



**ORGANIC FARMERS
ASSOCIATION**

**Organic Farmers Association
Written Comments to the National Organic Standards Board
Submitted October 8, 2025**

TABLE OF CONTENTS

BIG PICTURE	4
Organic Swine	4
Building a Resilient Organic Community	5
Global Organic Movement Consistency	6
Strengthening Organic Enforcement Implementation	6
Agroforestry and the 90/120 Day Rule	7
In-Person NOSB Meetings	7
LIVESTOCK	8
Oxytocin Annotation Change	8
Chlorine Materials Discussion Document	9
Integrating Livestock and Agroforestry Discussion Document	9
Livestock Sunsets	11
Butorphanol	11
Flunixin	11
Magnesium hydroxide	12
Oxytocin	12
Poloxalene	12
Formic acid	12
Sucrose octanoate esters	12
EPA List 4 Inerts	13
Excipients	13
CROPS	13
Pear Ester- Petitioned	13
Definition: Compostable Materials Proposal	14
Synthetic Compostable Materials as Compost Feedstocks Proposal	14
Crop Sunsets	15
Soap-based algicides/demossers	15
Ammonium carbonate	16
Soaps, insecticidal	16
Sucrose octanoate esters	16
Vitamin D3	16
Aquatic plant extracts	16
Lignin sulfonate	16
Fatty alcohols (C6, C8, C10, and/or C12)	16
Sodium silicate	16
EPA List 4 Inerts	17

Paper	17
Arsenic and Strychnine	17
HANDLING	17
L-Malic acid reclassification and listing	17
Handling sunsets	18
Colors	18
Cornstarch	18
Glycerin	18
COMPLIANCE, ACCREDITATION, AND CERTIFICATION	19
Risk-based Certification Proposal	19
Residue Testing for Global Supply Chain Guidance Proposal	20
Discussion Document: Residue Testing for a Global Supply Chain-Regulation Review	20
UREC	21
Consistency in Organic Seed use	21
eCommerce Organic Labeling Requirements	22
MATERIALS	23
Research Priorities	23
Induced Mutagenesis	24
POLICY DEVELOPMENT	24
Policy and Procedures Manual (PPM) Updates	24
Sunset Review Efficiency	25

October 8, 2025

Ms. Michelle Arsenault
Advisory Committee Specialist
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Avenue SW
Room 2642-S, STOP 0268
Washington, DC 20250-0268

Docket # AMS-NOP-25-0034

Dear National Organic Standards Board Members,

The Organic Farmers Association (OFA) is led and controlled by domestic certified organic farmers, and only certified organic farmers determine our policies using a grassroots process. OFA appreciates the opportunity to provide comments to the Board and the National Organic Program on several specific items on the agenda for your fall meeting. These comments were developed based on group discussions in OFA workgroups, email comments from OFA members, and feedback from our annual policy survey.

BIG PICTURE

Organic Farmers Association would like to thank the National Organic Standards Board and the staff of the National Organic Program for the high-quality proposals and discussion documents to be considered and voted upon at the NOSB fall 2025 meeting. Included in this docket are numerous issues that have undergone the public comment and NOSB subcommittee processes, with many hours and pages of information summarized. The documents presented by the NOSB illustrated their careful review, deliberations, and clear reasoning behind the decisions made in the subcommittee. We appreciated the inclusion of information on why the minority opinion disagreed when there was no unanimous agreement in the subcommittee. OFA appreciates this board transparency, which helps the organic community understand how the subcommittees conduct their decision-making. It is evident that this board has given considerable thought and research to these proposals and incorporated input from the organic community. Future NOSB boards, NOP-certified operations, and the organic marketplace will benefit from these well-written proposals for years to come.

In addition to the comments on the agenda items specified in the meeting materials, OFA members urge the board to consider the issues below, which are of concern to organic farmers.

Further Examination of Animal Welfare: Organic Swine

Organic market development is based on the integrity of the organic label, which is characterized by clear, consistent, and meaningful production standards. OFA strongly supports the implementation of the Organic Livestock and Poultry Standards (OLPS). We agree with the desire expressed in the OLPS preamble to reduce the number of labels for producers. Both producers and consumers want to see animal welfare standards embodied in organic standards.

While OLPS addressed many areas of animal welfare for poultry and ruminants, significant areas of animal welfare for organic swine were not included. Consumers are well aware of the negative animal welfare and environmental issues associated with non-organic confinement swine operations. While total confinement of organic hogs is not allowed under our current regulations, the NOP rule is weak on swine animal welfare regulations and lags behind leading add-on certifications. Issues we would like to see the Board address for swine, as they have for poultry, include lighting and indoor ammonia monitoring. In addition, physical alterations (such as teeth trimming, ear notching, castration, and tail docking), as well as indoor and outdoor stocking densities, and management of outdoor access areas, are not part of our current rule for swine. All of the animal welfare oversight organizations active in the United States have specific rules addressing these management areas; therefore, hog farmers often add a label in addition to "organic" to convey their commitment to animal welfare to consumers. We need to address the gaps in the existing standards to develop a stronger organic pork market. **We request that the Livestock Subcommittee add the topic of animal welfare standards for swine to its work agenda** to address these gaps. Scheduling a NOSB producer panel featuring organic hog producers and organic consumer advocates or retailers to explore the necessary standards would be a good start.

Building a Resilient Organic Community

The International Federation of Organic Agricultural Movements (IFOAM)'s four principles of organic — Health, Ecology, Fairness, and Care — provide a vision for how organic agriculture can improve the world we all share. These principles serve as a roadmap for developing national and international standards that bring the benefits of organic farming to all ecosystems and the humans who inhabit them. Through health, organic agriculture sustains and enhances the soil, plants, animals, and humans by recognizing that the well-being of one affects the fitness of all. Living, diverse ecosystems and their cycles should be sustained and emulated. In centering fairness, organic builds upon relationships that honor the right to a healthy environment and equal life opportunities for all. Care requires us to act responsibly to protect the well-being of current and future generations, the environment upon which we depend, and the animals under our husbandry. The Organic Farmers Association aims to support all farmers interested in organic farming in their success and strives to incorporate their unique interests, diverse viewpoints, and producer needs to build a healthy and vibrant community. **We encourage the**

National Organic Standards Board and the National Organic Program to make time and space to honor the four principles of organic in your work as a board.

