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October 12, 2016

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave., SW
Room 2648-S, Mail Stop 0268
Washington, DC 20250-0268

Re. HS: Oat Protein Concentrate

These comments to the National Organic Standards Board (NOSB) on its Fall 2016 agenda are submitted on behalf of Beyond Pesticides. Founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to bridge the interests of consumers, farmers and farmworkers, Beyond Pesticides advances improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and the world.

In reviewing this substance, the NOSB must apply the criteria in the Organic Foods Production Act (OFPA), that its use—
(i) would not be harmful to human health or the environment;
(ii) is necessary to the production or handling of the agricultural product because of the unavailability of wholly natural substitute products; and
(iii) is consistent with organic farming and handling.[1]
May be used only when the product is not commercially available in organic form.

Beyond Pesticides opposes the listing of oat protein concentrate because it is grown using chemical-intensive methods, is not essential for organic production and handling, and is incompatible with organic production and handling. Oat protein concentrate is an extract from non-organic oats that is marketed as a vegan protein source to be used in processed foods. Three other petitions –for oat beta-glucan, barley beta-fiber (barley beta-glucan), and sugar beet fiber– that also promised nutritional benefits (fiber) from non-organic sources were resoundingly denied (by votes of 15-0, 12-3, and 15-0) in April 2016 and April 2013. The concerns that were raised at that time were lack of essentiality and incompatibility.

[1] OFPA §6517(c)(1)(A). Further details at OFPA §6518(m).

The production of oat protein concentrate is harmful to human health and the environment.

As indicated by the Handling Subcommittee (HS), residues of seven pesticides have been found by USDA on non-organic oats. However, there are other pesticides that may be used in producing non-organic oats that have adverse impacts on the environment and human health despite a lack of residues in the product as consumed. The data below on the pesticides with established tolerances (residue limits for pesticides used in the U.S. or by countries exporting to the U.S.) for oats are published on the Beyond Pesticides *Eating with a Conscience* database.[2] The methodology and sources for the information can also be found on the website.[3] While not all the pesticides on the list are applied to all oats, there is no way to tell which pesticides are applied to any given crop.

Pesticide Tolerances —Health and Environmental Effects: The database shows that while oats grown with toxic chemicals show low pesticide residues on the finished commodity, there are 56 pesticides with established tolerances for oats, 20 are acutely toxic creating a hazardous environment for farmworkers, 52 are linked to chronic health problems (such as cancer), 14 contaminate streams or groundwater, and 48 are poisonous to wildlife.

Pollinator Impacts: In addition to habitat loss due to the expansion of agricultural and urban areas, the database shows that there are 19 pesticides used on oats that are considered toxic to honey bees and other insect pollinators. Although oats are not dependent on pollinators or foraged by pollinators, pesticides applied to the crop affect pollinators foraging on weeds in the field and plants surrounding the field.

*In the list below, impacts of pesticides used on oats are designated by **A** = acute health effects, **C** = chronic health effects, **SW** = surface water contaminant, **GW** = ground water contaminant, **W** = wildlife poison, **B** = bee poison, **LT** = long-range transport.*

2,4-D (C, SW, GW, W, B)
Acetochlor (C, SW, W, B)
Alachlor (SW, GW, W)
Boscalid (C, W)
Bromoxynil (A, C, GW, W)
Captan (A, C, W)
Carboxin (C, W)
Carfentrazone-ethyl (W)
Clopyralid (A, C, GW, W)
Clothianidin (A, C, SW-URBAN, W, B)
Cryolite (C)
Cyfluthrin (A, C, W, B)
Difenoconazole (C, W)
Diflubenzuron (C, W)
Diquat Dibromide (A, C, W)
Diuron (C, SW, W, B)
Endothall (A, C, W)
Flubendiamide (C)
Flufenacet (C, W)
Fluometuron (C, W, B)
Fluridone (C, W)
Fluroxypyr (C, W)
Glufosinate ammonium (C, SW, W)
Lambda-cyhalothrin (A, C, W, B)
Malathion (A, C, SW-URBAN, GW, W, B)
Mancozeb (C, W, B)
MCPA (C, GW, W, B)
Mesotrione (C)
Metalaxyl (A, C, W)
Metconazole (C, W)
Methomyl (A, C, W, B)
Methyl parathion (A, C, W, B)
Metolachlor (C, SW, GW, W)
Prometryn (C, W, B, LT)
Propiconazole (A, C, W)
Pyraclostrobin (C, W)
Pyrethrins (C, W, B)
Pyriproxyfen (C, W)
Spinetoram (C, B)
Spinosad (C, W, B)
Spiromesifen (W)

[2] http://www.beyondpesticides.org/resources/eating-with-a-conscience/overview.
[3] http://www.beyondpesticides.org/resources/eating-with-a-conscience/methodology.

Deltamethrin (A, C, W, B)	Glyphosate (C, SW-URBAN, W)	Myclobutanil (C, W)	Sulfentrazone (C, W)
Dicamba (A, C, GW, W)	Imidacloprid (A, C, W, B)	Phosphine (A, C)	Sulfuryl fluoride (A, C)
	Ipconazole (C)	Picloram (GW, W)	Tebuconazole (A, C)
		Piperonyl butoxide (PBO) (C, W)	Thiamethoxam (C, B)
			Triadimenol (A, C)
			Trifloxystrobin (C, W)

Oat protein concentrate is not essential to organic production and handling.

Oat protein concentrate could be made from organic oats, and although the petitioner points to the lack of organic oat protein concentrate as a failure of organic processors to respond to a need, it more likely results from the absence of need among organic processors for such a highly processed material. As the HS points out, "[T]here are other organic vegan proteins available on the market, for example: soy, hemp, pea, rice, quinoa, sunflower, pumpkin, mushroom, chia, amaranth, lentil, flax, goji, and peanut."

Oat protein concentrate is incompatible with organic production and handling.

Protein is a macronutrient. Consumers expect that products labeled "organic" have superior nutrition due to organic farming practices, not because certain nutrients from non-organic sources have been added to supplement the organic ingredients. The NOSB has created guidance for judging the compatibility of materials with organic production.[4] The guidance requires that "the substance satisfy expectations of organic consumers regarding the authenticity and integrity of organic products."

Conclusion

Beyond Pesticides opposes the petition to list oat protein concentrate because it does not meet the criteria under OFPA of freedom from health and environmental harm, essentiality, and compatibility with organic practices.

Thank you for your consideration of these comments.

Sincerely,

Terry Shistar, Ph.D.

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[4] NOSB Guidance on Compatibility with a System of Sustainable Agriculture and Consistency with Organic Farming and Handling. NOSB Recommendation Adopted April 29, 2004. (Policy and Procedures Manual 2016, p. 39.)

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