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Service

1400 Independence Avenue, S.W.
Room 2642-S, Mail Stop 0268
Washington, D.C. 20250-0268

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MEMORANDUM TO THE NATIONAL ORGANIC STANDARDS BOARD

FROM: Miles V. McEvoy
Deputy Administrator
National Organic Program (NOP)

SUBJECT: Response to National Organic Standards Board Recommendations (April 2016)

Background

This memorandum responds to National Organic Standards Board (NOSB) recommendations made at its April 25-27, 2016, meeting in Washington, DC.

Summary of Recommendations from Spring 2016 NOSB Meeting

1. Petitioned Substances. The NOSB recommended 5 amendments to the National List of Allowed and Prohibited Substances (National List). This section of the USDA organic regulations includes synthetic substances allowed in crop and livestock production, nonsynthetic substances prohibited in crop and livestock production, and non-organic substances allowed in the handling of organic products.

Substance	Section	NOSB Recommendation
Squid and squid byproducts	Crops: 205.601(j)	Squid and squid byproducts (pH adjusted with synthetic acids) were classified as synthetic. The motion to add squid byproducts to the National List with the following annotation: "can be pH adjusted with sulfuric, citric or phosphoric acid. The amount of acid used shall not exceed the minimum needed to lower the pH to 3.5" passed.

Substance	Section	NOSB Recommendation
Hypochlorous acid	Crops:205.601(a)(2)(iv)	Hypochlorous acid was classified as synthetic. The motion to list as petitioned, “Hypochlorous acid generated from electrolyzed water” passed.
Sodium lactate/potassium lactate	Handling: 205.605(b)	The NOSB classified both sodium lactate and potassium lactate as synthetic. The motion to list sodium and potassium lactate on the National List “for use as an antimicrobial agent and pH regulator only” passed.
Hypochlorous acid	Handling: 205.605(b)	The motion to list as petitioned, “Chlorine materials (...Hypochlorous acid generated from electrolyzed water)” passed.
Hypochlorous acid	Livestock: 205.603(a)(7)(iv)	The motion to list as petitioned, “Chlorine materials.... Hypochlorous acid generated from electrolyzed water” passed.

2. Other Recommendations

Ancillary Substances

The NOSB passed a recommendation to adopt a proposal for reviewing ancillary substances used in organic handling. Ancillary substances are sometimes present in allowed non-organic materials listed at sections 205.605 and 205.606.

Parasiticides Annotation Change

The NOSB passed a recommendation to amend the regulations for parasiticides at sections 205.238(b) and 205.603(a): 1) to reduce the milk withdrawal period for fenbendazole and moxidectin, 2) to allow moxidectin for both internal and external use, 3) to allow fleece and wool from treated animals to be eligible for organic certification, and 4) to allow fenbendazole to be used without the written order of a veterinarian.

Lidocaine and Procaine annotation changes

The NOSB passed a recommendation to revise the annotations for lidocaine and procaine at section 205.603(b) to reduce the withdrawal period from 90 days to 8 days for slaughter stock and from 7 days to 6 days for dairy animals.

Policy Procedures Manual

The NOSB passed a recommendation for revisions to the policy and procedures manual to reflect the current procedures of the NOSB.

NOP Discussion and Response

The NOP reviewed the NOSB's recommendations and will be pursuing the following intended actions.

1. Petitioned Substances

Squid Byproducts (Crops)

The NOSB considered a petition to allow acid stabilized squid and squid byproducts for use as a fertilizer in organic crop production. The NOSB revised their recommendation to remove the possibility that whole squid would be harvested for the purpose of making fertilizer. The NOSB acknowledged that byproducts from squid processing waste streams may include the occasional whole squid.

The NOSB passed a recommendation to add acid stabilized squid byproducts to section 205.601(j)(7).

NOP Response:

The NOP has reviewed the NOSB's recommendation and plans to move forward with a proposed rule for public comment to add squid byproducts to the National List.

Sodium and Potassium Lactate (Handling)

The NOSB considered a petition to allow sodium lactate and potassium lactate in organic processing and handling.

Sodium and/or potassium lactate are generally produced from natural (fermented) lactic acid, which is then reacted with either sodium hydroxide or potassium hydroxide, respectively.

The NOSB passed the recommendation to add these substances to section 205.605(b) for use as antimicrobial agents and pH regulators only.

NOP Response:

The NOP has reviewed the NOSB's recommendation and plans to move forward with a proposed rule for public comment to add sodium and potassium lactate to the National List.