Global Organic Movement Consistency

OFA supports efforts to align U.S. organic standards with international organic regulations, ensuring a consistent and equitable global marketplace while maintaining high organic integrity. U.S. organic standards must be consistent with those of our trade partners and international bodies, such as IFOAM and CODEX. Exploring areas of alignment would benefit organic farmers by creating a level playing field and enhancing market access. **We request a new NOSB work agenda item to compare the differences between the NOP and our major trading partners, including the EU, Canada, China, Japan, as well as CODEX and IFOAM.** This work supports the NOSB's recommendations and assists the NOP in updating equivalency agreements with established U.S. organic community priorities. In addition, a closer working relationship with our global trading partners, addressing the issue of organic fraud, would be beneficial to all involved.

Strengthening Organic Enforcement Implementation

OFA appreciates the significant effort involved in implementing the SOE rule; however, concerns have been and continue to be raised by certified organic farmers regarding an increase in paperwork and certifier oversight on low-risk organic farm operations. The inconsistent implementation of these rules by certifiers across the nation has further exacerbated these challenges, particularly affecting small and mid-scale operations. Prevention and detection of fraud is significantly different between farm operations and handlers or brokers of organic commodities and finished products.

For handlers, documentation, signage, and systems that track every activity of the product, from receiving to storage, processing, packaging, and sales, are essential for the required traceability. However, on farms and ranches, certifier review of the OSP and the inspector's on-site verification of fields, equipment, and the operator's knowledge of implementing their OSP are essential for providing the oversight needed to establish trust in the organic label. The excessive focus on having every activity on a farm documented takes away from the time required for the visual on-site inspection. The organic inspection verifies that the actions outlined in the Organic System Plan are being implemented on the farm. Are the buffer zones sufficient and in place where organic land adjoins land where prohibited substances have been applied? Is the equipment present on the farm adequate to perform the tillage, planting, cultivating, and harvesting as described in the OSP? Are the sales or use of organic crops or livestock supported by reasonable yields for that region?

The inspector can gain a great deal from conversations and observations with the operators to understand the successes and challenges of their organic systems. It is much easier to cover up

fraud by falsifying documentation. Still, it is much harder to explain how a crop yields significantly more than the county average, especially when weeds stress the fields. On the other hand, a field with few weeds but minimal equipment or farmer knowledge to accomplish this task is also a red flag. If inspectors spend more time reviewing documents to meet assumed SOE requirements and less time in the fields and farm buildings, actually observing the organic system plan in action, the organic certification process is compromised. The farmer does not have the chance to show their compliance through actual activities, and the inspector is left to rely mostly on what has been written down.

Daily farm chores and activities are numerous and varied, and expecting every detail to be documented is inefficient and ineffective for verifying compliance with NOP regulations. Many of our farmer members have noted that, compared to a few years ago, significantly more time is now spent reviewing documentation rather than inspecting fields and discussing the implementation of the organic system. This has not resulted in higher levels of integrity, but has reduced the number of new certified operations and caused some long-term organic operations to drop their certification.

We are aware that the NOP has been working with certifiers through annual training to bring back “Sound and Sensible” certification activities. NOP and certifiers need to collaborate to improve their inspection and certification systems, thereby reducing the paperwork burden for small and mid-sized producers. There is significant variability in how certifiers have implemented SOE, and we encourage those certifiers who are effectively focusing increased oversight on high-risk situations to share their producer oversight systems with other certifiers.

OFA is aware that a possible universal OSP is being considered by certifiers. While organic farmers have indicated they support the option of a common OSP that all certifiers would have access to, it is imperative that organic farmers be consulted in the creation of this strategy. Furthermore, a universal OSP remains universal only until the first change is made by one user. There must be a multi-stakeholder objective process for editing and updating a universal OSP, ensuring it maintains its stated purpose and can evolve to respond to the organic community’s needs. A universal OSP must reduce the burden on farmers and remain accessible to the Plain Community and operators who are low-tech. We provide more insight in our comments on this topic in response to the risk-based certification proposal.

Agroforestry and the 90/120 Day Rule

Thank you for adding this item to the NOSB work agenda! Organic farmers, in response to our annual organic policy survey of all domestic certified organic producers, identified a need to review the 90/120-day rule as it applies to agroforestry systems where livestock graze under fruit and nut trees. This rule, which dictates the period between the application of raw manure and the harvest of crops intended for human consumption, may not adequately reflect the realities of

such integrated and indigenous farming systems, systems to which the standards owe their strong foundation. The risk of pathogens affecting this type of crop production is quite low compared to production that is grown in, on, or close to the ground where manure has been applied. The use of rotated poultry and small mammals through orchards can provide multiple benefits, including insect and pest control, weed management, and improved soil fertility. Increasing biodiversity within a production system is a foundational organic principle, and the current raw manure restrictions could benefit from an update that reflects both traditional and new methods of agroforestry. We provide more detailed comments in response to the discussion document on this subject.

In-Person NOSB Meetings

The twice-a-year National Organic Standards Board meetings are an important opportunity for all stakeholders involved in organic agriculture to meet in person and discuss issues of importance to our community. It benefits both the Board members and the organic community to interact in the same room, rather than on computer screens, and results in a more dynamic and effective meeting. Because part of the benefit of in-person meetings is the opportunity to hear from farmers in the region hosting the meeting, we also recommend that a third of the in-person comment slots be reserved for farmers and then released for other stakeholders if not filled by the registration deadline date. The registration window for both NOSB meetings coincides with hectic times for farmers, who are **not** regularly checking the USDA NOSB website for registration to open. **Reserving one-third of the slots for farmers ensures they have a chance to register while they are busy farming, thereby maintaining equity and increasing stakeholder participation.** Releasing unfilled farmer slots to the general waitlist after the farmer registration window closes would not alter the current registration process.

