



CCOF

Advancing organic agriculture through certification, education, advocacy, and promotion.

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

Docket: AMS-NOP-19-0095

Re: Crops Subcommittee: 2022 Sunset Reviews

April 3, 2020

Dear Ms. Arsenault and NOSB:

Thank you for the opportunity to comment on the 2022 Sunset Review of crop substances on the National List of Allowed and Prohibited Substances.

CCOF is a nonprofit organization governed by the people who grow and make our food. Founded in California more than 40 years ago, today our roots span the breadth of North America. We are supported by an organic family of farmers, ranchers, processors, retailers, consumers, and policymakers. Together, we work to advance organic agriculture for a healthy world.

The NOSB should carefully consider the impacts of removing a substance that has been listed on an Organic System Plan (OSP) because producers need a variety of tools available to them. Producers may routinely use all or some substances listed on their OSP, or they may only occasionally use listed substances for specific situations. Some substances are commonly used by organic producers while others are only listed by a few producers who rely on the substance for their site-specific conditions. In the attached comments, we include the number of CCOF members who list each substance on their OSP because it demonstrates the importance of the substance to organic production.

Our comments also describe how the substance is used by our members and, when possible, whether viable alternatives exist. This information is based on our experience as a certifier and on feedback from our members. Although we strongly encourage our members to comment, they do not always have the capacity to directly submit their own comments. Our goal is to relay valuable information about our members' materials and practices to help NOSB maintain a clear, consistent regulatory environment for organic producers of all scales and types.

Thank you for your review of our comments. Please do not hesitate to contact me for further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Nell". The signature is fluid and cursive, with the first name "Peter" and last name "Nell" clearly distinguishable.

Peter Nell

Special Assistant to the CEO

cc: Kelly Damewood, CEO, CCOF, Inc.
April Crittenden, Chief Certification Officer, CCOF Certification Services, LLC
Rebekah Weber, Policy Director, CCOF, Inc.

CCOF's Comments on the 2022 Sunset Review Crop Scope Materials

The following comments are based on CCOF member input, our experience offering organic certification for more than 40 years, and our certification of over 2,600 organic farms throughout North America.

§ 205.601(a) – as algicide, disinfectants, and sanitizers, including irrigation system cleaning systems

Soap-based algicide/demossers

No CCOF member lists soap-based algicide/demossers in their OSP. Soap-based algaecides/demossers are used to control algae and mosses and some CCOF members may use them to clean outside of their greenhouses or in non-production areas.

§ 205.601(e) – as insecticides (including acaricides or mite control)

Ammonium carbonate

CCOF does not require members to list ammonium carbonate, an effective insect attractant, on their OSPs because use of insect traps is described in the producer's pest management plans and they do not have direct contact with the soil nor crop.

Soaps, insecticidal

38 CCOF members list insecticidal soaps in their OSP. Insecticidal soaps are widely used as "soft" pesticides in organic crop production because they often do not leave residue, which minimizes impact on beneficial insects and pollinators.

§ 205.601(g) – as rodenticides

Vitamin D3

85 CCOF members list vitamin D3 in their OSP. Vitamin D3 is used as a rodenticide and is low risk to other species, including birds.

§ 205.601(j) – as plant or soil amendments

Aquatic plant extracts (other than hydrolyzed)

883 CCOF members list aquatic plant extracts in their OSP. Seaweed extracts are an important source of fertility to organic farmers. Marine materials, such as aquatic plant extracts and kelp, have been used by organic farmers for decades to produce crops. CCOF is unaware of commercially available alternatives that could be used to replace aquatic plant extracts. Additionally, aquatic plant extracts can be included in multi-ingredient blended fertilizers. Delisting aquatic plant extracts would require a

significant phase-in period so that organic farmers could make substantial adjustments to their longstanding fertility management plans.

Lignin sulfonate

145 CCOF members list lignin sulfonate in their OSP. Lignin sulfonate is used as a dust suppressant and chelating agent.

§ 205.601(l) – as floating agents in postharvest handling & for tree fruit and fiber processing

Sodium silicate

No CCOF member lists sodium silicate in their OSP. NOSB should recommend moving sodium silicate, which is used in post-harvest handling, to § 205.605 to ensure consistency and clear standards. Only materials used in crop production should be on § 205.601. Listing materials used in post-harvest handling, such as sodium silicate, on § 205.601 blurs the line between crop production and handling, leaving producers and certifiers uncertain about whether to look to § 205.601 or § 205.605 to find out if a material is allowed. NOP Guidance 5023 notes that post-harvest handling substances may be in either section but this should be clarified in the standards by listing sodium silicate on § 205.605.

When a material, such as sodium silicate, has a different annotation on § 205.601 than it does on § 205.605, it is unclear which annotation should be used for post-harvest handling purposes. Therefore, approved synthetic materials used in crop production prior to harvest should be listed on § 205.601 and approved synthetic materials that are used post-harvest only be listed on § 206.605.

§ 205.601(m) – as synthetic inert ingredients as classified by the Environment Protection Agency (EPA), for use with nonsynthetic substances or synthetic substances listed in this section and used as an active pesticide ingredient in accordance with any limitations on the use of such substances

EPA List 4 – Inerts of Minimal Concerns

Most, if not all, commercially available pesticides approved for use in organic production include inert ingredients. Many products rely on their inert ingredients to be effective, soluble, spread, stick, etc. If inerts are delisted, there may be no commercially available pesticides for organic producers to use.

The challenge with relying on references to external documents, such as EPA List 4, is that they may change while their reference within the organic standards do not. List 4 is no longer maintained by the EPA and has not been updated since August 2004 with new additions or new information that may warrant the removal of substances currently listed. If List 4 is delisted from the National List, each inert ingredient would need to be petitioned and reviewed by NOSB before its allowance with the inerts requiring thorough technical reviews.

CCOF supports the 2015 proposed annotation by NOSB but maintains the concern that a new method of reviewing inerts must cause minimal disruption to the quantity and quality of commercially available organic pesticides. If specific materials originally classified as inert are removed, then there should be a

phase-out period so that products can be reformulated. NOP should also carefully vet EPA's Safer Choice Program, which primarily evaluates industrial and household cleaning products rather than agricultural inputs, and determine if there are gaps in their evaluation criteria that may be relevant to organic production.

§ 205.602 – nonsynthetic substances prohibited for use in organic crop production

Arsenic

CCOF supports the continued prohibition of arsenic in organic crop production because of its toxicity.

Strychnine

CCOF supports the continued prohibition of strychnine in organic crop production because of its toxicity.