Public Comment Summary

# Crops Subcommittee

## Magnesium Oxide

Support listing: 1 organization (CROPP)

Oppose listing: 3 organizations (Beyond Pesticides, California Safe Schools, Cornucopia); 7 consumers

Major concerns cited:

* Environmental pollution in production.
* It has not been independently researched since 2007.
* “Because we believe the NOP policy violates the statute, and will therefore not subject magnesium oxide to the required assessment to determine re-listing at sunset in the future, we sincerely urge NOSB members to oppose this petition and any others where removal or annotation might conceivably be needed for health, environmental, and essentiality issues until we reinstate the sunset process of OFPA.”

## Aquaculture Materials

74 consumers and 5 organizations (Beyond Pesticides, No Spray Zone, Center for Food Safety, Food and Water Watch, National Organic Coalition) oppose approving any materials until aquaculture regulations are in place.

## Streptomycin

Oppose: 283 consumers; 5 farmers; 7 health care professionals; 10 organizations (Beyond Pesticides, California Safe Schools, Center for Food Safety, NOC, Consumers Union, Cornucopia, Nature’s Path, Food and Water Watch, No Spray Zone, Organic Consumers Association); 10 directly affected by allergies, compromised immune systems, MRSA, and health problems

Support extension: 1 researcher; 4 organizations (CCOF; Organic Trade Association; Alberts Organics/UNFI; Pennsylvania Certified Organic)

Support new listing with different annotation: 1 (Organic Tree Fruit Association)

Neutral: 3 (Westbridge, Organic Produce Wholesalers Association; Washington State Dept. of Agriculture)

Those opposing the extension cite evidence that residues of streptomycin are in and on apples; that the genes for resistance to streptomycin in fire blight can be carried on plasmids and are the same as those causing resistance in human pathogens; that all use of antibiotics increases antibiotic resistance.

Those supporting the extension say that alternatives are not fully developed and that the research on strep does not indicate evidence of transfer of antibiotic resistance to human pathogens. CCOF is concerned about organic pear growers. In addition, OTA says that expiration dates need to be based on research based timelines, not political compromise. WSDA points to difficulties in enforcement and in understanding expiration dates on the National List.

The Organic Tree Fruit Association proposes to allow the current rule to expire as scheduled in 2014; develop a new rule that will sunset in 2019 that allows use of materials post infection; in 2019 transition to an even more restrictive rule that allows the use of antibiotics in emergency situations. They say that no discussion of antibiotics can ignore:

* There is currently no viable alternative to antibiotic use. Preliminary research of Blossom Protect indicates it does not work in Michigan’s growing conditions.
* Blight resistant rootstocks and tolerant cultivars, are not a viable solution in commercial scale orchards as the rootstock are not widely available, do not confer resistance to the fruiting portion of the tree, do not apply for all regions of the US, and farmers would have to replace their crops, which is not economically feasible.
* Dismiss objections that antibiotics will enter into the food system because the literature does not support that. Rather it is more linked to overuse in animal and medical systems.

The Organic Produce Wholesalers Coalition- “We believe that NOSB should not take away production tools before development of viable, workable alternatives, less we risk crippling important segments of the organic industry which can take years to rebuild.”

Westbridge believes that Blossom Protect was unfairly and undeservingly singled out for negative comments on its efficacy.” They believe that comments on the failure of Blossom Protect in the Pacific Northwest and California are incorrect and misleading, as numerous trials show them performing on par with, or better than strep.

Other comments of interest:

* John Glenn Morris of Gainsville, FL wrote as a physician, epidemiologist, and specialist in infectious diseases to stress the importance of streptomycin in medicine, particularly for drug-resistant TB. “Based on available data (as well as outlined in the petitioned material checklist), there is some degree of risk that continued use of streptomycin, as proposed in the petition, will result in further development of streptomycin resistance in the immediate orchard environment, with, in turn, the potential for further spread within the environment and ultimate transfer to humans….I concur with the data and arguments presented in favor of denying the petition, and add my own strong opposition to the proposal to further delay the existing expiration date for streptomycin.”
* CCOF: “While our clients do not all use this material… the infrequent times when the material is needed have not yet been replaced with alternative measures. It takes five to seven years to bring an organic orchard to maturity, making it economically devastating for farmers to lose and orchard to disease. We strongly support the removal of streptomycin from organic agriculture, but want to see it done in a way that minimizes disruption to the fruit industry.”
* Cindy Norwitz, Certified Organic Processor and Grower who has never used antibiotics: Consumers outrage is one major reason to stop its use.
* Steven Seuser of Washington DC opposes the use of antibiotics in organic. He is allergic to penicillin and “I have fewer options of antibiotics in the rare circumstances I need to take them. But when I'm required to take them, I need a high level of assurance that the antibiotics my doctor prescribes will effectively kill the the bacteria that are affecting me.”
* Catherine Waltham-Sajdak of Centerville, VA is the parent of an immune compromised child “whose life absolutely depends on the efficacy of antibiotics when she needs them. I was horrified to learn that antibiotics used in human medical treatment are used in the production of ANY crop, let alone an organic one. Whether there is an alternative or not, I'd prefer a marred apple or pear over the preventable death of a person because of antibiotic resistance and inappropriate use of antibiotics in the environment. As an environmental soil chemist, I see this as a real and immediate threat to human health and safety, a detriment to environmental health, and an unacceptable risk for minimal societal benefit.
* Teri Searcy of Redwood City (9/24) has been a nurse for over 25 years “I have seen the decline in the effectiveness of antibiotics, the desperation to find new and more effective alternatives, which also cost us all a lot of money on drug research.” She opposes the use of antibiotics on crops.
* Claudette Sirois of Fredericton, NB, Canada (9/24) is allergic to antibiotics and opposes the use of antibiotics.
* Frances Podein of Jacksonville, FL (9/30) opposes the use of antibiotics has he had a bad reaction to tetracycline which made his tongue swell for five hours and now does not take antibiotics at all.
* Susan Watts of Riverside, CA (10/1) is the parent of a child with a compromised immune system that is concerned about antibiotic resistant bacteria. She opposes the use of antibiotics.

Aqueous Potassium Silicate SunsetOppose: 6 consumers, 3 organizations (Beyond Pesticides, California Safe Schools, Cornucopia)  
Support: 1 CCOF

Those opposing the relisting of aqueous potassium silicate (APS) say that the NOSB has found it not to satisfy the criteria of essentiality and compatibility with organic production. There are potential adverse impacts that have not been evaluated by the NOSB. The subcommittee must recommend against relisting in order for the full board to consider it.

CCOF does not have new information about APS, but supports the new sunset procedure. “In the absence of compelling reasons presented by the community regarding the material’s suitability criteria, we see no reason to remove it from the National List.”

Sodium Carbonate Peroxyhydrate SunsetOppose: 9 consumers, 1 medical doctor, 3 organizations (Beyond Pesticides, California Safe Schools, Cornucopia)  
Support: 1 organization (CCOF)

Those opposing the relisting of sodium carbonate peroxyhydrate (SCP) say it has been found by the NOSB not to meet the OFPA criteria of essentiality, compatibility with organic production, and no impacts on human health and the environment. It was added to the National List as an alternative to copper sulfate in rice, but there is no evidence that it has been adopted or is effective for that use. The pesticide is also toxic to birds, bees, and beneficial insects. The subcommittee must recommend against relisting in order for the full board to consider it.

CCOF does not have new information about SCP, but supports the new sunset procedure. “In the absence of compelling reasons presented by the community regarding the material’s suitability criteria, we see no reason to remove it from the National List.”