LIVESTOCK

Oxytocin annotation change

OFA supports this proposal and appreciates the clear reasoning presented. Organic dairy farmers agree with the proposed change, and OFA believes that this new annotation removes the risk of inconsistent interpretation of the rule by certifiers and operators. The current annotation reflects the interpretation of the National Organic Program as presented in their February 28, 2022, discussion in the Federal Register concerning the restricted use of oxytocin, and this annotation codifies that NOP viewpoint. OFA supports the unanimous decision of the livestock subcommittee to amend the current oxytocin annotation to read “for use in postparturition therapeutic applications within 3 days of birth. It may not be administered to increase an animal’s milk production or for milk letdown.” This amended annotation enables organic dairy farmers, whose production encompasses all species, including cows, sheep, and goats, to utilize this tool to promote the health and well-being of their dairy animals, while preventing the routine use of oxytocin for purposes of increased milk production. It is also noted that some organic dairy processors who wish to add the “no hormones” statement to their organic dairy product

packaging do not allow the use of oxytocin by the cow dairy farmers who sell their organic milk to that organic dairy processor. Those organic producers have found other effective therapeutic measures for dairy cows. At some point in the future, this material may no longer be needed, especially for organic sheep or organic goats, as those sectors continue to mature in their organic management.

Chlorine Materials discussion document

OFA appreciates the petition by OMRI to clarify the use and levels of chlorine in drinking water provided to organic livestock. All dairy animals, due to their production of organic milk, tend to consume large quantities of water. Animal health and well-being are paramount on organic farms, and providing drinking water that is free of pathogens and at safe chlorine levels when chlorination is used is a crucial topic. Unfortunately, we were unable to speak with organic farmers with direct knowledge of the various issues presented in the questions, but look forward to reading comments on this topic to understand how to best avoid toxic disinfection by-products, and at what levels for each livestock species, should chlorine be present in drinking water for dairy and meat animals. There are times when shocking wells with chlorine is necessary to remove the presence of pathogenic bacteria. As with most uses of materials in organic farming, the farmer should strive to improve their infrastructure or activities to reduce their reliance on chlorine or other synthetic disinfectants. We also acknowledge that some sources of drinking water may not be maintained by the farmer (municipal water sources) and therefore, would become challenging to manage on the farm. Requiring testing for chlorine will also place a monetary burden on farmers. We will continue to seek feedback from farmers on this area.

Integrating Livestock and Agroforestry Crops

The use of livestock grazing within a fruit or nut orchard system has a long history of success in managing weeds, pests, and fertility. The control of numerous problem insects, such as plum curculio, is effective due to the presence of poultry in organic orchards. However, the risk of pathogens from fresh manure affecting the quality and safety of the fruit or nuts is worth discussing in this system.

The NOP restriction of manure addresses the “application” of manure. While grazing animals can be seen to “apply” manure, the regulation originally addressed spreading a layer of manure on vegetated or unvegetated land using manure spreading equipment. This results in a much thicker layer of manure than when animals are grazing, especially in a rotated paddock system or when the animals have a large area for foraging. The animals, which could include swine, ducks, chickens, geese, sheep, or goats, require more than sparse vegetation to obtain nutrition from their grazing. The orchard floor must have live vegetation for the agroforestry grazing system to be successful. As the animals move through the orchard, they disrupt insect and other pest cycles by feeding on larvae and unwanted insects, and disrupting the habitat for unwanted

mammals. Weed pressure is lessened by the consumption or uprooting of plants here and there. Fertility is improved through the sparse, “low-impact” application of fresh manure.

We have heard that some new to organic orchards are choosing to skip becoming organically certified, because they would not be allowed to have livestock in their orchards during the growing season, which defeats the purposes of insect, weed, and fertility management as described above. Others are now considering leaving organic certification because they want to integrate this symbiotic system in their orchards.

OFA believes that crops harvested directly from the tree and not in contact with the vegetation or soil (fruit “grounders” or nuts) could be allowed to be considered organic when animals are grazing in the orchard. Our regulation discusses the use of manure as follows:

Raw animal manure, which must be composted unless it is:

- (i) Applied to land used for a crop not intended for human consumption;*
- (ii) Incorporated into the soil not less than 120 days prior to the harvest of a product **whose edible portion has direct contact with the soil surface or soil particles; or***
- (iii) Incorporated into the soil not less than 90 days prior to the harvest of a product **whose edible portion does not have direct contact with the soil surface or soil particles;***

In the fruit or nut tree system, where the edible portion of the crop hanging on the tree does not have direct contact with the soil surface or soil particles, the operator should be able to meet the 90-day restriction in the regulation as it is currently written when there is periodic and rotated grazing on vegetated ground. Bare ground would have a higher risk of soil particles splashing up on very low-hanging fruit, especially in younger orchards. However, since the amount of manure being “applied” by the animals would be minimal and similar to the amount of manure left behind by wildlife in many situations, the current rule should not be applied to low-impact grazing in an orchard situation. **We believe guidance to certifiers is needed to clarify what type of “application” of manure needs to be regulated under the current regulation, and that low-impact grazing is not that type of application.**

The NOSB could present a proposal to the NOP to provide guidance to certifiers, allowing this type of grazing where the crop for human consumption does not come into contact with the soil surface or soil particles in a low-impact grazing system. The organic system plan and verification by the organic inspection can illustrate compliance through the presence of vegetation, the movement of the animals through the orchard to prevent deep buildup of manure, as well as the non-harvest of fruit or nuts from the orchard floor, or low-hanging fruit that is within 6 inches or so of the soil surface. There would not need to be a change to the organic regulation, just clarification by the NOP to certifiers that the crops in grazed orchards are not subject to the manure application restrictions due to the fact that they are not in contact with the

soil surface or soil particles and these applications of manure are much less than the spreading of manure using farm equipment, resulting in less risk to food safety.

When integrating livestock into an orchard, the health and well-being of the livestock require that there is no overgrazing to provide healthy forage and lessen parasite infection in the livestock. Rotating livestock allows for the correct height and maturity of vegetation, which is beneficial for the livestock, while also protecting soil and water quality as required under organic regulations. Silvopasture provides shade for the livestock, another benefit in these times of extreme weather conditions and temperatures.

These livestock could be certified as organic if their health inputs and other feeds were approved, as the orchard would provide organic forage. This increases the viability of the organic operation by adding another high-value enterprise on the same acreage. In addition, overgrazing or overstocking would have a detrimental effect on the root systems of the trees through compaction, discouraging the orchard owner from having too many livestock for the acres in production.

