

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–12–0070.

Crops Subcommittee

Oxytetracycline: OTA is committed to ending the use of antibiotics in organic apple and pear production.

The organic sector recognizes that this issue is highly controversial due to concerns about the use of antibiotics in organic agriculture. We understand and share this concern. Therefore, we support 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 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 that will support product registration and availability, commercial scale-up, and grower experience is 2017.**

OTA supports the subcommittee resolution. We commend the subcommittee for declaring its commitment to phasing out of oxytetracycline and for putting forth a resolution that supports a robust certification process. The use of these materials, as with all pest control materials, in organic orchards is highly regulated and must remain so. In support of the Resolution and the organic sector’s commitment to end the use of antibiotics, we support any extra efforts that can be made to encourage certified operators to try as many alternative practices and materials as possible. Our goal should be to successfully transition as many organic growers as possible to a non-antibiotic control regime. This will minimize disruption to the organic sector and, most importantly, will support overall decreased usage of antibiotics.

GMO Ad-Hoc Subcommittee

GMO Seed Purity Standard: OTA agrees with many in the organic sector that seed is the most impactful and appropriate point in the value chain to set limits for controlling GMO contamination in feed, crops and food. Planting clean seed is a fundamental practice that encourages prevention of GMO contamination throughout the supply chain. OTA believes that setting a purity standard can be consistent with a process-based standard when analytical limits are used to verify that adequate measures are in place to prevent contamination with excluded methods. A seed purity standard, if properly established, would protect rather than burden organic farmers. As private and international standards increasingly emerge to guarantee to consumers that products, ingredients, and seeds are tested to ensure relative absence of GMOs, the question becomes whether organic in the long term can remain the gold standard for consumers hoping to avoid GMOs. Just as NOSB embraced the discussion of animal welfare standards in organic, OTA applauds the GMO Ad-Hoc Subcommittee for beginning this challenging and complicated discussion.

Livestock Subcommittee

Amino Acids in Pet Foods: OTA supports a proposal that will, in fact, give National Organic Program (NOP) certified pet food manufacturers access to all 13 essential amino acids. The opportunity to expand the availability of certified organic pet food in the marketplace not only holds strong benefits for pets and consumers, but for agricultural producers as well. We urge NOSB to look to the comments submitted by pet nutrition experts and manufacturers of NOP certified pet food.

Certification, Accreditation, and Compliance Subcommittee

Calculating Organic Percentages: OTA supports the proposal on calculating organic percentages and we urge NOSB to pass the proposal at this meeting. In order to improve the overall clarity of the proposal, OTA requests a handful of minor revisions be made to the proposal. However, we do not believe our suggested revisions will change the meaning of the recommendation, instead we are simply requesting that certain information contained in the discussion section be included in the actual recommendation itself to avoid any possible confusion down the road. We are requesting revisions on Recommendations #2, #3, and #6. Please refer to our detailed comments for the specific changes.

Handling Subcommittee

Other Ingredients: OTA supports NOSB review of other ingredients and we agree that “other ingredients” should be reviewed when substances are petitioned or as they come up for Sunset review. OTA agrees that NOSB may recommend “other ingredients” individually, categorically or a combination of both. **OTA urges NOSB to focus on generic review and to use annotations and/or NOP Guidance to categorically articulate restrictions and prohibitions.** To allow only the “other ingredients” that are disclosed in the petition and mentioned in the TER will give preferential treatment and commercial advantage to the petitioner. **This approach will also reflect Brand Name approval whereas the National List is a generic materials list.**

OTA supports NOSB’s authority to set restrictions on other ingredients. However, restrictions and/or prohibitions must be recommended, formally adopted by the National Organic Program (NOP), and explicitly communicated through one or more of the following mechanisms: 1) a National List annotation; 2) the Permitted Substance Database; and/or 3) NOP Guidance or Policy. Generic review of “other ingredients” should be documented in the NOSB recommendation and review checklist. However, those documents should serve only as background information. OTA supports moving currently listed sanitizers, cleaners and disinfectants to their own section of the National List supports the development of standardized language that must be used in non-organic ingredients declarations. Confidential Business Information should not be an issue with “other ingredients.” The listing of ingredients (minus specific formula amounts) is not confidential.

Materials Subcommittee

Confidential Business Information: OTA appreciates the time and effort put in by the Materials Subcommittee on this important and complex topic. These interests are at odds with each other, but both must be maintained in order to create a system that works well, and has the trust of participants. A confidential business information policy must align with trade secrets law and protect the NOSB’s ability to review information necessary to make a determination, as well as protect the rights of petitioners to keep proprietary business information confidential. OTA supports the general concept behind Possible Recommendation 2, but has a few concerns regarding particular provisions. 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.

Limited Scope: OTA **does not support** the Proposal on Limited Scope Technical Reviews. While we agree with the intent of the proposal and we believe there may be instances where a limited scope technical review would be useful, we believe the proposal as written is too prescriptive, and is unnecessary at this time. A limited scope review is already covered in the new contract proposal for Technical Reports implemented by NOP between the time this issue first came up and the present. We respectfully request that this proposal, as written, be withdrawn.

Policy Subcommittee

NOSB Initiation of Materials Review: OTA **does not support** the Discussion Document on Material Initiation Review, and we recommend it be withdrawn. We agree that there are situations where material review may take place outside the normal public petition process. However, procedures for initiating such a review are already addressed in the Procedures Policy and Manual (PPM), and we do not see the need for further clarification.