Sulfurous Acid Sunset  
Oppose: 8 consumers, 3 organizations (Beyond Pesticides, California Safe Schools, Cornucopia)  
Support: 1 organization (CCOF)

Those opposing the relisting of sulfurous acid cite potential adverse impacts that have not been evaluated by the NOSB. The subcommittee must recommend against relisting in order for the full board to consider it.

CCOF says, “In the case of sulfurous acid, we know that this material has significant use providing economic value on a variety of farms we work with. It has supported the development of organic berry and crop production in a number of regions. In the absence of compelling reasons presented by the community regarding the material’s suitability criteria, we see no reason to remove it from the National List.”

# Materials Subcommittee

## Research Priorities

5 organizations and 4 consumers commented. 8 organizations (Beyond Pesticides, Organic Trade Association, Organic Center, CCOF, Cornucopia, MOSA, Food and Water Watch, and the National Organic Coalition) and 4 consumers support the priorities proposed by the Materials Subcommittee (MS), but most suggest additional topics or highlight specific topics.

1 organization (Organic Produce Wholesalers Coalition) proposes that one of the NOSB Research Priorities be support of an analysis of the impacts of the decisions on both antibiotics in the marketplace.

Other topics proposed were: chlorine alternatives, sulfuric acid alternatives, biodegradable biobased bioplastic mulch, mined minerals, chelating agents, organic control of citrus greening, impacts on bees and other pollinators from EMFs from cell phones and other sources, and adulteration of honey.

CCOF particularly supports research in alternatives to antibiotics for fire blight, alternatives to methionine, and evaluation of GMO vaccines.

Consumers Union comments on a research priority of “consumer demand.” In regards to consumers who buy organic apples, they “do not necessarily approve of the use of antibiotics…consumers either think antibiotics are prohibited or they do not know antibiotics are used.” “Consumers who buy organic formula… do not necessarily approve of the synthetic nature of nutrient”

MOSA supports prioritization of topics related to livestock health, especially vaccines; ask that OFRF, the Leopold Center for Sustainable Agriculture, the Kellogg Foundation, CERES trust, SARE, and other organizations listed on the USDA National Agriculture Library. Also ask that University programs in the field and Veterinary Medical Associations be kept abreast of research recommendations; ask that care is taken to ensure that all appropriate stake-holders are included in the dispersal of the information generated.

Food and Water Watch support the priorities listed particularly the need for research on whole farm systems and for alternatives to synthetic methionine and antibiotics in tree fruit production. Research efforts must be prioritized to avoid the debate over relisting of controversial synthetics that language on the List. They supported research on consumer understanding and concerns about organic but were disturbed by the description: “rather than assign researchers the goal of proving that consumer stakeholders to the NOSB process are somehow inaccurate or misleading, it would be more appropriate for the request to highlight the need for more data about consumer expectations of organic.”

NOC agrees with the topics listed in the Research Priorities. For whole farm systems they believe that farm systems have tended to focus on isolated aspects of farming and support a systems approach. They go on to say other research priorities would benefit from a systems approach. Believe alternatives to antibiotics is one of the highest priorities but suggests adding research priorities related to the topic: methods for increasing accuracy of monitoring fire blight; system-based approaches to prevent and control fire blight; field trials to determine efficacy of new materials. For methionine, they suggest two additional topics to assist in provision of natural sources to omnivorous livestock: high methionine corn and practical implementation of system for insect based diets. For aquaculture, they contend discussion on materials is inappropriate until the systems are defined. They suggest the materials subcommittee add Biodegradable Biobased Mulch to the list of Topics for Future Review. For economic issues, NOC suggests research is needed on: mapping agronomic and economic impacts of the phase out of antibiotics; impacts within the marketplace such as shifts in sourcing; patterns of certification of tree fruit acreage; market research on consumer acceptance of alternative varieties that are resistant to fire blight; impacts in organic marketplace of a loss of trust organic integrity.

## Confidential Business Information

Support Materials Subcommittee (MS) proposal: 4 consumers; 6 organizations (Beyond Pesticides, Consumers Union, Center for Food Safety, Cornucopia, Food and Water Watch, National Organic Coalition)

Oppose MS proposal: 1 organization (Organic Trade Association); 1 consultant (Wolf, DiMatteo)

Those who support the MS proposal say that transparency in materials review is an important part of the public’s demand for organic food and one of the biggest selling points for consumers about how organic is different from conventional agriculture, that detailed proprietary information is not required for review, but that the NOSB needs access to information that allows it to determine whether materials meet OFPA criteria.

OTA says it 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. They request that the Board consider their proposal to allow NOSB access to necessary information and protect a petitioner’s confidential business information.

Wolf Di Matteo + Associates do not support the CBI: “Petitioners have the right to maintain confidentiality to the extent of the law, and should not be forced to give up some of those rights. The Trade Secrets Act and relevant parts of the Rule and NOSB Policies and Procedures Manual protect information only if it is secret from competitors, the owner of the information has taken steps to maintain its secrecy, and a competitor could gain advantage from knowing the information….” They argue the NOSB has access to publicly available information so their decision making should not be hampered by proprietary information. Alternatively they support incorporating language suggested by OTA: “Petitioners should include publicly available information, including manufacturing information found in a patent which may assist NOSB in making a determination. NOSB may send back a petition as incomplete if there is not enough information to make a decision.”

Consumers Union says, “We believe that the NOSB can only make informed decisions about whether a petitioned material meets the criteria for inclusion on the National List of Approved and Prohibited Substances if all information about the material is made public.”

## Petition and Technical Review Process

Support MS proposal: 1 organization (Beyond Pesticides, Cornucopia)

Oppose MS proposal: 1 organization (Organic Trade Association) Wolf Di Matteo supports petition process, but not CBI.

The points in support of the MS proposal are that the changes are needed to implement the changes of the CBI recommendation, incorporate the policy on ancillary ingredients adopted in April, and make additional clarifications of procedures.

OTA proposes changes to the Technical Review process to allow for appropriate review without revealing CBI.

Other comments:

Consumers Union: “We urge the Board to reconsider some of the proposed language changes in the Policy and Procedures Manual (PPM) that appear to make it more difficult to file a complete petition to remove a material.” …” We are concerned that the proposed language could lead to a Subcommittee’s decision to send a petition to remove a dangerous or harmful material back to the petitioner for incompleteness, when data regarding uses and alternatives is missing.”

Cornucopia suggests that additional procedures should be established to facilitate collaboration between the NOP and NOSB in the choosing of third party experts to provide technical reviews.

David Moore: “This process should also be reviewed for transparency, consistency, and compliance with established policies and procedures.”

# Policy Development Subcommittee

Conflict of Interest  
Oppose: 4 consumers; 5 organizations (Beyond Pesticides, Consumers Union, National Organic Coalition, Center for Food Safety, Cornucopia)

Support: 0

Partial Support): 1

Those who oppose the proposal say the NOP rules are arbitrary. If the NOP determines COI, it determines who votes and hence the decision, which is what Congress tried to avoid. The NOP proposal fails to disclose conflicts to the public and full board. The NOP proposal discriminates against representatives from nonprofit groups.

The OTA supports recommendations 6, 9 and 11. However, it does not support the remaining recommendations (1, 2, 3, 4, 5, 7, 8 and 10). It says:

* Vote reconsideration should not be retroactive (to before adoption of policy.)
* A Board member should be required to refrain from voting only when a direct financial gain actually exists. To the extent the financial interests of family members or associated entities do affect a Board member’s own financial situation, they are already covered by the prohibition on actions that result in a direct financial gain to the Board member.
* Extending the scope of the COI policy to persons or entities associated with the Board member intrudes into private matters, and is likely to discourage qualified individuals from serving as members on this advisory board.
* OTA supports determination of COI by NOP instead of NOSB. There should not be pressure on board members to reveal conflicts to other board members.
* The process at NOSB meeting should mirror subcommittee process.