OFA believes that this could be justified to the EPA in their implementation of the Food Safety Modernization Regulation, since the risk to the fruit being in contact with manure is the same risk as a tomato getting pooped upon by a flying bird. Under FSMA, the operator would not be allowed to harvest that tomato. In addition, all produce covered under FSMA is exempt from many of the rules if the produce undergoes a kill step, such as apples being cooked into apple sauce. Apples being processed into unpasteurized apple cider would need to meet FSMA requirements, whereas apple juice that was being pasteurized would not. Some nuts are steamed after harvest to facilitate shell cracking and reduce bacterial growth. The steaming of walnuts, pecans, and some almonds is a common practice. Still, further review would be required to clarify the effectiveness of this post-harvest handling in reducing pathogens, if the crop is to meet organic regulations. Even though the shell is not the edible portion of the crop, if it is not steamed, it can transmit pathogens as it is being handled when cracking the shell to access the nut meat.

In summary, we do not see a need to reduce pre-harvest intervals. Hanging fruit does not have contact with soil or soil particles, and the amount of manure in the orchard is much less than a typical application of manure. It could be seen to meet the current NOP regulation as written. It is known that there could be issues with fruit being harvested using ladders, since the fruit picker's shoes may have been in contact with the manure in the orchard and deposited the manure on the cross bars of the ladder. The pickers can be taught to use their hands on the side rails instead of the cross bars of the ladders as they climb. This presence of manure could be from wild animals, not just domestic ones and this modification in ladder climbing is needed whether or not livestock is grazing an orchard.

The Natural Resources Conservation Service (NRCS) offers cost-share dollars to producers who install silvopasture-based systems, illustrating that another agency within the USDA sees the value in promoting this system. NRCS Conservation Practice Standard #381, Silvopasture, clearly describes the numerous benefits to soil and water quality that this system provides.

2027 Livestock Sunset Reviews

OFA has reviewed the livestock subcommittee proposals and supports the relisting of all materials based on the discussions within the subcommittee. We do have suggestions for continued improvement on a few materials.

Livestock Sunsets

§205.603 Sunsets: Synthetic substances allowed for use in organic livestock production:

Butorphanol

It has come to our attention that there are issues with the use of butorphanol, which poses a risk of residue when used in ruminants that produce milk and meat products for human consumption. We would like the NOSB to review the current withholding period between the use and sale of organic meat or milk to ensure that the risk of possible residues is zero. The last Technical Advisory Panel for butorphanol was held in 2002, and it is time for a new Technical Report, focusing on residues in milk and meat using data collected over the past 23 years. Although the current use is very infrequent, an updated TR addressing the residue issue would be beneficial to the organic community.

Flunixin

OFA supports the relisting of flunixin to provide a pain management tool for organic animals. It is imperative to have flunixin available to maintain the highest animal welfare standards on our dairies.

Magnesium hydroxide

OFA supports the relisting of this material but agrees with the Livestock Subcommittee that it is time for an updated Technical Report, as the last one was published in 2007. New information is always available, and the NOSB should be kept informed of any potential changes to this material that relate to the OFPA criteria for synthetic substances allowed on the National List.

Oxytocin

Thank you for the discussion and annotation change to oxytocin. OFA supports the relisting of oxytocin with the proposed annotation change.

Poloxalene

OFA supports the relisting of this substance if the organic community demonstrates that the product is still in use and is necessary. The management of ruminant animals on pasture has continued to improve, and the need for this emergency use could lessen over time. Certifiers should encourage producers to use cultural, biological, and mechanical methods before resorting to synthetic materials. OFA supports its use in emergencies only; if a certifier observes routine use, the organic system in place should be reviewed and modified immediately.

Formic acid

OFA would like the NOSB to collaborate with the NOP on implementing the 2010 apiculture recommendations. Without clear standards and cultural requirements for honeybee management, these materials lack a clear context within the NOP pest management hierarchy, which prioritizes the use of cultural, mechanical, and biological approaches before resorting to synthetic materials on the National List. This material is used extensively and has no negative impacts on the environment or humans when used as directed. There are herbal treatments used, but they are not as effective as formic acid in controlling the varroa mite. Additionally, there are numerous off-label uses of synthetic tick control medications, which are sometimes used to treat non-organic hives. Retaining this mostly benign, effective synthetic on the National List encourages both organic and non-organic hobby beekeepers to use it over other, more hazardous treatments. OFA supports the relisting of this material.

Sucrose octanoate esters

OFA would like to encourage the NOSB and NOP to add apiculture standards to the USDA organic regulations. This material, along with oxalic and formic acid, is used only in apiculture production. Without clear standards and cultural requirements for honeybee management, these materials lack a clear context within the NOP pest management hierarchy, which prioritizes cultural, mechanical, and biological approaches before the use of the National List synthetic materials. There are USDA-accredited certifiers who certify honey and other bee products as organic, with inconsistent standards between them for forage zones, hive management, and other aspects specific to apiculture. When the organic label is allowed in one area with conflicting requirements, the integrity of the organic label is lowered. The 2010 NOSB recommendation on organic apiculture remains a solid recommendation that the NOP could implement. This NOSB could conduct a brief review to ensure that there are no improvements to be made to maintain harmony with other international apiculture standards. This material is less effective than formic or oxalic acid and is not used extensively.

EPA List 4 Inerts

It would be necessary to relist as written since it is unknown when the rulemaking on inerts will be completed, and it is essential to have some inerts available for organically approved pest management materials. **OFA continues to support the first option provided in the proposal**

from fall 2024, which provides for complete oversight of the inerts used in organic production, rather than having lowered oversight as proposed in option two.

Excipients

OFA has received comments from certifiers indicating that the current annotation and implementation of excipient allowances in organic livestock drugs and biologics are not as explicit as they could be, which may lead to inconsistencies. Having one certifier allow a drug or biologic and a different certifier not allow it breeds inconsistency, encourages farmers to move from certifier to certifier, and is confusing when farmers share information between each other on what is allowed or not. OFA encourages the NOSB to investigate the inconsistencies in certifier practices more thoroughly and work to improve the annotation or propose an “instruction to certifiers” so that farmers, ranchers, veterinarians, and suppliers all use the same criteria when approving, using, or marketing livestock inputs with these excipients.

§205.604 Sunsets: Nonsynthetic substances prohibited for use in organic livestock production:

Strychnine - OFA supports listing this as a prohibited, nonsynthetic substance in organic livestock production.

