food gets defined and certain additional substances are allowed in it (which is clear enough), but the crucial allowance of slaughter byproducts

(and meat products, for that matter) in pet food is inferred from an absence of prohibition, rather than specific inclusion. This is slightly confusing to follow initially, but we do not believe it will be confusing in practice when pet food manufacturers follow the standards at 205.270, the labeling rules, and look to the National List for allowed synthetic ingredients.

2. Do the proposed amendments create any conflict with current organic regulations?

None that we can see.

3. Would a one-year implementation period (from the effective date of a final rule) be appropriate for affected operations to comply with these proposed changes? If not, what timeframe would be appropriate?

A one-year implementation period is appropriate for the pet food regulations. The proposed rule opens up possibilities rather than removing them, so manufacturers should not need long to adjust their practices (if they need any adjustment at all).

7. What factors have kept pet food manufacturers from seeking organic certification? Are there barriers that the proposed rule does not address?

OEFFA does not currently certify pet food manufacturers due to an absence of applicable handling standards, with the exception of wheatgrass/pet grass raised under the Crop scope. We see the addition of standards for pet food as a potentially significant value for livestock producers by creating a market for slaughter by-products, although it will likely be hindered by the same lack of certified processing facilities that affects the availability of organic meat products for human consumption. Many organic livestock producers do not have access to a certified slaughter and processing facility within a reasonable and cost-effective distance of their farm, so they sell animals and meat into the conventional market. Pet food will be a useful market for slaughter by-products only to the extent that certified organic meat processing infrastructure is developed overall.

8. Are there any additional synthetic, nonsynthetic, or nonorganic substances required in pet food to meet pet health needs that are not included in the proposed rule?

We are unaware of additional specific substances needed but we support the addition of taurine to the National List based on the NOSB recommendations. We agree with AMS that the proposed standards allow sufficient room for additional substances to be petitioned for inclusion on the National List, if needed.

We do note that pet food materials petitioned for addition to the National List should be annotated by species. For example, not all species require the same amino acid profiles or mineral supplements. The purpose of the organic regulations is to limit the use of synthetic materials in organic products to only those that are necessary for designated uses. Annotations for pet food materials by specific species are necessary to put appropriate guardrails around the use of National List materials.

9. Are slaughter by-products commonly used in organic pet food? Are there obstacles to greater use of organic slaughter by-products in organic pet food? Is there existing data on the organic slaughter by-product market utilization and prices?

Please see our response to question 7 regarding the availability of certified organic slaughter and processing facilities.

Thank you for taking the time to read and consider our comments, and for your efforts to improve opportunities in the organic marketplace and to uphold the integrity of the organic label.

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

Milo Petruziello, Policy Director

Sal Pinkham, Certification Program Manager