



# BEYOND PESTICIDES

701 E Street, SE ■ Washington DC 20003  
202-543-5450 phone ■ 202-543-4791 fax  
info@beyondpesticides.org ■ www.beyondpesticides.org

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National Organic Standards Board  
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San Antonio, TX

## **Re. MS: Confidential Business Information and Petition/TR Process**

These comments are submitted on behalf of Beyond Pesticides. 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, 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 groups around the world.

### **1. Confidential Business Information**

Beyond Pesticides supports the proposal of the Materials Subcommittee to eliminate confidential business information (CBI) in petitions for additions or subtractions from the National List. We have concerns about stricter provisions for disclosure being applied to materials used in organic production than are applied to much more hazardous materials used in “conventional” production, but support the proposal in the spirit of transparency, allowing NOSB members and the public to fully evaluate materials used in organic production.

We are concerned that petitioners have abused their right to keep secret confidential business information (CBI). CBI claims have not always been addressed critically by the NOP and NOSB.

There is information for which CBI claims are supported by law. A petitioner does not have a right to have a material listed on the National List, however, and the NOSB does have a right to make disclosure of CBI a condition of consideration for listing.

We agree with the Materials Subcommittee that the following information is needed for the NOSB to make materials decisions:

1. A complete list of ingredients included in the petitioned material. The exact recipes or formulations are not required; only sufficient information so that the NOSB can evaluate the impact on human health and the agro-ecosystem;
2. Sufficient information regarding the manufacturing process to allow for determining the classification of that material as either synthetic or non-synthetic and/or agricultural/non-agricultural and sufficient information regarding the manufacturing

process to allow for an assessment of adverse health and environment effects that may be associated with the product's production.

We agree that “Detailed, proprietary information regarding the manufacturing process is not required, except as it relates to the statement above,” and believe that the NOP, NOSB, and petitioners can work together to ensure that the NOSB has adequate information to make decisions without disclosing the competitively sensitive information on processes.

## **2. Petition and Technical Review Process**

On the whole, Beyond Pesticides supports the Materials Subcommittee recommendation for revising the procedures for petitions and technical review. Besides incorporating the changes of the CBI recommendation, they are necessary to incorporate the policy on ancillary ingredients adopted in April. Additional clarifications of the procedures are helpful.

Two additions should be made. On page 7, the proposal says:

A subcommittee should follow these steps in deciding the need for third party expert:

1. Define whether the subcommittee has the expertise needed to address the questions related to the petition, mainly:
  - a. Impact on the environment
  - b. Impact to human health
  - c. Sustainability and compatibility with organic principles.

“Essentiality for organic production” should be added to this list.

Similarly, on pages 7-8, the proposal says,

These are basic principles that should be considered when dealing with a third party expert:

1. A Subcommittee cannot proceed with a recommendation on a material if it is determined that there is insufficient limited valid scientific information on that material’s impact on the environment, human health and its compatibility with organic principles.

“Essentiality for organic production” should be included here as well.

Thank you for your consideration of these comments.

Sincerely,



Terry Shistar, Ph.D.  
Board of Directors