



March 19, 2013

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

RE: Notice of Meeting of the National Organic Standards Board (NOSB)
Docket Number: AMS-NOP-12-0070; NOP-12-17

Dear Ms. Arsenault:

The Juice Products Association (JPA) is a trade association whose international membership consists of major packers and distributors of a wide variety of fruit and vegetable juices, juice beverages, drinks, jams, jellies, fruit spread and other fruit products. Our members represent a significant majority of the juice and juice beverage processors in the United States, many of which produce organic products. The United States Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) published a notice in the *Federal Register* (78 FR 811137; February 15, 2013) announcing the April 2013 meeting of the National Organic Standards Board (NOSB) and inviting the public to submit comments on a number of substances to be considered by the NOSB. JPA's detailed comments follow.

Oxytetracycline

The NOSB will be considering a recommendation from the Crops Subcommittee to extend the current expiration date for oxytetracycline (tetracycline) of October 21, 2014 to October 21, 2016. Tetracycline is permitted as an agent to control fire blight disease in organic apples and pears until October 21, 2014 according to the regulation in Title 7 Code of Federal Regulations (CFR) Part 205.601, "Synthetic substances allowed for use in organic crop production."

JPA recommends that the NOSB consider allowing the continued use of tetracycline until alternative methods to combat/control fire blight in apple and pear orchards are available and have been proven to be effective. David Granatstein of the Washington State University (WSU) Center for Sustaining Agriculture and Natural Resources (CSANR) noted the following¹:

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Growers have a number of tools for preventing and controlling fire blight, including: plant genetics, sanitation, removal of diseased limbs, nitrogen and water management, antibiotics, copper, and biocontrol products. Antibiotics have long been key disease control materials for fire blight, one of the few uses of antibiotics in plant agriculture...For the past several decades, the most common control for fire blight has been the use of antibiotic sprays along with a predictive model of disease development. The two antibiotic materials used are oxytetracycline and streptomycin...These materials have shown the best and most consistent control compared to other options. Biological controls have been researched and developed continuously since the 1980s, but to date, no control has proven equal to antibiotics.

For many years, research has been conducted to evaluate non-antibiotic controls for fire blight.² Most recently, research has been undertaken by Oregon State University (OSU) to evaluate alternative treatments (non-antibiotic) in pear and apple orchards.³ Research by OSU regarding non-antibiotic alternatives is continuing. The Organic Tree Fruit Work Group has published data, which indicates that over \$600,000 in grower funds have been spent in the past 20 years on research for non-antibiotic controls for fire blight that would be compliant to organic practices.³ The United States Department of Agriculture's (USDA) Agriculture Marketing Service has also invested over \$5 million on key research to evaluate alternative methods for fire blight control.³ Significant investment has been and continues to be made to find non-antibiotic controls. JPA believes it would be premature to prohibit the use of tetracycline before alternative techniques have been found to be effective in the Pacific Northwest and other apple and pear growing regions that may be affected by fire blight.

JPA agrees with the following statements included in the NOSB "Petitioned Material Proposal - Oxytetracycline" dated February 5, 2013.

The organic farming sector is committed to developing and implementing a non-antibiotic approach to controlling fire blight in organic apples and pears. Some progress has been made in recent years to identify research needs, secure some research funding, and take an initial look at some promising alternative controls. Because apple and pear growers are spread throughout a majority of the country and are decentralized in organization, the relevant regional research and extension of those results will not reach all the growers by the 2014 expiration date.

Retaining that date could potentially cause immense financial loss for a variety of organic stakeholders and could cause many producers to go out of business.

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JPA recommends that the NOSB consult with academia, growers, and other stakeholders to develop a phase-out plan for tetracycline that considers the effectiveness and implementation of alternative techniques, and minimizes the impact to consumers, growers and the marketplace.

Calculating Percentage of Organic Ingredients

The Compliance, Accreditation and Certification Subcommittee (CACS) is proposing that the regulation in 7 CFR Part 205.302 regarding the calculation used to determine the percentage of organic ingredients in multi-ingredients products be revised. The current regulation stipulates that the percentage is obtained by dividing the total net weight (excluding water and salt) of combined organic ingredients at formulation by the total weight (excluding water and salt) of the finished product. The Subcommittee recommends revising the phrase “finished product” with the phrase “of all ingredients.” According to the proposal, most products lose weight during processing and dividing the total weight of all combined organic ingredients by the weight of the finished product could easily show that a product contains over 100% organic ingredients. The proposal also notes that there is broad consensus that the standard practice is to divide the total weight of all combined organic ingredients by the total weight of all ingredients (excluding salt and water).

JPA supports the proposal to revise the regulation in Part 205.302 as recommended by the CACS. The proposal captures current industry practices and will bring consistency to the industry when calculating the percent organic ingredients in juice and fruit spreads.

Process for Limited Scope Technical Reviews

The NOSB will be considering a recommendation by the Materials Subcommittee to establish a process for limited scope technical reviews of petitions. The NOSB proposal states that there is no need for a full Technical Review if certain threshold issues are not met during the review process. JPA believes the current process related to Technical Reviews is sufficient and as such, does not support a truncated technical review process.

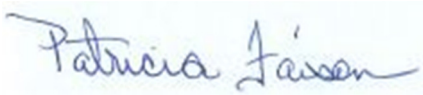
Confidential Business Information Transparency and Process

The NOSB will consider recommendations regarding the disclosure of Confidential Business Information (CBI) in petitions requesting approval of substances for inclusion on the National List of Allowed and Prohibited Substances (the National List). JPA understands the need of the NOSB to have access to relevant information related to a petitioned substance; however, the NOSB should not have access to confidential business information/trade secrets. We support the current petition process in which the Technical Reviewers may have access to the CBI but such information is not disclosed to the NOSB.

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JPA appreciates your consideration of these comments.

Regards,

A handwritten signature in blue ink that reads "Patricia Faison". The signature is written in a cursive style with a light blue background behind it.

Patricia Faison
Technical Director

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References

1. David Granatstein. 2011. "Organic fire blight control and the NOSB"
2. Organic Tree Fruit Work Group. 2011. "Fire Blight Alternatives Funding"
<http://www.tfrec.wsu.edu/pdfs/P2400.pdf>
3. Ken Johnson. 2013. "Fire Blight Control in Organic Pome Fruit Systems Under the Proposed Non-antibiotic Standard"
<http://eorganic.info/sites/eorganic.info/files/u461/Fire%20blight%20webinar.pdf>