Consumers Union says, “We are very concerned that this proposal would allow the NOP to redefine NOSB members’ primary interest as “representatives” of a “particular interest group.” NOSB members’ primary interest must remain as it is written in the law: to assist and advise the Secretary on a law that seeks to “govern the marketing” of organic products and “assure consumers that organically produced products meet a consistent standard.” Their primary interest should be to uphold the integrity of the organic label and to vote objectively and in accordance to OFPA criteria on materials petitions.”

NOC says, “Primarily we object to the heavy hand of the NOP in forcing the March 2013 memo onto the NOSB based on the Department’s authority under FACA.” NOC does not agree that FACA authority mandates this particular policy…it moves the Board and Department towards opacity and are unacceptable.”

Cornucopia urges the NOSB to reject any attempts to include these guidelines in the PPM. They have several concerns with the memo: The NOSB must be given authority to determine conflict of interest; NOP failed to collaborate with the NOSB in publishing the memo; the COI process must be transparent.

## Policy and Procedure Manual Miscellaneous Changes

Oppose: 1 organization (Cornucopia)

Support: 1 organization (Beyond Pesticides); 2 consumers

Points made by supporters include:

* The roles of the ABS and the DFO should be distinguished. “The ABS reports to the NOSB and should oversee the NOP staff.
* The changes provide clarity.

In opposition, Cornucopia says, “If the proposal cannot be rejected in its entirety then the changes must be reviewed item by item. Accept those changes to the PPM that adequately capture the original intent. Approve those that improve clarity. Reject the changes that change the meaning of the PPM.”

## Policy and Procedure Manual Administrative Changes

Oppose: 2 organizations (Beyond Pesticides, Cornucopia); 3 consumers

Support: 0

Those opposing the changes note that the changes are not specified. It is not possible to determine from the proposal as presented what the changes are and whether they are truly “administrative.”

# Livestock Subcommittee

Methionine  
Oppose the change: 38 consumers; 7 organizations (Beyond Pesticides, NOC, Center for Food Safety, Consumers Union, Food and Water Watch, California Safe Schools, No Spray Zone)

Support the change to 2.0 lb: 10 farmers; 8 organizations (OTA, CCOF, OregonTilth, CROPP Cooperative, Washington State Department of Agriculture, Cornucopia, MOSA, Pennsylvania Certified Organic)

Support the change to 2.5 lb: 17 farmers; 4 organizations (California Farm Bureau, Organic Egg Farmers, Methionine Task Force)

Neutral: 1 Quality Assurance International

Those who oppose the change proposed by the LS say:

* Poultry with adequate access to pasture do not need synthetic methionine.
* The proposal results in an allowance that may be higher than is allowed at present, which is contrary to the Board policy of stepping down allowed methionine.
* The proposal extends the sunset date, which is contrary to the Board policy of stepping down allowed methionine.

Those who support the LS proposal say:

* Permitting farmers to average the methionine content of feed over the lifetime of the birds would allow them to give higher amounts when the birds need more.
* It protects animal health and welfare.
* It would reduce the competitive disadvantage of organic eggs with respect to nonorganic eggs.
* Producers, not certifiers, must show compliance with the rule.
* NOP should provide guidance to producers and certifiers regarding compliance.
* Expiration dates need to be based on sound science, commercially viable alternatives, and research-based timelines, not political compromise.

Those who support the Methionine Task Force Proposal say:

* Chickens have suffered under lower rates in the current regulations.

Other comments:

* QAI requests Guidance Documents or Instructions to certifiers to clarify verification.
* MOSA is concerned that the proposal does not address the nutritional needs of broilers which have higher methionine requirements during their short lifetimes, the proposed rule may prevent producers from complying the NOP Rule 205.238(a)(2) and may post an animal welfare concern. Increasing methionine by increasing protein, without balancing for methionine, causes health problems for chickens and causes ammonia build-up in houses. A combination of averaging and a higher limit will permit farmers to better meet the needs of birds.

## Acidified Sodium Chlorite

Support recommendation to deny: 3 Consumers; 3 organizations (Beyond Pesticides, California Safe Schools, Cornucopia)  
Oppose recommendation to deny: 3 dairy farmers; 1 organic consultant)

Those who support the proposal to deny the petition say:

* It is not essential, as supported by the LS.
* Organic production should be moving away from dependency on products of chlorine chemistry.

Those who oppose the proposal to deny the petition say:

* It would reduce costs.
* There is no evidence of pathogen resistance to ASC.
* There is no evidence of environmental problems.
* “Udder health can be a challenge, in wet months with high bacteria levels, in winter months with dry chapped teat ends.”

## Aquaculture Materials

Oppose listing of any materials until aquaculture regulations are in place: 8 organizations (Beyond Pesticides, PCC Natural Markets, NOC, Center for Food Safety, Consumers Union, Cornucopia, No Spray Zone, Food and Water Watch), 11,646 (consumers from Food and Water Watch); 2 consumersSupport tocopherols, but request a change in annotation to match petition: 2 (Aquaculture Working Group and Oregon Tilth)  
Support chlorine, but request a change in annotation to match petition: 2 (Aquaculture Working Group and Oregon Tilth)  
Supports adding trace minerals and vitamins to the List: 1 (Oregon Tilth)

Supports the inclusion of hypochlorous acid (HOCl) from electrolyzed sea water: 1 (industry represented by Daryl Hepple)

Those who oppose listing any materials until aquaculture regulations are in place say:

* Key distinctions that need to be defined include: open vs. closed systems; integrated multitrophic aquaculture, recirculating aquatic system.
* Synthetic inputs must not be routine.
* Decisions concern organic aquaculture cannot rely on NPDES permit to protect water.
* Issues of concern include: determining the system; the use of fish meal and fish oil and their implications for organic aquaculture; escapes.
* The use of chlorine for disinfection is not consistent with organic production.
* There is a need still for context and framework, the risks to the organic label and markets are far too great to get it wrong.
* CFS recommends that: open ocean nets and facilities be prohibited because of fish escapes, toxic pollutant exposure; and the impacts of concentrated feeding on marine life; farmed fish must be fed with 100% organic feed; no wild fish meal or oil can be fed to organically farmed fish; migratory fish such as salmon can never be farmed organically; and recirulating closed-loop inland facilities should be tested first.
* Consumers Union urges the NOSB to consider: Prohibiting Open Ocean Systems; Prohibit wild-caught fish meal and fish oil; require 100% organic feed; prohibit carnivorous fish; and prohibit migratory fish.

Those who support tocopherols, but request a change in annotation to match the petition say

that no tocopherol products exist --or that there is an insufficient supply-- that are not extracted without synthetic solvents.

Those who oppose tocopherols say: there are alternatives to tocopherols, petitioned use is for a preservative not a vitamin, they are not consistent with organic agriculture or essential.

Those who support chlorine, but request a change in annotation to match the petition say that the proposed annotation does not address effluent.

Those opposing chlorine say its use is inconsistent with OFPA, should not be used in open net pens, relevant TR for aquatic systems is needed, two separate uses have been petitioned, chlorine as a medical treatment is not essential, chlorine is harmful to humans and the environment, and green chemistry alternatives need to be investigated.

Those supporting the listing of trace minerals and vitamins do not give reasons for their support.