CROPS

Pear Ester- Petitioned

OFA supports the listing of pear ester as a “pheromone,” but only with an annotation that restricts for use only in traps and not for use in microencapsulated formulations. It is understood that while technically this is a kairomone and not a pheromone, it is still an attractant used in insect management. We request that the NOSB clarify that kairomones and pheromones identical to natural kairomones are the only types allowed. In the allowance of this synthetic material, it should be identical to the ones that naturally occur and not be a novel form produced through irradiation, genetic manipulation, or other means. Thank you for the annotation that prohibits the use of spray-applied pear esters, which contain polyamides that have numerous adverse effects on both humans and the environment.

Definition: Compostable Materials

While we understand the desire to define “compostable polymers,” OFA disagrees with the motion to define compostable materials using the ASTM standards. These biodegradable standards in use are voluntary and have been established by the biodegradable plastic industry. These standards should not be the basis for evaluating compostability; they do not meet the standard of an objective overview. Organic regulations are rigorous, and other organizations do not evaluate with the same NOP-required criteria. The current ASTM standards do not include a review of nano or microplastics, which is an important oversight that should disqualify this standard’s placement in the NOP regulation. OFA recommends that the Board refer to the

National Organic Coalition's comments, which provide more detail with scientific references concerning the environmental and human health impacts of these polymers and the weaknesses of ASTM standards.

OFA strongly requests that the board NOT PASS THE PROPOSAL to define compostable materials using the ASTM standards. There is no rush to define these materials at this time, and their definition requires further critical review to prevent the introduction of unwanted pollutants.

Synthetic Compostable Polymers Proposal

OFA enthusiastically supports the proposal to **prohibit** the use of synthetic compostable polymers in compost allowed for use on organic land. The proposal was well-written, covered all aspects of the discussion fairly, and came to a satisfactory conclusion with a prohibition. We have followed the BPI petition, which requested that the NOP change the definition of allowed compost feedstocks directly and bypass the NOSB review process. OFA thanks the NOP for bringing this question to the NOSB for complete public discussion and its placement on the NOSB work agenda.

OFA agrees with the unanimous vote of the crop subcommittee that these synthetic polymers are not compatible with an organic system of production. They pose a significant risk to the pollution of organic land, both in the short and long term. The organic community's caution against using sewage sludge on organic land has served us well. While we were not aware of PFAS in the mid-1990s, we did know there were drugs, heavy metals, and other contaminants present that were not researched thoroughly enough for the organic community to accept them on organic land. There was pressure on organic farmers to accept sewage sludge, much like the pressure we face today, to participate in solving the issue of how to dispose of this waste. While we recognize that green waste going into landfills is a municipal waste problem, it is one that organic agriculture has not caused. There are numerous organic farmers who have suffered from PFAS contamination of their livestock and land, and the organic regulations must not be pressured into allowing problematic materials, such as these synthetic polymers.

There is an abundance of compost feedstocks derived from plant and animal materials that are free from contamination by plastics, carbon black, and other synthetics. The organic community needs to safeguard organic land and water from nano and microplastics, carcinogens, and forever chemicals whenever possible. Research has shown that U.S. citizens have nano- and microplastics in their bodies, and we are all aware of the health problems that environmental pollutants have caused in our communities, including cancer. Organic land should be a refuge from these materials, not only because they negatively affect people, but also the soil biome, as well as mammals, birds, reptiles, and all the other creatures with whom we share our Earth.

The allowance of synthetic paper in compost feedstocks and as a mulch should be revisited at the next sunset with a critical eye. This is not the same material now as it was when it was first placed on the National List. It is beneficial to have paper that contains a significant amount of recycled materials, thereby reducing the need for virgin pulp obtained through deforestation. However, that makes it more difficult to track if colored inks or glossy papers were incorporated into the paper allowed under organic regulations for incorporation into soil. If paper was not allowed as a compost feedstock or as a mulch, unless it could be shown not to contain polymers, inks, etc., this would not reduce the availability of high-quality compost for organic producers to purchase.

These synthetic polymers do not meet the OFPA requirements for essentiality, nor do they have any negative impact on human or environmental health.

Organic farmers rely on the NOP standards to help them steward and improve their most precious resource, organic land. Thank you again for your upcoming vote to prohibit this material as an approved compost feedstock on organic land.

Crop Sunsets

§205.601 Sunsets: Synthetic substances allowed for use in organic crop production

Potassium hypochlorite

OFA supports relisting Potassium hypochlorite. We appreciate the NOSB's consideration of an improved annotation that requires only environmentally friendly chlorine production methods. Since the review of National List items includes reviewing the manufacture, use, and disposal of each item, having an annotation that requires the manufacturer to be environmentally friendly is within the regulatory requirements of your review and approval. We look forward to seeing this item on a future NOSB work agenda.

Soap-based algicides/demossers

OFA supports the relisting of soap-based algicides/demossers.

Ammonium carbonate

OFA supports the relisting of this material as currently annotated.

Soaps, insecticidal

OFA supports the relisting of this material; it is used extensively by many farmers.

Sucrose octanoate esters

OFA supports the relisting of this material for use in crop production.

Vitamin D3

Vitamin D3 is an environmentally superior product to the non-approved anticoagulant rodent baits, and OFA supports its relisting. It is well known that it does not negatively affect scavenger birds that feed upon the dead or sick rodents that have consumed Vitamin D3.

Aquatic plant extracts

While the NOP has declined to implement previous NOSB recommendations addressing some of the negative environmental impacts of aquatic plant harvesting, we owe it to ourselves to continue to build upon the work of previous boards on this important topic. We encourage the NOSB to continue monitoring this issue, and if stakeholders raise concerns, the Board should not hesitate to revisit this issue. We agree that the fortification beyond the nutrients present in the aquatic plants themselves needs to be reviewed and managed within the organic regulations through an annotation on the National List. We recommend that guidance be provided to certifiers on what is meant by “not allowing hydrolyzed” aquatic plant extracts to ensure consistency in what is allowed and what is not. We request that this issue be added to the NOSB work agenda, as suggested in the sunset proposal.

Lignin sulfonate

OFA supports relisting because it remains unique in its properties for specific uses, and there are no alternatives.

