

OTA offers the following summary of our comments. Please refer to our considerably more complete and individually submitted comments on each topic at <http://www.regulations.gov/> Docket: AMS–NOP–13–0049.

Crops Subcommittee

Streptomycin: The NOSB proposal would extend the expiration date for streptomycin from October 21, 2014, to October 2017. OTA supports the efforts being made to transition the current practice to an alternative but effective approach—one that does not include antibiotics. We agree that antibiotics should be phased out of organic production, and we support all efforts to develop effective alternatives. OTA respectfully urges NOSB to accept the subcommittee proposal and recommend an expiration date that can be tied to a fact-based research-supported timeline. Based on the status of emerging alternatives and existing research funded under USDA, **the reasonable expiration date, as proposed, that will support product registration and availability, commercial scale-up, and grower experience is 2017.**

Livestock Subcommittee

Methionine: This proposal rule would modify the current annotation on methionine to express the **average** amount of 100% synthetic methionine allowed per ton of feed over the life of a flock as follows: 1) Laying and broiler chickens—2 pounds; and 2) Turkeys and all other poultry—3 pounds. The allowed rates currently included in the NOP rule represent “step-down” levels (the same pounds per ton but expressed as the **maximum** rate at any stage in life of a bird) recommended by NOSB in April 2010. The rates were recommended in an attempt to balance the amount needed for maintaining basic nutritional requirements of poultry and satisfying consumer preference to reduce the amount needed in order to motivate efforts to develop natural or organic alternatives. Given the lack of commercially sufficient sources of allowable natural alternatives today, and the impact the reduced methionine allowances are reportedly having on organic poultry welfare, OTA supports the Livestock Subcommittee recommendation. We also support the recommendation requesting NOP Guidance that will clarify for certifying agents and industry sound and sensible practices – for documenting, calculating and verifying average rates.

Handling Subcommittee

Glycerin: In response to a petition presenting the commercial availability of organic glycerin in the marketplace, the Handling Subcommittee is proposing to remove glycerin from the National List as an allowed non-agricultural synthetic for use in or on processed products labeled “organic” or “made with organic (specified) ingredients.” OTA supports the National List process and the recommendation to remove glycerin from the National List provided there is a sufficient quantity of organic glycerin in the quality and form needed for all applications. However, based on the feedback we have collected from our membership, it’s our understanding that the supply is not adequate. Furthermore, while it is food grade, the organic glycerin available currently does not meet company requirements for credible third-party food safety verifications, such as GFSI, NSF, AIB, etc. There is also lack of clarity on the classification of glycerin produced from hydrolysis of fats and oils. The organic form(s) may be “agricultural,” in which case the non-organic agricultural form would be allowed in the 30% non-organic portion of a “made with organic” product. However, additional clarification is needed, because glycerin produced from hydrolysis of fats and oils is currently classified on the National List as a “non-agricultural synthetic.” NOP guidance on classification of materials may clear up this issue, but final guidance is pending. Given the commercial availability issue and the lack of clarity on its classification, one solution would be to list glycerin (agricultural forms) on § 205.606 (non-organic agricultural ingredients allowed in organic products when organic forms are unavailable) of the National List. This would recognize agricultural forms of glycerin and

accordingly allow for the use of non-organic agricultural glycerin in “made with products.” At the same time, it would require the use of organic glycerin in “organic” products unless commercially unavailable.

Certification, Accreditation, and Compliance Subcommittee (CACS)

Guidance on Retailer Certification and Compliance: The CACS is asking a number of questions to help gain information to inform a recommendation to NOP for the development of guidance to exempt/exclude retail establishments as well as retail establishments that are voluntarily certified. Given the exceptional maturation and growth of the organic retailer sector, OTA agrees that guidance from NOP is needed. Guidance should result in consistent and compliant organic practices and messaging throughout the retail sector and increased consumer understanding and trust of organic claims. OTA urges NOP to focus on clarification and education for retail establishments that are exempt or excluded from certification, but still must comply with certain requirements of the regulations. We also request clarification in the three key areas: 1) How do the requirements for an exempt retailer differ from the requirements for an excluded retailer; 2) Can exempt/excluded retailers that handle or process certified organic products on the premises of the retail establishment sell the products on-line; and 3) Can an exempt/excluded retailer that handles or processes certified organic products and then display the USDA Organic seal or represent the product as “certified” organic?”

Materials Subcommittee

Confidential Business Information (CBI) & Update of Petition and TR Process: The NOSB proposal would do away with protections for confidential business information in petitions and technical reviews. OTA cannot support a recommendation that does not include protections for confidential business information in petitions. A potential solution to this problem could be found in the Technical Review process. A robust and accredited Technical Review process would allow for appropriate review while protecting confidentiality interests. Technical Review contractors do have access to CBI – and working in concert with NOP, they can engage in the needed analysis. Technical Review contractors can work with petitioners to fully understand their process, and get any additional questions answered without confidentiality concerns. They can then pass along to NOSB members their generic analysis, ensuring that NOSB members have the needed information to make their determinations, while maintaining no breach of petitioners’ confidentiality. We respectfully request that the Board consider our proposed resolution that would allow NOSB access to necessary information, but adequately protects a petitioner’s confidential business information.

Research Topics: The NOSB proposal includes a list of topics that have been designated as research priorities. The Organic Center supports this list of topics, and is actively involved in conducting and communicating research on these issues. In addition to the current NOSB research priority areas suggested, The Organic Center is advocating for the consideration of **Organic Control of Citrus Greening** to be included in the research priorities agenda. The disease referred to as “citrus greening” is devastating citrus in Florida. The insect responsible for the disease has been identified in California, and aggressive efforts are being made to eradicate the insect before the disease itself occurs. Efforts include state and/or district mandatory spray programs that do not include an organic treatment option. Currently, The Organic Center is working with the Organic Trade Association and organic citrus growers to communicate current organic control research efforts with government agencies, researchers and the public, and we would like support from NOSB on this issue.

Policy Committee

Conflict of Interest: The NOSB proposal would update its conflict of interest policy. OTA appreciates the consideration taken by the Board to try to align its conflict of interest policy with NOP policy, but respectfully believes the recommendations require significant revision before they would be satisfactory. We understand the Committee’s desire to add guidance on what procedural steps must be followed in declaring and acting upon a conflict of interest. We support the utility these procedural steps may have, and we support Recommendations 6, 9 and 11. However, we cannot support the remaining recommendations, and respectfully request that the Committee consider our comments and make revisions before bringing any proposal to a vote.