Those opposing vitamins and trace minerals say the petition is too broad allowing any vitamins and trace minerals, availability of nonsynthetic forms has not been investigated, synthetic vitamins are not essential for fish, addition of nutrients is known to harm ecosystems, ethanediamine dihydroiodide is not essential, and international organic standards require natural sources of minerals.

Daryl Hepple of Auckland, NZ (9/26) supports the inclusion of hypochlorous acid (HOCl) from electrolyzed sea water, saying:

* The Japanese Agricultural Standard for Organic includes electrolyzed water made with salt.
* HOCl generated by ECA technology carries with it fewer negative hydroxides than the previous HOCl formed via disassociation from sodium hypochlorite. Because of this, ECA-generated HOCl behaves uniquely and must be considered separately from chlorine.
* HOCl is an “old”, well appreciated chemical but is now “new” available as onsite generated solution.

# Handling Subcommittee

**Ammonium Hydroxide**  
Support proposal to deny: 55 consumers; 4 organizations (Beyond Pesticides, Consumers Union, Cornucopia, No Spray Zone)

Oppose proposal to deny: 2 (Petitioner (Richard Theuer), Wolf Di Matteo)

Those supporting the proposal to deny the petition say:

* Ammonium hydroxide meets none of the OFPA criteria of human and environmental health impacts, essentiality, and compatibility with organic production.
* It is a severe irritant of serious toxicological concern and a greenhouse gas.
* The new NOP sunset process will make it much more difficult to remove this material or annotate it in the future if the board thinks it necessary. “Because we believe the NOP process violates the statute, and will therefore not subject ammonium hydroxide to the required assessment to determine re-listing at sunset in the future, we sincerely urge NOSB members to oppose this petition and any others where removal or annotation might conceivably be needed for health, environmental, and essentiality issues until we reinstate the sunset process of OFPA.”

Consumers Union says:

* We also disagree with each of the three arguments supporting the addition of ammonium hydroxide to the National List made by the petitioner in the Petition Justification Statement. The petitioner is not being forthright when arguing that ammonium hydroxide will replace the three volatile amines currently on the National List. The allowed synthetic volatile amines are restricted to use as a “boiler water additive for package sterilization.” The FDA does not allow these three volatile amines for milk pasteurization. Ammonium hydroxide is petitioned for all boiler water additive uses, including milk pasteurization which would bring ammonium hydroxide in direct contact with organic milk.
* We also disagree with the petitioner that adding ammonium hydroxide to the National List will “harmonize” US regulations, since the Pasteurized Milk Ordinance, FDA regulations for boiler water additives and USDA regulations all currently do **not** list ammonium hydroxide as an allowed water boiler additive. We also disagree that US regulations should be “uniform,” since consumers expect the organic standards to go above and beyond all other US regulations regarding food safety and sustainability.
* Finally, we disagree with the petitioner that ammonium hydroxide should be added to the National List because it is a “less unnatural” alternative to volatile amines. The petition is for the synthetic version, petitioned for addition to 205.605(b) - synthetics allowed. Since ammonium occurs in nature, as the petitioner points out, the NOSB must consider the natural version of ammonium hydroxide (ammonium hydroxide is simply “ammonia in water” or “ammoniated water”) as a natural alternative to the synthetic version that is petitioned.

Richard Theuer opposes the proposal to deny the petition because:

* Household ammonia water currently available in the supermarket contains 3% (30,000 ppm) to not more than 5% (50,000 ppm) free ammonia. The level of ammonia required to neutralize steam condensate is more than a thousand times less than the concentration in household ammonia water!”
* It is much safer than cyclohexylamine, diethylaminoehtanol, and octadecylamine which are currently allowed.

Wolf Di Matteo said:

* “ Currently the National List contains the synthetics cyclohexylamine, diethylaminoethanol, and octadecylamine for use as boiler chemicals. The Handling Subcommittee has concluded therefore it is not essential to add ammonium hydroxide. The negative environmental and human health impacts noted in the petition checklist for ammonium hydroxide are no greater than those for the three synthetics currently listed. What is substantially different is that ammonium carbonate, a GRAS substance and on the National List, is formed from the ammonium hydroxide neutralization of the corrosive carbonic acid caused by carbon dioxide in steam. The currently allowed materials do not change their chemical identity when used in boilers. In our opinion, this makes ammonium hydroxide a better alternative to those chemicals currently listed as it is ammonium carbonate that would come in contact with organic food ingredients and packaging.”

## Glycerin

Oppose recommendation to remove: 4 industry (Flavor and Extract Manufacturers Association, Vantage OleoChemicals, EH Schorcht LLC, Virtusa Products)  
Support recommendation to remove: 5 consumers; 8 organizations (BP, Oregon Tilth, Cornucopia, NOC, Draco, Marroquin Organic, Consumers Union)   
Other: 3 (OTA, Quality Assurance International, Elan Inc) support a different approach taking into account commercial availability.

Those supporting the proposal to remove glycerin from the National List say:

* Organic nonsynthetic glycerin is available, as shown in the petition.
* Farmers indicate that organic glycerin prices have decreased, the quality matches conventional glycerin, and market volatility has decreased.

Beyond Pesticides suggests that someone should petition for the removal of synthetic glycerin from §205.603 as well.

Those opposing the proposal to delist glycerin say:

* The supply is not adequate.
* Glycerin can be used as a safe and suitable solvent to produce flavors. Removing it from the List would be significant from the inadequate supplies resulting in increased production costs that will likely be passed to consumers.
* Clarification is needed because glycerin produced from hydrolysis of fats and oils is currently classified on the List as a “non-agricultural synthetic.” Glycerin could be listed on 205.606.

OTA says:

* OTA supports removal of glycerin from the list if sufficient supplies are commercially available.
* Commercial availability of organic glycerin is uncertain. OTA’s survey of its membership indicates that demand may be 2-3 times the supply stated by the petition, in addition to glycerin used in natural flavors. It is not clear that the organic product is certified by third-party food safety verifiers.
* Glycerin may be synthetic, nonorganic nonsynthetic (agricultural), or organic.

“If **non-agricultural synthetic** glycerin is removed from the National List and the supply of organic glycerin is inadequate or insufficient, the only form that would be allowed in NOP compliant natural flavors would be ‘nonsynthetic.’”

The availability of nonsynthetic glycerin is unknown, partly due to the lack of clarity on what exactly constitutes “nonsynthetic.” In a “made with” product, the only form that would be allowed would be “agricultural.” The problem is that there is a lack of consensus on what defines “agricultural,” “nonsynthetic,” or “synthetic” glycerin, and some argue that the forms commonly used (produced simply through physical/mechanical processing methods) are synthetic.

NOP released draft guidance on classification of materials in April 2013 and the draft guidance specifically solicited feedback on glycerin. However, final guidance is pending. One important point made in the draft guidance is that the classification of a material does not determine the eligibility of a substance for organic certification. Materials derived from agricultural sources may be classified as agricultural or non-agricultural, depending on the manufacturing and processing methods used. OTA agrees. Provided final NOP guidance is unchanged on this point, it must be made clear that the removal of non-agricultural synthetic glycerin from the National List does not preclude the allowance of non-organic (non-synthetic) agricultural forms in NOP certified products when allowed for under the regulations.

* Given the commercial availability issue AND the lack of clarity on the classification of glycerin, a solution to both would be to retain glycerin on § 205.605(b) of the National List and annotate with commercial availability requirements as follows: Glycerin (produced by hydrolysis of fats and oil) – When used in products labeled as “organic,” glycerin must be organic; nonorganic glycerin may be used when organic glycerin is not commercially available. Nonorganic agricultural forms may be used in products labeled “made with (specified organic ingredient(s)).”

