

Organic Updates

NOP and NOSB Updates—Spring 2023

by Chris Grigsby, MCS Director

The National Organic Standards Board (NOSB), the volunteer advisory board to the USDA National Organic Program (NOP), held its biannual meeting in person (and via live stream) on April 25-27, 2023. 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 listings on 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 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. Here are some key takeaways from her update:

- Implementation for the Strengthening Organic Enforcement (SOE) is on schedule and will take approximately one year, with full compliance required by March 2024.
- The advanced notification of proposed rulemaking (commonly known as ANPR) for the outdated inert materials issue on the National List received about 400 comments, with broad agreement on about 70% of the issue. NOP is now working to address the other 30% where there was disagreement on how to proceed. NOP will send a work agenda request back to the NOSB to work through four key options with stakeholder input.
- Technical Support for the NOSB (discussed at recent meetings) is moving

forward, with NOP first identifying staff members that could give the NOSB help, including with research, review of public comments, and technical support. This runs counter to some stakeholder comments that expressed that NOSB assistance coming from NOP staff could be perceived as the NOP leading the NOSB, which contradicts the intent of the Organic Foods Production Act.

The Spring NOSB meeting in Atlanta had only two official votes for the record: Organic Is Climate Smart and Ion Exchange Filtration Resins. There were numerous discussion documents in the meeting materials, including: all sunset materials that will be voted on at the October meeting; a petition to add potassium sorbate to the National List; consistent location identification for fields; crop insurance challenges; excluded methods definitions; research priorities; and technical report templates.

Livestock Subcommittee

Biologics — Vaccines sunset review. Much of the discussion centered around the previous NOSB recommendation that allowed for the use of genetically engineered vaccines, provided that it could be documented that non-GMO vaccines were not commercially available. This recommendation has not gone to rulemaking. The board wondered about revisiting and/or revoking the 2019 recommendation. The NOP has ranked this as a low priority for rulemaking and it is on hold.

Compliance, Accreditation and Certification Subcommittee

Organic is Climate Smart proposal. There was general support from the board for the proposal, as it answered a number of questions posed by the NOP to the NOSB. Discussion oriented around whether the proposal should explicitly state that the climate-smart values of organic production assumes

that it is soil based. While there was acknowledgement that the proposal could be improved, the importance of moving this forward carried the day. The motion passed with 12 Yes, 0 No, 2 Abstain, 1 Absent.

Climate Induced Farming and Crop Insurance. This received many public comments, especially from the farming community. The need to address transition yields, equity within the current USDA crop insurance programs, and the issue of long crop rotations not working well in the program were discussed.

Consistent Location Identification. This discussion centers around the perceived need for any field or parcel that produces organic products to have GPS coordinates within the organic system plan. The public comments were generally in favor of this proposal, though cultural differences amongst producers were noted, along with potential technology challenges. It's unclear if certifiers need this additional tool to verify organic integrity and compliance, as it was originally proposed as a way to monitor for possible fraud. A proposal should be put forth for the fall meeting.

Crops Subcommittee

Potassium sorbate petition discussion document. This public petition was submitted as an additional tool for growers to control diseases, beyond existing tools on the National List. NOSB members expressed concern about the potential for impacts on soil microorganisms, as well as the efficacy of this material to control diseases listed in the petition. A proposal will be put forth in the fall.

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Newspaper or other recycled paper, without glossy or colored inks sunset review. We were pleased to hear the board discuss concerns over the use of plastics in paper (specifically, PFAS was mentioned), and that many newspapers routinely use colored inks. It's unclear how the NOSB will proceed, and it's likely to have continued discussion and debate at the October meeting.

Plastic mulch and covers sunset review. During the discussion, board members discussed the need for more data on how much land is being farmed using plastic mulches. Recognition of the issue of disposal and recycling of plastics was discussed, while also noting the widespread use of plastic mulches for weed control, increasing soil temperatures, water retention and season extension.

Elemental sulfur sunset review. The board noted public comments about the human health impacts, especially for field workers, of sulfur use, while also noting the widespread use by organic farmers of this material as an essential tool with minimal environmental impacts.

Liquid fish products sunset review. Within the discussion, the board raised questions as to why the previous NOSB recommendation to restrict liquid fish products to those only made from fish waste or byproducts had not been moved forward by the NOP. The response was that the recommended annotation change included nuances that require significant work to develop a rule, and it is on hold pending rule writing on topics of higher priority.

Materials Subcommittee

Research priorities discussion document. Generally, there continues to be a lack of meaningful funding and research for the organic industry, 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. Some comments noted the barriers that exist for land grant universities and other institutions to access the funding opportunities.

Excluded methods discussion document. There was some discussion regarding the broader USDA directive to standardize excluded methods definitions across USDA, and how that might impact organics. At this point, the NOP has been able to resist that directive since the organic regulations and guidance have their own definitions. The need to address the use of excluded methods in fermentation processes was also discussed.

Handling Subcommittee

Ion Exchange Filtration proposal. This proposal focused on whether the resins used in ion exchange filtration should have to appear on the National List or whether they should be considered food contact materials (which do not appear on the National List). The proposal would require that resins be specifically named on the National List, and that certifiers should verify that resins are FDA approved. The board ultimately voted in favor of the proposal: 12 Yes, 1 No, 1 Abstention, 1 Absent.

Alginates sunset review. Some discussion centered around the potential damage from seaweed harvest to marine ecosystems and concerns for contaminants that are bioaccumulated in seaweeds and then transferred to terrestrial farms.

Phosphoric Acid sunset review. The board noted that there are discrepancies in how certifiers treat phosphoric acid and whether a rinse is required after use. Follow-up with certifiers about this will take place ahead of the fall meeting.

Other discussion highlights

There were two additional discussions: the timing of board meetings in the year, and in-person public comments vs. virtual. The meetings are currently scheduled at a time when many farmers are either planting fields or harvesting. A table was shown offering other timing options, and ultimately the board will continue the discussion and see if there are other ways that farmers can engage in the development of NOSB recommendations. On the topic of in-person public comments, the board expressed concern over equity and whether virtual commenting offers more inclusion for farmers and producers who may not have the time and financial resources to attend in-person meetings. The board was generally split on this, and they plan to continue the discussion at future meetings.

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

The next NOSB meeting is scheduled for October 24-26, 2023, to be held in-person (and via live stream) in Providence, Rhode Island.

