



# BEYOND PESTICIDES

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April 22, 2012

National Organic Standards Board  
Spring 2012 Meeting  
Albuquerque, NM

## Re. Significant Residues Discussion Paper

Dear Board Members:

These comments are submitted on behalf of Beyond Pesticides. 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, 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 groups around the world.

The need to define “significant residue” arises from the Classification of Materials Policy that says that the use of a synthetic extractant or reactant does not affect the classification of a material, thereby allowing the use of synthetic extractants, reactants, or processing aids that may end up as impurities in the material. The *Organic Foods Production Act* (OFPA) establishes a strong preference for natural materials over synthetic materials in every stage of production and handling. Nonsynthetic inputs are presumed to be allowed unless petitioned and found to be unacceptable. Synthetic inputs are presumed to be prohibited unless petitioned and found to be acceptable.

The Classification of Materials Policy is contrary to OFPA, which requires the examination of *all* synthetics used in organic production and handling, including their impacts from their manufacture, use, and disposal. *Somehow* that examination must be made. Since the NOSB does not have routine oversight of nonsynthetic substances, substances made using a synthetic extractant, reactant, or processing aid must be classified as synthetic either by virtue of the use of those synthetics in their manufacture or because there is a significant residue of the synthetic extractant, reactant, or processing aid in the substance. We prefer the former approach because the cradle-to-grave impacts of the synthetics used are relevant regardless of the level of residue.

Regardless of whether the material is classified as synthetic based on the use of a synthetic in its manufacture, there is no level of residue that can be considered non-significant or insignificant. Therefore, under OFPA, any residue of a synthetic that is a function of the

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production, handling, or processing process is by definition significant. The OFPA standard, as stated in 7 USC 2517(c)(1) states this clearly.

The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this title 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..."

This provision requires a determination of harm associated with the use of the synthetic substance. From what we now know of adverse impacts from extremely small exposures to chemicals, we cannot ignore any known level of exposure or consider it "insignificant."

If residues of a synthetic in a material classified as a nonsynthetic are discovered to be significant by a Material Review Organization (MRO) prior to use, the MRO prohibits its use and notifies the NOP that the material appears to be a synthetic, requiring listing on the National List. If discovered while the material is in use, the MRO should similarly notify the NOP that the material appears to be a synthetic. If the NOSB discovers that synthetic residues are significant in a material classified as a nonsynthetic, then it should reclassify the material as synthetic and notify the manufacturer that it will need to be listed on the National List in order to continue its use in organic production or handling. If significant residues of a synthetic are discovered in a synthetic material on the National List, the NOP should be notified so that the new information can be addressed in the next sunset review.

Thank you for this opportunity to comment on issues concerning significant residues of synthetic contaminants.

Sincerely,



Terry Shistar, Ph.D.  
Board of Directors