## Polyalkalene Glycol Monobutyl Ether

Oppose allowing use without listing: 4 consumers, 3 organizations (Beyond Pesticides, Consumers Union, Cornucopia)   
Support allowing use without listing: 1 organization (Pennsylvania Certified Organic)

Other: Pellet Products (petitioner) wants a determination one way or the other, and if it needs to be listed, a determination to list.

Those who oppose allowing the use of PGME without listing on the National List say:

* Although PGME is non-volatile, contact with organic food is possible under this use through entrainment in water droplets.
* As a material that is added during production, PGME should be evaluated through the petition process for its appropriateness for use in organic production.
* PGME is made from highly toxic ethylene dioxide.
* The TR identifies alternative production practices that do not require an additive like PGME.

Pennsylvania Certified Organic supports the position that PGME is not eligible for inclusion on the National List because it does not used in direct contact with organic products. PCO allows non-volatile boiler chemicals to be used by certified organic handling operations, provided that the operator documents the methods they use to ensure that the chemical does not carry over into the steam and contact organic products.

## Gellan Gum Sunset

Oppose relisting: 6 consumers; 2 organizations (Cornucopia, BP)  
Support relisting: 6 industry (Association for Dressings and Sauces, Huber Company, Juice Products Association, International Food Additives Council, Hain Celestial Group, Stonyfield) , 1 organization (CROPP Cooperative)

Neutral: Quality Assurance International

Other: Consumers Union raised concerns that need to be addressed by a new TR.

Those who oppose relisting gellan gum on §205.605(a) say:

* Gellan gum is synthetic and should have been considered for listing on §205.605(b).
* The HS must support a motion to delist gellan gum because under the new sunset process, it would otherwise not be considered by the full NOSB.

Those who support relisting of gellan gum say:

* Producers will have more flexibility in formulating their products while ensuring consistency.
* It has a very clean mouth feel with great flavor impact.
* It is used in chocolate milk as a substitute for carrageenan.
* It has unique properties which lend themselves to specific food applications.
* It is a non-animal gel source suitable for vegetarians and people with religious dietary restrictions.
* It is classified as “generally recognized as safe” for direct addition to food and meets all the criteria on the National List.

Consumers Union is concerned about genetic engineering in the production of gellan gum: “If excluded methods are found to be used anywhere in the process, we would oppose relisting gellan gum.” In addition, Consumers Union states, “We identified gellan gum as an ingredient in organic almond milk by Whole Foods Market’s 365 brand. We believe Board member Joe Dickson, who is an employee of Whole Foods Market, should declare his conflict of interest and recuse himself.”

Quality Assurance International asks the NOSB “to consider the impact to currently certified operations and their products if these materials are removed…”

## Tragacanth Gum Sunset

Oppose relisting: 3 organization (Beyond Pesticides, Consumers Union, Cornucopia); 4 consumers  
Support relisting: 1 industry organization

Neutral: 1 organization (Quality Assurance International)

Those who oppose relisting of tragacanth gum say:

* There are potential health effects that have not been taken into account as it has caused occasional severe allergic reactions.
* The HS must support a motion to delist tragacanth gum because under the new sunset process, it would otherwise not be considered by the full NOSB.

Those who support relisting of tragacanth gum say:

* Producers will have more flexibility in formulating their products while ensuring consistency.

Quality Assurance International asks the NOSB “to consider the impact to currently certified operations and their products if these materials are removed…”

## Marsala and Sherry

Oppose relisting: 3 organizations (Beyond Pesticides, California Safe Schools, Cornucopia); 3 consumers   
Support relisting: 0

Neutral: 1 QAI

Those who oppose relisting of marsala and sherry point out:

* Non-organic grape production involves the use of many toxic chemicals.
* There is no evidence of essentiality. The HS found lack of demand for sherry and marsala.
* The HS must support motions to delist marsala and sherry because under the new sunset process, they would otherwise not be considered by the full NOSB.

Quality Assurance International asks the NOSB “to consider the impact to currently certified operations and their products if these materials are removed…”

# CAC Subcommittee

## Retail Certification Discussion

Comments were received from 4 organizations (Beyond Pesticides, Organic Trade Association, CCOF, Quality Assurance International, Cornucopia, MOSA, Accredited Certifiers Association); 1 representative of the retail sector (Bea James of Lund Food Holdings); and 2 consumers.

Comments include:

* Where the retail operation is certified and has a mixed operation, it must be made clearer than it is now that there is product sold and produced or processed on the premises that does not meet organic certification standard. Guidance is needed to ensure that labeling and signage are adequate.
* Adding ‘merchandiser’ under the retail certification options would define and expand voluntary retail certification. This person would be a retailer that does not handle or process the final packaged product.
* An operation intending to use the term organic on the main labeling must be a certified handler or processor. “[P]lease clarify the last sentence in 205.310 2 (b) to read as follows –*Organic products must not be identified or represented as “organic’ on the label name unless such products are produced in a certified organic operation.*
* Guidelines for making “Certified Organic Retailer” claims should be addressed in a working group.
* Guidance should result in consistent and compliant organic practices and messaging throughout the retail sector and increased consumer understanding and trust of organic claims.
* NOP should 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 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?”
* The use of the USDA seal, the word “certified,” and references to the certifier should be prohibited on any products that are processed by uncertified retailers.
* Anything produced and sold by a retailer that is potentially consumed at the same place where it is made should be considered excluded. If these products are produced at a certified retailer, CCOF proposes that they could use the USDA seal (if applicable) and phrase “certified organic.
* Online sales obscure the supply chain, and if they are not required to be certified, the industry will be open to fraud due to the lack of oversight.
* Repackaging is not processing.
* NOP and state programs should budget for market surveillance and enforcement of exempt and excluded operations, both certified and uncertified.
* Providing education and information aimed at uncertified retailers is critical to the continued consumer confidence in organic products.
* To ensure consumer expectations are met in terms of trust the organic operation investigations must identify organic control points, where a loss of control may result in a loss of integrity.
* NOSB should consider an exemption for small retailers making less than $5000.
* Need clarity in differentiating handler and processor, including whether or not recordkeeping is required for uncertified operations.
* The 205.101(b)(2) exclusion applies to most every retail food establishment that processes products, except for those that do not process on-site. Operations that must be certified include processing facilities that have a retail shop, farmers that sell product offset or at the farm gate, and operations that sell online. Retail food establishments do not need to be certified if their handling/processing and sales occur on the premises of the establishment and if they do not make certified organic claims or use the USDA organic seal.
* The language “prepared in a certified facility” should refer to the retail food establishment and not just to a handling facility further up the supply change. Once a retail food establishment has gained certification for a particular department they may identify themselves as a certified organic retailer, with caution, listing the organic departments or clearly describing the scope. Planned guidance and recordkeeping requirements are expected. Information for certified retailers should be provided by their certification agency.
* Voluntary retail certification reduces organic integrity risks, provides higher quality consumer education, and provides a watchdog up the supply chain.
* “Handling” is limited to activities that do not change the form of the product. Need to differentiate between a handler and processor for recordkeeping. Importantly, the location of the processing, and the labeling need to be addressed.
* “Retail food establishments do not need to be certified if their handling/processing and sales occur on the premises of the establishment, and if they do not make certified organic claims or use the USDA organic seal”
* Request clarification on the interpretation of “prepared in a certified facility”
* Single departments can be certified. The “certified organic retailer” claim must only be made in conjunction with those departments that are certified, e.g. a produce sign.