Hypochlorous Acid (Crops, Livestock, Handling)

The NOSB considered a petition to allow hypochlorous acid from electrolyzed water for use in organic crop and livestock production and handling.

The NOSB passed three separate recommendations (one each for crop, livestock, and handling uses) to add hypochlorous acid generated via electrolyzed water to each of the listings of chlorine materials on the National List at section 205.601(a)(2), 205.603(a)(7) and 205.605(b).

NOP Response:

The NOP has reviewed the NOSB's recommendation and plans to move forward with a proposed rule for public comment to add hypochlorous acid to the National List.

2. Other Recommendations

Ancillary Substances

The NOSB passed a recommendation for reviewing ancillary substances, which are sometimes present in materials listed at sections 205.605 and 205.606.

This recommendation supplements an earlier ancillary substances policy passed by the NOSB in 2014. The current recommendation outlines specific procedures that the NOSB will use to review ancillary substances. It also provides procedures and an optional template that certification agencies can use in determining compliance.

The NOSB is requesting that the NOP add these procedures to the NOSB policy and procedures manual as well as the NOP Handbook.

NOP Response:

The NOP is reviewing these recommendations to determine appropriate next steps.

Parasiticides

The NOSB passed a recommendation to amend the regulations for parasiticides at sections 205.238(b) and 205.603(a) to: 1) reduce the milk withdrawal period for fenbendazole and moxidectin, 2) allow moxidectin for both internal and external use, 3) allow fleece and wool

from treated animals to be eligible for organic certification, and 4) allow fenbendazole to be used without the written order of a veterinarian.

The recommendations that were passed by the NOSB at sections 205.238(b) and 205.603(a) are summarized as follows:

- The milk withdrawal period for fenbendazole and moxidectin is recommended at 2 days following treatment of cattle; 36 days following treatment of goats, sheep and other dairy species.
- Moxidectin is recommended for both internal and external use.
- It is recommended that fleece and wool from treated animals are eligible for organic certification after a withdrawal period of at least 90 days prior to harvesting fleece and/or wool.
- Fenbendazole is recommended to be used without the written order of a veterinarian.

NOP Response:

The NOP has reviewed the NOSB's recommendation and plans to move forward with a proposed rule for public comment to revise the annotation for parasiticides at section 205.238(b) and 205.603(a).

Lidocaine and Procaine

The NOSB passed a recommendation to amend the regulations for lidocaine and procaine at section 205.603(b) to reduce the withdrawal period for both materials from the present 90 days to 8 days for slaughter stock and from 7 days to 6 days for dairy animals.

Lidocaine and procaine are local anesthetics used to reduce or prevent pain during de-budding horns in livestock, or general minor surgery on mature livestock. The NOSB finds that humane treatment of animals is critically important and the public expects high standards of animal welfare for organic livestock. A lengthy withdrawal period after treatment may result in animals not being treated in a timely manner, or not being treated at all. The NOSB recommended withdrawal periods that are double those specified by the Food Animal Residue Avoidance Databank (FARAD), a USDA funded university-based national program that serves as the primary source for scientifically-based recommendations regarding safe withdrawal intervals of drugs and chemicals in food-producing animals.

NOP Response:

The NOP has reviewed the NOSB's recommendation and plans to move forward with a proposed rule for public comment to revise the annotation for lidocaine at section 205.603(b)(4) and procaine at section 205.603(b)(7).

Policy Procedures Manual

The NOSB passed a recommendation to accept the revisions to the policy and procedures manual (PPM), which reflects the current procedures, allowing for the collaborative and productive functioning of the NOSB.

The PPM is designed to assist the NOSB in its responsibilities as a Federal Advisory Committee.

NOP Response

NOP reviewed and accepted the revisions to the PPM and posted the revised document, dated April 26, 2016, to the National Organic Standards Board page on the [AMS website](#).

3. Summary

The NOP acknowledges and sincerely appreciates the hundreds of hours NOSB members provided in developing the NOSB April 2016 recommendations. In addition, the NOP supports the NOSB's vital role in representing the diversity of the organic community to enhance organic regulatory implementation and ensure organic product integrity.

The NOP welcomes new board members members Jessie Buie (Organic Producer), Emily Oakley (Organic Producer), Dan Seitz (Consumer), A-dae Romero-Briones (Consumer), Scott Rice (Accredited Certifying Agent representative), Harriet Behar (Environmental/Resource Conservationist). Much of the success achieved by the NOP is due to the considerable expertise and dedication of NOSB members.