Fatty alcohols (C6, C8, C10, and/or C12)

OFA would like to hear more from organic farmers on this material. OFA has reached out to organizations that work with organic tobacco farmers, and hopes they have provided input through public comment. OFA appreciates the in-depth review of this material and the concerns presented by two members of the crops subcommittee who voted to delist this material due to potential use of excluded methods and possible alternatives. Certifiers can request that their producers obtain documentation from their suppliers confirming that the fatty alcohols used on their farms were not produced using excluded methods. As with the use of all synthetic materials on the National List, there is a hierarchy in their use. First, cultural, botanical, and mechanical methods were found to be ineffective. Second, natural products would have been found ineffective, and then the approved synthetic would be allowed. This hierarchy encourages the use of alternative methods to all synthetics on the National List. In addition, since the use of excluded methods is not currently in widespread use, and numerous organic farmers consider this material essential to protect desuckering tobacco plants from excessive nicotine exposure, OFA supports the relisting of this material.

Sodium silicate

OFA supports the relisting of this material.

EPA List 4 Inerts

It would be necessary to relist as written since it is unknown when the rulemaking on inerts will be completed, and it is necessary to have some inerts available for organically approved pest management materials. **OFA continues to support the first option provided in the proposal from fall 2024, which provides for complete oversight of the inerts used in organic production, rather than having lowered oversight as proposed in option two.**

Paper

As the manufacture of paper has evolved over the years and more recycled papers are incorporated into paper products, this has introduced higher percentages of synthetic materials, including PFAS, plastics, and other unwanted substances. Since the paper pots currently use virgin paper, as allowed under this listing for paper production aids, the risk is less with that type of “ingredient” in these production aids. Unwanted nano- and microplastics are infiltrating the materials used in and on organic land, and it is our responsibility to apply the precautionary principle when allowing materials that present a clear and present risk. At this time, paper production aids appear to show less of an issue than recycled paper, which might be used as a compost feedstock and spread over the entire acreage of an organic farm. We are fortunate that the public advocated for the nonuse of sewage sludge on organic land in the original final rule implemented in 2002. We were unaware of the presence of PFAS, and we have seen how it has been damaging to organic farmers whose land was contaminated before they even purchased it due to the spreading of sewage sludge and the presence of PFAS. OFA supports the continued listing at this time and encourages manufacturers of these paper products to source fewer synthetic materials as they modify their offerings to include more organic producers. The NOSB should monitor the evolution of these materials to track whether they contain fewer synthetic materials over time, rather than more.

§205.602 Sunsets: Nonsynthetic substances prohibited for use in organic crop production:

Arsenic and Strychnine

OFA would like both of these materials to remain on the prohibited nonsynthetic substance list.

HANDLING

Handling Sunsets

L-Malic acid reclassification

OFA supports the classification motions to classify the two different production methods of L-malic acid as either nonsynthetic or synthetic, and to add the synthetic version to 205.605(b). We appreciate the detailed review of this material. We would like to see the NOSB review the various types of fermentation used in food handling, to help determine which methods are most compatible with organic agriculture.

Handling sunsets

OFA supports the relisting of all of the handling sunset items except glycerin, cornstarch and a variety of agriculturally-produced food colors.

Colors

Most of the colors listed come from annual crops or perennial crops that can come into production within 1-2 years of planting. Should some or most of these colors be removed from the National List 205.606 which allows the use of nonorganic agricultural products in organically labeled foods, handlers seeking out organic raw crops or fruits with which to manufacture their colors, should be able to contract with existing organic producers, as well as work with their existing suppliers to transition land to organic production, or seek out land that could be certified in the near future. Organic farmers benefit from increased market diversity when they can sell both their highest quality products for direct human consumption, as well as the cosmetically inferior crops that are perfectly acceptable for further processing. Varied farm enterprises, including some for fresh markets and others contracted for processing, provide economic resilience for organic producers. If these colors are voted to be removed from the National List, suppliers of colors should seek out organic growers now to replace the non-organic crops currently used. Since the removal of these materials from the National List will not occur until late 2027, there is sufficient time to implement adequate organic production to avoid disrupting the supply chain. OFA is gratified to see the 205.606 section of the National List shrink over time, since just about any crop anywhere in the world can be produced organically.

Cornstarch

OFA thanks the NOSB handling subcommittee for researching the availability of organic cornstarch and the base material, organic corn, and for finding a sufficient supply of both to remove cornstarch from the National List of agricultural products not available in an organic form. Organic corn growers gain another market, and organic consumers will benefit from organic cornstarch in many more of their foods, rather than nonorganic cornstarch. Whenever a material is removed from 205.606, the organic food industry increases its support for organic agriculture throughout the supply chain.

Glycerin

OFA supports removing agricultural materials from 205.606 when it is clear that there is sufficient quantity available in the form, function, and quantity of the same material in a certified organic form. In the handling subcommittee sunset document, the vote in the subcommittee was evenly split, 4-4 votes. The document states,

“...nonorganic glycerin is derived from palm oil or upcycled oils, while organic glycerin is made from soy, flax, or sesame. In other words, nonorganic glycerin production contributes to deforestation, while organic glycerin creates new markets for organic farmers.”

This discussion suggests that the time has come to remove nonorganic glycerin from the National List as an allowed nonorganic agricultural product. OFA supports delisting glycerin because a sufficient supply is indicated; delisting will support both organic farmers and handlers who produce organic glycerin.

COMPLIANCE, ACCREDITATION, AND CERTIFICATION

Risk-based Certification Proposal

OFA appreciates the detailed thought and work that went into this proposal. We continue to hear from our growers, especially those who have been certified for numerous years, that the implementation of SOE has affected the focus and oversight of their annual organic inspection. Farm systems and personnel differ significantly from those of handlers, and our current regulatory review system needs to consider these differences as organic certification continues to mature. There are numerous ways to verify compliance with the organic regulation, with a significant amount of information provided in the Organic System Plan, which is reviewed as compliant before being sent to the organic inspector. The inspector then reviews the supporting documentation on-site, including activities, fields, and livestock. This verifies that the information presented in the OSP is correct.

While OFA agrees that working from similar definitions and protocols is important for consistency between certifiers, the work on this topic is not yet complete and should remain on the work agenda. More guidance is needed for certification reviewers and inspectors on how to evaluate compliance with the NOP regulations on farms. In the organic certification system, these positions have the most interaction with farmers, and their communications carry significant authority.