## Sound and Sensible Discussion

Comments were received from 7 organizations (Beyond Pesticides, National Organic Coalition, Oregon Tilth, Accredited Certifiers Association, Organic Produce Wholesalers Coalition, International Organic Inspectors Association, CCOF); 1 consumer.

Comments include:

* Beyond Pesticides: “We believe that focusing on a sound regulatory system can help relieve the burdens on those who are regulated…Currently, the NOP (the highest level) has not completely fulfilled its responsibility, and the burden is overly heavy on the farmers/handlers. Beyond Pesticides believes that correcting the imbalance in oversight responsibilities is a cornerstone for successfully addressing many of the concerns that have arisen in discussions of the “Sound and Sensible” initiative.”
* NOC: The CACS’s Discussion Document on the Sound & Sensible Initiative is based on this idea about the system used to regulate the organic industry—*“For the ACA it must be sound. For the farmer and handler, it must be sensible.”* National Organic Coalition (NOC) counters the CACS viewpoint with an assertion that each and every process in the organic regulatory system must be both sound *and* sensible in order to meet the needs of the regulator and the regulated party as well as satisfying the expectations of other organic stakeholders. NOC believes that making the system more sound will make it more sensible, and that the imbalances in burdens are a symptom of a lack of soundness. NOC proposes an overarching concept of the “National Organic Quality System” as a way to frame the discussion of the Sound and Sensible Initiative. The integration of the multiple levels of the National Organic Program’s (NOP), which have been managed independently from each other, affords many opportunities for increased efficiency as well as clarity. There is a need to correct the imbalance in oversight and distribute the burden so it is not so heavily on the farmers and handlers. The responsibility for documenting the quality of the farmers/handlers should be shifted among the levels of the oversight system so that the burden of documentation is shared. Implementation of the Peer Review Panel is a key factor. NOC presents specific ideas for: criteria for evaluating sound and sensible initiatives; oversight systems; standardized forms for OSP and supporting documentation; improving competiency of inspectors and auditors; one list of brand name materials; and operator records.
* Oregon Tilth:
* They believe the Organic System plan/information exchange can be improved by reducing paperwork allowing staff to focus on client requests. Updating information less frequently is useful. For example in crop rotation “the client could simply mark crop rotation as a means of fertility management, instead of writing out which crops will be moved into which fields in the coming years. We do not feel that fields must have an individual identification name and number”
* To improve the feedback loop for operators and ACA to complain without fear of retribution: Regional Accreditation Managers could be empowered; suggest assigning a liaison between groups of certifiers and the NOP staff; operators should also have anonymous online suggestion boxes.  
  Improve technologies: put up information online to decrease reliance on written documents. Adverse Action letters are required, these should be online so there is a certifier database where they can see the letters and history. NOP needs to update the list of certified entities on their website regularly so ACA could check and make sure the product was listed and client current certified
* Communication to encourage and document compliance? Notices of Noncompliances should be saved for issues of organic integrity only  
  OT suggests cross training between FDA, EPA, NRCS, NOP and others could positively affect the inspection and program.
  + They support sharing of material review decisions industrywide.
* Accredited Certifiers Association, Inc.: Improved and revised communication practices are key to the Sound and Sensible Initiative succeeding, especially between the NOP, their accredited auditor and the client with ACA. They request a longer comment period in order to develop comments on detailed discussion documents.
* “The largest cultural barrier to paperwork reduction in the organic certification process” is the organic system plan. It should not be paper based or updated in real time, or re-written annual, or capture every practice.
* “ACAs believe that the following types of information may be provided to a client/applicant, either by the ACA or the inspector, without there being concern that providing the information is consulting ***nor*** that they are helping the client (or applicant) ‘…overcome identified barriers to certification’…”
* ACA “believe that the current Instruction Document and Penalty Matrix rely too heavily on the use of noncompliances to address issues that do not affect organic integrity. The overreliance on noncompliance notices creates an adversarial relationship between certifiers and operators, and hampers beneficial collaboration that can better achieve desired continual improvement of organic systems.”
* ACAs and inspectors are not in favor of standardizing forms. Focus should be on clear, concise forms.
* Organic Produce Wholesalers Coalition: The organic regulatory system would be improved by reducing the adversarial atmosphere that currently exists. The goals of streamlining procedures and clarifying regulations will play an important role in creating a better system. We see these goals as foundational to the Sound and Sensible Initiative: Top Priority: A “Real Time” NOP Operator Database; Single, Standard Format for Certificates; Making Investigations more Sound and Sensible; NOP Instruction 2603 “Organic Certificates” “OPWC members agree that the Peer Review Panel is very important to improving the way that NOP operates. For example, we believe that more oversight of the NOP’s compliance actions would result in more timely action against fraudulent or noncompliant actions. We support the ideas about the need for continuous oversight that the National Organic Coalition presents in its comments on the Sound and Sensible Initiative. “ “OPWC supports the centralization of the materials review system through Organic Materials Review Institute (OMRI) and in the meantime, that NOP maintain a public list of all materials reviewed by all ACAs.
* International Organic Inspectors Association: Three key areas that need to be improved and streamlined: NOP auditors need to communicate uniformly with certifiers their expectations, as there is much variance; the NOP needs to streamline who to fixes issues of non-compliance when there are legitimate discrepancies between the OSP and the observed conditions or practices; and finally, exit interview forms vary widely from a blank piece of paper to detailed forms, NOP needs to assist certifiers in improving capturing key elements in the Exit Interview form and process. “The **exit interview** form should be the “cap-stone” of the on-farm inspection. It should be the first place the reviewer (back at the certifiers) should look, and it should serve as a great guidance document for the reviewer.”
* CCOF submitted documents outlining their vision in the following steps:
* Support *Practices Not Paperwork* in Instructions to Certifiers
* Support Operations Responding to Onsite Situations
* Support Use of Tools other than Noncompliances
* Support Updates to OSP During Inspection
* Support Certifier Assistance in Completing & Modifying OSP
* Support and Encourage Electronic Documentation Systems
* Support Simplified Continuation of Certification Processes
* Support Collaboration Between Certified Operations and Certifiers
* Discourage Reliance on “Described in the OSP”
* Support Increased Inspector Quality
* Quality Assurance International:
  + Simplifying the process of certification hinges on how the operator and certifier update and verify the OSP document.
  + Support three recommendations to allow updates to the OSP during inspection without penalty; give more weight to visual observations and staff interviews; revision of penalty matrix to allow more flexibility.
* CROPP Cooperative submitted comments that
* OSP information exchange can be altered by requesting the information
* New technology can verify compliance and reduce documents
* Simply calling or emailing requests for information would encourage compliance
  + They say the first hurdle is a published list of reviewed materials from each ACA for their certified clients.
* Pennsylvania Certified Organic supports these initiatives and has been working with the ACA to provide NOSB and NOP with ideas.
* Cornucopia supports these initiatives. They suggest:
  + The inspection process can be improved through hiring of individuals who are experienced in production agriculture and organic farming.
  + Inspectors need to thoroughly review audited papers.
  + A new model for basic annual review of income records which could include random, unannounced annual inspections.
  + NOP needs to provide oversight in OMRI’s decision making regarding materials to assure credibility and impartiality.
  + Need to instituting a Peer Review Panel.
* Washington State Department of Agriculture defines five principles within this initiative: efficient processes, streamlined recordkeeping, practical plans, fair focused enforcement, integrity first. They highlight overarching challenges to implementing the Sound and Sensible Initiative:

1. Vast differences with certification agency processes; and

2. Limited resources to set aside core work to focus on process improvement.

* WSDA says it has made efforts towards S and S certification through:

1. Observation and verification;

2. Information requests vs. Inspection to verify;

3. Development of criteria to analyze risks during inspections;

4. Development of living, dynamic Organic System Plan that can be updated per control point at any time without submitting a full plan;

5. Improving the Organic System Plan Updates at the Inspection

* MOSA supports the Sound and Sensible proposal and provided comments on:

1. Organic systems plan. They have put together an “Easy Organic System Plan” update form and refined their initial review process which has been an improvement.

