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MEMORANDUM TO THE NATIONAL ORGANIC STANDARDS BOARD

FROM: Jennifer Tucker, Ph.D.
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National Organic Program (NOP)

SUBJECT: Response to National Organic Standards Board Recommendations (Fall 2018 Meeting)

Background

This memorandum responds to the National Organic Standards Board (NOSB) recommendations to the Secretary made at its meeting in St. Paul, Minnesota, October 24-26, 2018.

Summary of Recommendations and AMS Responses

1. Petitioned Substances and Related Recommendations. The NOSB recommended three amendments to the National List of Allowed and Prohibited Substances (National List). This section of the U.S. Department of Agriculture (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 of Organic Regulations	NOSB Recommendation
Tamarind seed gum, limited to non-acid hydrolyzed forms	Handling § 205.606	Classified as agricultural; recommended for addition to the National List
Sodium citrate, for use as an anticoagulant in the production of blood meal	Crops § 205.601	Classified as synthetic; recommended for addition to the National List
Natamycin	Crops § 205.602	Classified as nonsynthetic; recommended for addition to the National List

AMS Response: AMS is reviewing the NOSB's three National List recommendations listed above.

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- 2. Research Priorities.** The NOSB recommended that integrated research be undertaken with consideration of the whole farm system, recognizing the interplay of agroecology, the surrounding environment, and both native and farmed species of plants and animals. The NOSB's 2018 research priority areas include livestock, crops, coexistence with genetic engineering (GE) and organic crops, and food handling and processing.

AMS Response: AMS is reviewing the NOSB's recommendation.

- 3. Excluded Methods Determinations.** The NOSB recommended that embryo rescue in plants not be considered an excluded method for organic production.

AMS Response: AMS is reviewing the NOSB's recommendation.

- 4. Developing Criteria for Risk-based Accreditation Oversight.** The NOSB recommended that AMS incorporate specific risk factors identified in their proposal into its oversight activities. Oversight activities include on-site and desk audit activities of the certifier in primary and satellite offices, as well as on-site audits of inspection procedures. The proposal identified thirteen factors contributing to a certifier's risk and provided means of addressing each perceived risk factor.

AMS Response: AMS is reviewing the NOSB's recommendation.

- 5. Training and Oversight of Inspector and Certification Review Personnel.** The NOSB provided recommendations for training inspectors and certification review personnel in order to improve oversight, compliance and enforcement of the USDA organic regulations. The NOSB recommendations identified specific subject areas and specific skills needed to address the challenges of tracking diverse organic products through an increasingly complex supply chain. The NOSB requested that the specific areas of training be incorporated into the USDA online learning management system.

AMS Response: AMS is reviewing the NOSB's recommendation. AMS plans to launch the new Organic Integrity Learning Center in Spring 2019.

- 6. Strengthening the Organic Seed Guidance.** The NOSB recommended that AMS amend 7 CFR 205.204(a)(1) to include subparagraph (i) as follows:

“Improvement in searching, sourcing, and use of organic seed/planting stock must be demonstrated every year with the goal of achieving full compliance in the use of only organic seed/planting stock.”

The modification is intended to provide a clear goal of full compliance while retaining the allowance of nonorganic seed and planting stock when it is demonstrated that an equivalent organic variety is not available. The NOSB also recommended that AMS amend NOP 5029 (Guidance - Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production) to

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provide clearer direction to certifying agents regarding the requirement to use organic seed when commercially available.

AMS Response: AMS is reviewing the NOSB's recommendation.

- 7. Resolution: Issuing Origin of Livestock Final Rule.** The NOSB unanimously adopted a resolution regarding the 2015 USDA proposed rule on origin of livestock. The resolution states, "Therefore, be it resolved by unanimous vote, the National Organic Standards Board—as USDA's Federal Advisory Board on organic issues and representing organic farmers, ranchers, processors, retailers and consumers—urges the Secretary to directly issue a final rule for Origin of Livestock that incorporates public comments submitted in response to the Proposed Rule (Docket Number AMS-NOP-11-0009)."

AMS Response: AMS is reviewing the NOSB's resolution.