Farmers have been asked to maintain numerous documents, all containing the same information, such as seed tags, seed bags, seed order forms, seed invoices, seed catalogs, seed delivery lists, proof of organic certification on the organic integrity database, and spreadsheets listing all seeds used. If all items are not present, they are “written up” on their exit interview for poor recordkeeping. Excessive redundancy is frustrating to farmers and does not improve organic integrity.

Spending time talking with the operator and reviewing the fields and animals provides the organic inspector with a better understanding of the farmer's commitment to comply with the rules. Reviewing the field activity book or animal health records can provide an overview, but discussing the farm's management system with the farmer, while observing crops and livestock, offers a more comprehensive picture. When the documentation aids the operator in their year-to-year management, tracking which activities and inputs are most beneficial in their system, it is more likely that the farmer will maintain good documentation. This type of

recordkeeping is sufficient to provide information on how well the organic system plan is being implemented.

OFA encourages further work on inspection and review to focus more on the verification activities being done at the operation versus the paperwork. In short, a balance of records verification with observational and interview techniques is the best method for ensuring organic integrity. Training of both NOP certification reviewers and inspectors, especially on the various levels of risk, will also lessen “certifier shopping” and hopefully result in more consistent certification oversight both domestically and internationally.

Residue Testing for Global Supply Chain Guidance Proposal

OFA congratulates the NOSB on this proposal, which outlines clear and appropriate improvements to the NOP regulation. This document includes many common-sense activities that would result in samples that can verify compliance and withstand legal challenge. We agree that revising § 205.671 to require exclusion from organic sales due to the intentional application of a prohibited substance aligns with OFPA and is an essential tool that we currently lack to prevent fraudulent products from entering our supply chain.

While organic is process-based and not reliant on testing, this residue testing plays an important role in protecting the integrity of the organic label. Documentation is not the only way to verify compliance; having this tool in our toolbox, along with the stop-sale authority, is a strong deterrent against fraudulent sales. We have learned from numerous incidents that the domestic organic marketplace needs stronger oversight and deterrents.

OFA supports the areas listed that will need revision, both within the discussion and the six points listed at the end. We encourage the NOP to prioritize the implementation of these changes to the NOP regulation, as the organic market, and specifically organic livestock feedstuffs, require these improvements as soon as possible to enhance oversight of imports and domestically produced organic commodities. Addressing this issue will need continual improvement, as exemplified in the residue testing discussion document. Thank you to the NOSB for addressing the various issues in a way that allows for each improvement to build upon the previous one.

Discussion Document: Residue Testing for a Global Supply Chain-Regulation Review

OFA supports informing downstream supply chain recipients when known non-compliant products have been discovered and released into the chain of custody. Livestock producers must be informed about fraudulent organic feeds, as the health of their animals relies on the use of valid organic crops. OFA believes that issuing nationwide consumer warnings for an organic product containing one ingredient with an elevated residue of a prohibited substance could have unintended consequences, potentially damaging trust in the organic label in the marketplace. Any of these consumer items still in wholesale warehouses, however, could be recalled.

OFA agrees that changing the mandated 5% residue testing of organic products from a random system to one with a more risk-based focus would be a more effective use of funds and could result in better prevention of fraudulent products entering the marketplace. We agree with the sentiment that when investigating and finding intentional application, the cost of testing could be borne by the offending entity, rather than being paid for by the certifier. We agree to link the two regulatory sections together when considering public access to the results of the residue testing. OFA agrees that sharing the results of this residue testing with all certifiers in a centralized database would contribute to organic integrity. Providing the general public with access to this database may be beneficial or problematic; OFA would like to give this more consideration. We do not want to risk unwarranted damage to the reputation or market access for companies that experienced an incident causing a high residue test, through no fault of their own.

OFA is unsure how to develop a tiered certification fee model that puts a higher monetary burden on “higher-risk” operations. This could help lower farmer costs, but we would need to see scenarios on how this could be determined. We do not want to stifle the growth of buyers and overall commerce in the organic marketplace. Farmers require a diverse range of buyers to ensure fair prices and promote competition.

UREC

OFA regrets that we need even to discuss the pervasive nature of toxic materials in our environment and how many of them we may need to accept, despite no fault of the organic farmer or handler.

It is understood that there are substances with no EPA tolerances, posing a challenge for both farmers and certifiers. We support continued discussion to provide a better framework for certifiers to evaluate and respond to residues when there isn’t an EPA tolerance for the crop. When contamination is found, OFA prefers investigative strategies that do not economically burden nor significantly interfere with the work of the organic farmer.

Consistency in Organic Seed Use Discussion

The CAC subcommittee has presented a comprehensive document outlining the barriers to organic seed breeding and organic seed production. However, OFA does not see the slow growth of organic seed sales as being tied to the issues identified in this document as barriers to production, especially for the larger acreage commodities. Organic seed breeders have successfully developed varieties with the characteristics sought by organic growers. Most seed sellers test and guarantee a certain level of purity from excluded methods in the seed they sell, illustrating there were sufficient isolation areas during the growing season for that seed crop. However, the extra care taken to avoid drift does add to the cost of the organic seed, and this is a

significant burden on organic seed producers. Many small and mid-sized seed companies grow and market certified organic seeds; they have learned how to manage their record-keeping.

Many organic growers, especially those who have not trialed organic varieties to determine if they meet their regional growing needs, tend to stick with their known nonorganic varieties year after year. There are also social pressures to purchase seeds locally from companies with which the family may have had a long-standing relationship. Farmers are hesitant to take chances with unknown varieties that may not perform as well as established seed types.

A clearinghouse that compares the varietal characteristics of popular non-organic seeds with those of organic seeds could be helpful in illustrating the benefits of new organic varieties as they are introduced. Marketing can be expensive; many organic seed houses lack the significant resources needed to disseminate their message to the widely dispersed community of domestic organic producers. Incorporating more organic seeds into trade, University or Extension seed trials can be a helpful tool; however, these results are not often seen beyond a small local group.