2. Noncompliance and communication. Noncompliance notifications should be reserved for situations where the organic system is compromised rather than paperwork issues. Notices should not be issued for items that can be resolved otherwise.

3. Input Materials Review. They have developed a system for reviewing inputs with a database of more than 5000 materials. However, they are hesitant to make their materials review data available for other use for reasons of liability. Agree standardization of materials review programs is necessary.

4. Inspections. They use well-trained inspectors and reviewers must trust them to complete a report completely and accurately and to use observational comments to draw attention to organic plans successes and need for improvement.

5. Oversight systems. Communication from the NOP as an accreditor has been inconsistent, sometimes responsive other times not, sometimes difficult to interpret. Handbook document needs to be more transparent to enable communication.

* Consumer comments: The key to S and S is a multilevel oversight system. “USDA and NOP address requirements for quality assurance of inspection and certification through the accreditation system; a mechanism for continuous oversight of the NOP accreditation system itself must be institutionalized.”

## §205.206e

Comments were submitted by three organizations (Beyond Pesticides, Oregon Tilth, CCOF, QAI, WSDA, MOSA, NOC, PCO); 2 consumers/individuals

Comments include:

* Beyond Pesticides: “Although 206e states the hierarchy of action for pest control, the *Principles of Organic Production and Handling* give a more general statement. We hope that the NOSB applies this more general statement in reviewing materials, and that certifiers apply it in their assessments of Organic Systems Plans. One way that the NOSB could apply both §205.206(e) and the more general statement would be to carefully annotate listings in the National List, in both petition and sunset processes.” “The certifier definitely has a challenging job in evaluating compliance with §205.206(e). We support the efforts of the subcommittee to obtain this information from certifiers and facilitate its dissemination. However, we are afraid that the questions are too general to elicit really helpful information. Compliance with §205.206(e) cannot be judged from records, but is much more easily seen in the field…Oversight is an important part of ensuring that growers implement the hierarchy (in particular the application of pesticides as a last resort). Rather than asking certifiers general questions, the witness audit checklist should include appraisal of how a certifier ensures compliance of §205.206(e).
* Oregon Tilth on IPM:
* Activities required in Organic Systems Plans: they must capture what pests are likely; how they are monitored; measures to prevent pests; evaluation of those measures; conditions present before application.
* Verification: OT requires operators to develop a complete OSP but does not systematically require records that verify preventative and cultural practices were insufficient prior to using an allowed substance, instead it is often evidence
* For amendments to OSP on short notice, OT requests a written procedure outline the pest, control material and the reason it is being applied. For timeliness, they approve the material on the condition that the operator include the new pest in their next OSP update
* Oregon Tilth encourages the NOSB through rulemaking that upholds the integrated pest management strategies embedded in the National Organic Standards. However, Oregon Tilth urges caution when setting prescriptive practices that require undue recordkeeping. Oregon Tilth believes that sustained participation in organic certification will only be maintained through respect and cooperation with farmers.
* CCOF suggests that in general it is important to keep in mind the “Sound and Sensible” philosophy when discussing organic production practices such as pest control. The actual **practices** implemented in the field by the producer are more important than what the **paperwork** says that a producer will do. At CCOF, we put the primary focus of applying 206(e) at the onsite inspection. “The lack of currently available effective pesticide tools creates an inherent need for organic farmers to comply with the preventive pest management practices requirement.” “Generally, the answer to the question ‘Describe the conditions that must exist before you will resort to using substance for weed, insect, or disease control’ is either ‘when preventive measures fail,’ or ‘when economic thresholds for pest damage are exceeded.’” Example:

**Farm D**: inspection on 6/2/13 for a renewing operation (apple grower).

* *Prior to applying pest control substances, is the grower using applicable cultural, physical, biological, and mechanical management practices*? **YES**

*List significant pests and control methods*: Gophers are the main pest and are trapped. Fire blight is a concern, orchard is kept clean. Scab – Farmer D is trying to mulch trunks that are heavily impacted by sun. Codling Moth will use Isomate pheromone disruption. Currently native plants and reseeded cover crop grow and are cultivated in spring. The plan is to plant cover crop when financially feasible.

* Quality Assurance International participated in ACA’s task force, but they also comment that their Organic System Plan questionnaire requires producers to describe their preventative plans prior to using material inputs. They also require the producer to submit the inputs they plan to use if preventative practices fail. Inspectors are able to verify through field observations etc.
* Washington State Department of Agriculture (WSDA) Organic Program provides their certification process in response to how certifiers enforce the requirements. “A well trained organic inspector onsite has the greatest capacity to evaluate if preventative practices are firmly in place per the requirements of the USDA organic regulations. Training our inspectors to be knowledgeable and well versed in multiple cropping systems and the pests that threaten them is the best means to an approved application of 205.205(e), requiring excessive documentation does not add value.”
* MOSA hopes that the committee offers guidance on the standard rather than overemphasizing documentation and requiring additional record keeping. As for the questions, MOSA includes a crop management section in their OSP which requires the producers to respond, they review this. They provide an example of the verification records that operators keep to support compliance with 205.206(e). MOSA requires producers contact them before they use a new product not in their OSP. MOSA also gives significant weight to the inspector’s observations and comments about pest and disease management on the farm.
* David Moore of Aptos, CA; “ To foster the very high level of innovation among American organic growers it is imperative that any review of 205.206(e) not stifle the diligence, dedication, and ingenuity of the organic grower. One important aspect of this is a clear interpretation of the word ‘insufficient’ in this regulation. 205.206(e) should not mandate poor practices over Best Practices, nor should it contradict the established principles of Integrated Pest Management (IPM). The enforcement of 205.206(e) must not conflict with other regulations, both those in the NOP and others. This may require the Subcommittee and ultimately the Board to review the balance of 205.206.
* National Organic Coalition supports to concept embodied in 205.206. They recommend that the common OSP form should specifically ask about each of the points in 205.206 and should address subsections which contain the words “including but not limited to” which addresses information about other pest control practices. They recommend the most important verification method is during the inspection. Similarly with NOP accreditation audits, the auditor should observe a certification inspector performing an on-farm inspection. They should also be trained in organic farming systems. On short notice, NOC recommends that changes to a pest control strategy require electronic certification systems that allow the OSP to be updated within the ACAs system.
* Pennsylvania Certified Organic responds to questions that operators verify compliance with 205.206(e) by requiring the operation to describe its pest, weed, and disease management practices within the OSP, these are verified at onsite inspection; materials are approved during the OSP review if there is unexpected pest pressure and approved synthetic pest control materials are identified as “allowed with restrictions” that they must comply with 205.206(e)…
* Consumer comments: “A clear explanation of the pest control processes regulated under 205.206(e) can help consumers understand the rigors of organic production and the value of these important practices. However, this discussion should not minimize the responsibility of the NOSB to determine allowances of synthetic materials in organic systems.”