- 8. Resolution: Continued Use of Paper Pots.** The NOSB received a petition for the addition of plant pot or growing container - hemp paper or other paper, without glossy or colored inks to section 205.601 of the National List. The NOSB unanimously adopted a resolution regarding the use of paper pots in organic crop production while the petition continues through the review process. The resolution states, "Therefore, be it resolved by unanimous vote, to ensure a full and timely review of paper pots we request the NOP allow the continued use of paper pots while this review and potential rulemaking proceed. We believe the interpretation offered in this resolution allows the program to take this path while maintaining fidelity to the existing regulations that the program is charged with protecting."

AMS Response: AMS has considered the NOSB's resolution on paper pots and the public comments presented on the matter in conjunction with the Fall 2018 NOSB meeting. On November 5, 2018, AMS sent certifying agents notification that the allowed use of paper pots is extended until further notice.

- 9. Sunset Review—Recommendations for Removal.** The NOSB recommended that sucrose octanoate esters be removed from the National List (§§ 205.601 and 205.603).

The recommendation follows the Board's completion of the sunset review for this substance that sunsets on March 15, 2022. The NOSB completed their sunset review of this substance early to distribute the sunset review workload (see NOSB's Fall 2016 recommendation). The Board requested that substances undergoing early sunset review remain on the National list until their sunset date (for sunset dates see NOP 5611 National List Sunset Dates).

AMS Response: AMS is reviewing the Board's recommendations to remove sucrose octanoate esters from the National List.

- 10. Sunset Review—Not Recommended for Removal.** The NOSB completed its sunset review of the substances in the following table. The Board did not recommend that these substances be removed from the National List. With the exception of sodium carbonate peroxyhydrate, aqueous potassium silicate, sulfurous acid, tragacanth gum, and gellan gum which sunset in

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2020, the substances were scheduled to sunset in 2022. The NOSB completed the sunset reviews for sunset 2022 substances early to distribute the sunset review workload (see NOSB's Fall 2016 recommendation).

Substance	Use	National List Section
Alcohols: Ethanol	Crop production	205.601(a)
	Livestock production	205.603(a)
Alcohols: Isopropanol	Crop production	205.601(a)
	Livestock production	205.603(a)
Sodium carbonate peroxyhydrate	Crop production	205.601(a)
Newspaper or other recycled paper	Crop production	205.601(b)
Plastic mulch and covers	Crop production	205.601(b)
Aqueous potassium silicate	Crop production	205.601(e)
		205.601(i)
Elemental sulfur	Crop production	205.601(e)
		205.601(i)
		205.601(j)
Lime sulfur	Crop production	205.601(e) 205.601(i)
Hydrated lime	Crop production	205.601(i)
Liquid fish products	Crop production	205.601(j)
Sulfurous acid	Crop production	205.601(j)
Ethylene	Crop production	205.601(k)
	Handling	205.605(b)
Microcrystalline cheesewax	Crop production	205.601(o)
Potassium chloride	Crop production	205.602(e)
Aspirin	Livestock production	205.603(a)
Biologics—Vaccines	Livestock production	205.603(a)
Electrolytes	Livestock production	205.603(a)

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Glycerin	Livestock production	205.603(a)
Phosphoric acid	Livestock production	205.603(a)
Lime, hydrated	Livestock production	205.603(b)
Mineral oil	Livestock production	205.603(b)
Calcium carbonate	Handling	205.605(a)
Flavors	Handling	205.605(a)
Gellan gum	Handling	205.605(a)
Oxygen	Handling	205.605(a)
Potassium chloride	Handling	205.605(a)
Alginates	Handling	205.605(b)
Calcium hydroxide	Handling	205.605(b)
Glycerides (mono and di)	Handling	205.605(b)
Magnesium stearate	Handling	205.605(b)
Phosphoric acid	Handling	205.605(b)
Potassium carbonate	Handling	205.605(b)
Sulfur dioxide	Handling	205.605(b)
Xanthan gum	Handling	205.605(b)
Fructooligosaccharides	Handling	205.606(e)
Gums (Arabic; Guar; Locust bean; and Carob bean)	Handling	205.606(g)
Lecithin—de-oiled	Handling	205.606(k)
Tragacanth gum	Handling	205.606(q)

AMS response: AMS is reviewing the NOSB's sunset reviews of the National List substances in the table above.

Summary

AMS acknowledges and sincerely appreciates the many hours NOSB members provided in developing its recommendations. AMS supports NOSB's vital role in representing the diversity of the organic community and ensuring organic integrity.

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AMS thanks Tom Chapman for his years of service as NOSB Chair and looks forward to working with the new NOSB leadership.