Farmers are willing to pay more for high-quality seed that they know will produce high-quality crops, so the cost of seed is not necessarily the primary barrier to expanding organic seed use. OFA farmers voted in 2020 for the NOP to develop a plan to eliminate the use of non-organic seeds in the production of organic crops by 2030, noting that this will require uniform enforcement by Accredited Certifying Agencies (ACAs) of the requirement to use organic seed and adequate oversight of certifiers by USDA.

eCommerce Organic Labeling Requirements Discussion

OFA appreciates the CAC subcommittee's work on this topic, as e-commerce is a significant channel through which consumers purchase organic food. In addition, farmers may purchase seed, fertility, or pest management products online, and without clear labeling, the farmer may assume that the product is certified organic or approved for organic production, when in fact it is not. Seed, labeled as organic online, has been a problem. One farmer purchased organically labeled seed, only to find that when the packets arrived, there was no certifier listed. After much searching, it was determined that the seller and packager of the seed was not certified to handle organic products. While the seed was not treated and could be used in organic production, the farmer had ordered and expected to receive organic seed. The seller of this seed had obviously benefited from using the organic label without going through the required process.

There is an expectation that when a product includes “organic” on the label or in online advertising, it would be subject to the same level of government oversight as organic products purchased in a physical store. Strengthening Organic Enforcement requires that non-retail products can still be traceable to the organic audit trail, leaving e-commerce as a growing loophole in organic labeling in the marketplace that can damage the overall integrity of the

organic label. The organic community has worked diligently and continues to do so to promote and protect the organic label. Certified organic handlers should be required to display the name of their certifier in their online advertising as a starting point. It is time to determine methods to protect the organic label in e-commerce.

MATERIALS

Research Priorities

OFA requests that the NOSB add the following to the Research Priorities at the review next year:

Crops: Regional seed variety trials

Land-grant universities, private companies, and regional groups should be supported with grants to encourage more trials of organic seed and planting stock. Home gardeners would also be interested in learning more about the beneficial characteristics of organic seeds and planting stock that are available and adapted to their specific regions. The Southeast region of the United States is known to have a limited number of regionally adapted organic seeds and therefore tends to use non-organic seeds at a higher rate than other regions.

Crops: Seed breeding specifically for use as cover crops

In organic no-till, rye is grown through the winter and terminated by rolling or mowing when it starts to shed pollen to create a deep mulch for planting the main crop. Having a high-biomass and early-maturing variety would aid this organic production system. This issue is addressed explicitly in the current research priority list. However, oats, soybeans, peas, fava beans, clovers, vetches, Japanese millet, sorghum sudan, and more are all grown specifically as cover crops, and seed characteristics for all of these crops could be improved to provide more benefits when used as a cover crop, to add to the seed we can now obtain to grow a cash crop.

Crops: Systems or Plastic Use

Long-term use of landscape fabric under containers: Since container production relies on liquid fertility inputs and those containers remain on landscape cloth in the exact location for 10 years or more, what happens to the soil under that woven landscape cloth? Is there an imbalance of soil nutrients? Is the soil compacted or in good condition, considering there has been no tillage? Once the landscape cloth is removed, is there any special remediation that needs to be done to this soil to allow crops to grow in it? How does long-term use of landscape cloth affect biodiversity both above and below the soil?

Crops: Paper

The use of paper as a compost feedstock and as mulch, where it becomes part of the soil, is an area where further research is needed. The composition of paper has undergone significant changes since it was first permitted on the National List decades ago. The presence of various polymers, colors, and other synthetics has increased, and tracking their incorporation into papers

has become more difficult as the use of recycled papers of unknown origin is used in greater volumes. PFAS, micro- and nano-plastics, and other pollutants must be carefully monitored, and all precautions must be taken to prevent these materials from being incorporated into organic land.

POLICY DEVELOPMENT

Policy and Procedure Manual Revisions

Thank you to the PDS subcommittee for their thoughtful consideration of these various issues. These changes will continue to enhance the NOSB process and will be appreciated by future NOSB members as well as the public for the improvements made to this Policy and Procedures Manual.

Failure to participate

For the past four years, an appointed NOSB member has consistently failed to attend consecutive meetings, resulting in that stakeholder group being underrepresented on the Board. Furthermore, this Board member's absence caused other Board members to assume the work of the absent member.. A policy and process for addressing consecutive absences from a Board member are needed. The wording presented could be strengthened by clarifying that a number of meetings cannot be missed before requesting the Secretary of Agriculture to fill the seat on the NOSB. While unexpected emergencies can occur to a NOSB member or their family, if they are unable to participate in three consecutive in-person NOSB meetings or four consecutive scheduled subcommittee meetings, the NOSB board chair should discuss the member's voluntary resignation with that board member. If the absences continue, the Secretary should be requested to appoint a new member to replace that stakeholder seat. All members who join the NOSB should be aware of this requirement before joining the Board.

Third-party technical reviews

OFA agrees with the changes to the PPM, which require Technical Reviews for new and some sunset items. The petitions or public comments received on materials proposed or presented on the National List are insufficient since they can be assumed to be biased. Objective, science-based, and comprehensive Technical Reviews are invaluable in providing information and clarification for whether the material, may or may not, meet all of the criteria required in the Organic Food Production Act. Periodically updated Technical Reviews describe the history of why the material is allowed and provide the NOSB and the public with current information. This updated TR is crucial in a world where new testing methods and emerging issues can present challenges that were not previously encountered. Thank you for formalizing this change, even though the NOSB has been requesting these Technical Reviews using this schedule. This should not cause any disruption to the Board's activities.

Process for separate annotation changes

OFA supports the changes to the PPM, as they address separate annotation changes at the Sunset Review. This is well thought out and will provide for more timely improvements. Every five years, the organic community applies targeted scrutiny for materials at sunset, and this is when possible annotation changes might be brought forward. Allowing for two meetings to review the annotation change is reasonable and provides for both historical reference and the time needed for thoughtful review.

Sunset Review Efficiency

OFA thanks the policy subcommittee for their vote **not** to change the current method of reviewing materials up for their sunset review by implementing a consent agenda, which would have approved numerous materials as a group. This change would cause confusion among Board members concerning the voting procedure and would have the potential for reduced transparency among stakeholders. Board members have done a good job of presenting their materials efficiently during meetings. When seasoned Board members mentor new members, this efficient review is passed to subsequent boards. OFA encourages the board not to change the sunset review and voting process.

OFA thanks all NOSB members for their commitment to organic integrity, their attention to the diverse perspectives of the organic community, and their deliberations that result in high-quality documents. OFA appreciates your service to the organic movement.

Sincerely,



Kate Mendenhall
Executive Director