

NOP and NOSB Updates

By Chris Grigsby, MOFGA Certification Services Director

The National Organic Standards Board (NOSB), the volunteer advisory board to the U.S. Department of Agriculture (USDA) National Organic Program (NOP), held its biannual meeting in person (and live streamed) on October 24 through 26, 2023, in Providence, Rhode Island. A virtual webinar for oral public comments took place the week before. The full board is made up of 15 seats representing the organic industry and is a crucial component of the NOP, specifically making rule recommendations to the NOP as well as managing the National List of Allowed and Prohibited Substances. Information about the NOSB members and this meeting's content and voting results can be found on the USDA website (ams.usda.gov/rules-regulations/organic/nosb).

The meeting opened with a brief welcome and a compelling report from NOSB Chair Nate Powell-Palm. This was followed by a NOP program update from Dr. Jennifer Tucker, USDA NOP deputy administrator, who provided details and information on several topics, including: ongoing NOP rulemaking, challenges and updates on the implementation of the Strengthening Organic Enforcement (SOE) rule, NOP staffing increases, and a compliance and enforcement update.

For the meeting in Providence, the NOSB asked members of the Transition to Organic Partnership Program (TOPP) Northeast/Mid-Atlantic cohort, of which MOFGA and MOFGA Certification Services (MCS) are regional partners, to present on how things are going with that program in the Northeast. The presentation was positively received and the board was excited to hear about all the great things happening through this partnership.

The meeting had several ongoing discussions, many National List renewals, and a few decisions on petitions submitted to the NOSB. Below is a summary of votes and discussions through the various sub-

Livestock Subcommittee— National List Sunset Renewals

The NOSB voted on the 2025 Livestock National List Sunset Reviews which included: alcohols, ethanol; alcohols, isopropanol; aspirin; biologics, vaccines; electrolytes (without antibiotics); glycerin(e); phosphoric acid; lime, hydrated; and mineral oil. All passed, and there was significant discussion about the allowance of vaccines that are produced using excluded methods. The board noted that they had voted to change the annotation at this listing in 2019, but that NOP had not yet moved that recommendation forward, which put the board in an awkward position. They ultimately decided to re-list without any change.

Compliance, Accreditation and Certification Subcommittee (CACS)

There was one proposal from CACS and a few discussion documents. The proposal was a continuation of discussions the board has been considering, through their "Oversight Improvements" agenda item, around Consistent Location Identification for fields, parcels and facilities producing organic foods. The board voted unanimously to move this recommendation forward, which largely involves certifiers taking GPS location coordinates at the time of an on-site inspection. It's unclear whether the NOP will move this recommendation forward.

The board also discussed other areas of enforcement, to assist with SOE implementation, including whether residue testing of imports would help to deter fraud and ensure that there is robust oversight through other USDA agencies. The board also heard updates on discussion documents including: Organic and Climate-Smart Agriculture, Crop Insurance, and Improving Support for Organic Transition.

Crops Subcommittee

The crops subcommittee voted on one petitioned proposal, potassium sorbate (for both insect control and plant disease control), and unanimously voted not to add it to the National List, citing other effective methods already allowed and in use. For National List sunset reviews, all 2025 items were voted to re-list, with some soliciting interesting conversation and one vote to relist. The items were: alcohols, ethanol; alcohols, isopropanol; sodium carbonate peroxyhydrate; newspaper or other recycled paper, without glossy or colored inks; plastic mulch and covers; aqueous potassium silicate; elemental sulfur; lime sulfur; hydrated lime; liquid fish products; sulfurous acid; ethylene gas; microcrystalline cheese-wax; and potassium chloride. Below is a summary of some of the discussions the board engaged in.

Liquid fish products—There was a robust discussion around the protection of marine environments and particularly why the NOP changed the listing of the NOSB 2020 recommendation to limit fish harvesting only for use in liquid fish products (allowances for bycatch, fish waste and invasive species). Several board members asked the NOP why they changed that listing from open to closed this past summer. Dr. Tucker responded that there were issues with jurisdictional overlap with NOAA and that this was a controversial topic during the 2020 board deliberations. There was some pushback from board members to her response, and a hope to continue the discussions.

Newspaper—The continued issue of contaminants in newspaper was raised by board members. These contaminants include plastics used in the paper-making process, heavy metals, PFAS coatings, and other potential prohibited materials

[\(continued on Page 15\)](#)

NOP and NOSB Updates

(continued from Page 14)

arising from the methods of making new paper. The board might consider a technical review when newspaper is again up for sunset in 2029. NOSB acknowledges that small growers use these materials and that the amount used results in very small amounts of synthetic inputs added to organic land but still has concerns about the components of newspaper and the current listing.

Plastic mulch and covers — This item was voted to be re-listed, though there was one vote not to relist from one board member, citing concerns about the use of plastic in organic production, and seeking alternatives to reduce the overall use in the sector.

Materials Subcommittee

The materials subcommittee didn't have a lot on this meeting's agenda and continued to focus on areas of research that would benefit the organic industry. The proposal, "Research Priorities 2023," was presented and voted on. This proposal highlights that there continues to be a lack of meaningful funding and research for the organic sector, and where the priority falls within USDA. The board expressed that they would like to continue to hear from the research community as to whether these priorities are being cited in research proposals. NOSB voted to move these research questions and priorities forward in a unanimous vote.

Handling Subcommittee

The board will likely be voting on two petitioned substances at the spring 2024 meeting, magnesium carbonate and magnesium carbonate hydroxide. Otherwise, the handling committee voted to re-list all the 2025 handling sunset reviews: calcium carbonate; flavors; gelatin gum (high-acyl form only); xanthan gum; gums—water extracted only (arabic,

guar, locust bean and carob bean); tamarind seed gum; tragacanth gum; oxygen; potassium chloride; alginates; calcium hydroxide; ethylene; glycerides (mono and di); magnesium stearate; phosphoric acid; potassium carbonate; sulfur dioxide; fructooligosaccharides (FOS); and lecithin—de-oiled.

Regarding lecithin, the NOSB considered whether there was sufficient supply of organic lecithin to warrant delisting (through the commercial availability lens). There was a robust discussion on sources of organic lecithin, how and where it is processed, and whether more processing could be created domestically. They discussed alternative crops for lecithin production and how to support U.S. growers of crops that could be used to produce lecithin. In a similar fashion to the liquid fish discussion, several board members also expressed concern over marine environmental degradation from the production of alginates. The sunset was renewed, but several board members abstained, citing the potential damage from seaweed harvest to marine ecosystems and concerns for contaminants that are bio-accumulated in seaweeds and then transferred to terrestrial farms.

For more information about the meeting materials, final vote tallies and next steps, please visit: www.ams.usda.gov/event/national-organic-standards-board-nosb-meeting-providence-ri.

The next NOSB meeting is scheduled for April 29 through May 1, 2024, to be held in person (and live streamed) in Milwaukee, Wisconsin.