# General Comments

## **Sunset**

Oppose new NOP automatic renewal sunset process: 73 consumers; 7 organizations (BP, PCC Natural Markets, Wild Farm Alliance, NOC, Center for Food Safety, Cornucopia, Consumers Union)  
Support new NOP sunset process: 2 organizations (Stonyfield—supports comments on sunset at two meetings, CCOF); 1 individual (Melody Meyer, OTA board president)

Comments of those opposing new NOP sunset process:

* OFPA gives the NOSB responsibility for managing the National List. The NOP has usurped that authority.
* The NOSB should use every opportunity to assert its authority. This includes refusing to approve petitions because they may prove to be irretractable and unmodifiable in the near future.
* The NOP must step away from its mandated changes in sunset policy and allow the NOSB to follow its policies.
* Because a subcommittee will be allowed to decide to relist a material in sunset –if the subcommittee does not produce a proposal opposing relisting, it is deciding to relist—subcommittee meetings must be open to the public under FACA.
* The announcement states that NOP will, on its own, without consideration of the material by the full board, relist a material. This is contrary to OFPA §6517(d)(2), which states, “The Secretary may not include exemptions for the use of specific synthetic substances in the National List other than those exemptions contained in the Proposed National List or Proposed Amendments to the National List.”
* The requirement that a 2/3 majority (a decisive vote under OFPA) is required to prevent relisting, rather than to allow relisting, during sunset is a reversal from the policy that has been followed since the original implementation of OFPA. It conflicts with the meaning of sunset, “a provision of a law that it will automatically be terminated after a fixed period unless it is extended by law.” The NOP analogy equating sunset with a petition to remove a substance from the National List is therefore backwards, since a sunset requires action to keep it in effect. In both cases, re-listing at sunset and listing in response to a petition, a decisive or 2/3’s vote is required of the NOSB.
* The NOSB-passed policy allowing annotation during sunset was supported by the NOP when it was passed. The NOP has recently raised issues with annotation during sunset, mostly involving timing (which was set in collaboration with the NOP), but has not tried to work with the NOSB to resolve the difficulties.
* Annotations during sunset enable the NOSB to respond to specific concerns and fine tune listings without removing materials from the National List.
* NOSB might want to consider putting a moratorium on new National List inclusion petition approvals.
* We are especially concerned that a material approved before the review process considered negative biodiversity impacts could stay on the list indefinitely.
* USDA’s decision minimizes all incentives for creating organic, natural alternative ingredients and lowers the standard for what consumes can expect behind the organic label. Potentially allowing an indefinite listing of non-natural ingredients and requiring a supermajority vote to retire a substance after five years undermines the spirit of the law for how materials head into “sunset” or retirement.

Comments from those supporting the new sunset process:

* “We hope that in the future more substantial summaries and technical reviews, where needed, are made available before the public provides input.”
* An “improvement in consistency of protocol.”

## GMO Comments

214 consumers submitted comments opposing the presence of genetically engineered materials in organic food/production.

Some sample comments:

* Tracy Graves of Lockeford, CA opposes the use of GMOs in organic. “Contamination of organic crops with GMO crops is a problem and that problem must become the burden of those causing the contamination.”
* Tamara Grenier of Nantucket, MA suffers from auto-immune disease and severe digestive disorder. She depends on organic food that is free from synthetics and chemical substances and wants organics strictly regulated.
* Wendy Hylton of Brownsburg is a mother of three with food allergies and sensitivities and relies on clean organic food.
* Josh Schwartzenbach of Penllyn, PA does not want GMO products in livestock feed.
* Cherry Downs of Paducah, KY, “I am a victim of GMO poisoning… when I eliminated GMO… I became a living human again.”
* Bridget W of Greensburg, PA works on child nutrition and eliminates GMOs to improve health. “We have eliminated cows milk, GMOs, wheat or some combination at times, and the changes at times are mind-boggling. I have seen children come out of a fog so to speak once some of these foods were removed and their development has turned around for the better!”
* Randi Grasseth of Salem, OR opposes the use of GMOs in organic and has a hard time sourcing non-GMO animal feed.
* Rhonda Burns of Tallahassee, FL works at the North Florida Spine and Wellness Institute “one of the many toxins we find that are negatively impacting peoples health are Genetically Modified Organisms.” Opposes the use of GMOs in organic and supports labeling.

## Other specific issues

11 individuals and 2 organization (Beyond Pesticides, Wild Farm Alliance) submitted comments on other specific issues not on the NOSB docket.

Beyond Pesticides comments on recent attempts by the NOP to usurp and deny NOSB authority. Beyond Pesticides urges the NOSB “to stand up for organic integrity by insisting on the authority of the NOSB to manage the National List. Please do not make changes to the PPM that give up that authority. Please do not recommend listings where there are open questions, in the hope that the NOSB will be able to answer and respond in five years. When voting on sunset materials in subcommittee, please remember that the only way the NOSB can fulfill its duty to review sunset materials is for the subcommittee to make a recommendation opposing relisting. When the NOP promises to involve the NOSB in processes like writing guidance, hold them to their promises.”

Wayne Marquis of Van Buren ME requests that the herbicide Axxe be approved for the desiccation of potato vines to induce maturity for winter storage of organic potatoes.

Ione Conlan of Valley Ford, CA believes there needs to be support for organic facilities to process-cut-wrap their beef and meat products. “Each time we present the problem of ‘no organic within 100 miles of production” and whomever and whichever agency or department this is presented claims they have no jurisdiction, no responsibility nor any interest in the problem” There needs to be a task force and federal aid to accommodate a mobile slaughter unit. The NOSB should not formulate rules that are impossible to accomplish.

Gururaj Chalageri of Bangalore, India (9/26) supports the use of hydroponic/soil less cultivation.

Phillippe Descamps of San Jose, Costa Rica, is an organic farmer and organic inspector in Latin America, he requests that non-composted manure be allowed in coffee and cocoa crops as the crops are depulped, fermented, dried and roasted before use, that there are no food safety concerns, and that yields would be much higher.

Richard Wallick of Banks, OR (9/30) submits documents requests the NOSB recommend the immediate cessation of use of all off-farm compost/vermicompost unless the feedstock used to create the off-farm compost/vermicompost has been tested and proven not contain any prohibited substances including pesticides, heavy metals, and pharmaceuticals (this includes both animal feedstock and green feedstock.)

Vicki Morrone of East Lansing, MI is concerned that FSMA regs conflict with NOP rules.

David Eisenberg of Baltimore, MD supports the definition for biodegradable biobased mulch film to be added to NOP rules, as well as an annotation that prohibits mulch film made from or with excluded methods.

Norma Pinette of Baltimore, MD is a first year member of One Straw Farm who supports the definition for biodegradable biobased mulch film to be added to NOP rules, as well as an annotation that prohibits mulch film made from or with excluded methods.

Larry Olsen of Boise, ID opposes the use of carrageenan, and GMO animal feed.

John O’Brien of Nutley opposes the use of GMOs and crop contamination.

Frances Dunham says, “It is the responsibility of the NOSB to represent the public's interest in establishing and maintaining a clear, bright line between organic food and the synthetic inputs allowed in conventional agriculture. When shoppers choose "USDA Organic" they have a right to expect only the most comprehensively investigated substances, approved by the NOSB, can be present in these products. Any interference or usurpation by NOP violates that trust.”

Wild Farm Alliance asks the NOSB pick up the Biodiversity Conversation document where they left off, resolving some issues including the inclusion of the impacts of materials on biodiversity, consider the full definition of natural resources into the NOPs Penalty Matrix… etc.

Keep Organic Strong comments65 consumers submitted comments asking the NOSB to maintain high standards for organic.