



BEYOND PESTICIDES

701 E Street, SE ■ Washington DC 20003
202-543-5450 phone ■ 202-543-4791 fax
info@beyondpesticides.org ■ www.beyondpesticides.org

September 17, 2018

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave. SW
Room 2648-S, Mail Stop 0268
Washington, DC 20250-0268

Re. HS: Ethiopian pepper petition

These comments to the National Organic Standards Board (NOSB) on its Fall 2018 agenda are submitted on behalf of Beyond Pesticides. Founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to bridge the interests of consumers, farmers and farmworkers, Beyond Pesticides advances improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and the world.

The Handling Subcommittee (HS) notes say, “The HS did not request a TR as the only aspect in question is about organic supply, which the TR will not answer.”¹ However, materials listed on §205.606 are nonorganic agricultural ingredients that are allowed to be used as ingredients as part of the 5% of organic processed foods that is not required to be organic, which OFPA allows to be used in organic food under limited conditions, including this from §6517(c)(1):

The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this chapter only if—

- (A) the Secretary determines, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, that the use of such substances—
 - (i) would not be harmful to human health or the environment;
 - (ii) is necessary to the production or handling of the agricultural product because of the unavailability of wholly natural substitute products; and
 - (iii) is consistent with organic farming and handling.

Organic agriculture can supply Ethiopian peppers.

Materials should not be listed on §205.606 if they can be supplied organically. A lesson from the experience with hops is that the organic production may not be sufficient until the

¹ HS Notes for July 18, 2017.

demand is present. The Handling Subcommittee needs to ask the question of potential suppliers, “Could you supply the need if the organic form is required?” Since it may take years before Ethiopian peppers appear on the National List, a quicker solution would be to encourage organic producers to grow them.

Ethiopian pepper (*Xylopi aethiopica*) is a member of the Annonaceae family, and is therefore not related to either chili peppers or black pepper. It is grown within its native range in lowland rainforest and moist fringe forest in African savanna.² In an addendum to the petition, the petitioner says,

Because of the unique environment in which this wild-crafted plant lives, it is not something that lends itself to cultivation by organic growers. It is a plant that is by nature “de facto organic.” We have contacted farmers about growing this in such a way that it could be certified. However, the growing conditions necessary combined with the small volume of use make it impossible to find a commercial grower for this substance.

There is a contradiction in this statement. If it is a wild-crafted plant that is “by nature ‘de facto organic,’” then it should be eligible for organic wild-crafted certification. If the petitioner’s statement is an exaggeration, then the Handling Subcommittee should identify the methods by which it is grown, in order to determine whether production of Ethiopian peppers meet organic wildcrafting standards.

The evaluation of Ethiopian peppers must take into consideration the use of pesticides in the non-organic production of Ethiopian peppers and the availability of organic wild-crafted Ethiopian peppers for this purpose, as well as their potential availability if the demand exists.

It is time to stop adding listings to §606. Organic production is grown up now, and any agricultural commodity can be produced organically. Listing on §606 only stifles organic production of new organic crops and promotes chemical-intensive production. Finally, in the time that it takes to add new regulations, petitioners could develop the demand for the organic product.

Thank you for your consideration of these comments.

Sincerely,



Terry Shistar, Ph.D.
Board of Directors

² Xylopi aethiopica. http://www.worldagroforestry.org/treedb/AFTPDFS/Xylopi_aethiopica.PDF.