



National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave., SW.,
Room 2646-So., Ag Stop 0268
Washington, DC 20250-0268

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RE: Docket AMS-NOP-12-0070

NOSB Materials Subcommittee Documents:

- Confidential Business Information in Petitions
- Process for Limited Scope Technical reviews
- Defining “Production Aids” as used in OFPA section 6517

MOSA Summary statements

Confidential Business Information in Petitions: MOSA generally supports possible recommendation number two. When an NOSB recommendation includes the review of confidential business information, the recommendation must be adequately transparent to inform subsequent reviews of brand-name products by certifiers.

Process for Limited Scope Technical Reviews: MOSA supports this proposal. Limited scope technical reviews must also be available for products on the National List at sections 205.605 and .606.

Defining “Production Aids” as used in OFPA section 6517: MOSA believes clarification is needed for defining production aids.

Dear NOSB members:

Thank you for the opportunity to provide comments on several Materials Subcommittee documents. We have several brief comments.

WEBSITE: www.mosaorganic.org

ADDRESS: P.O. Box 821, 122 West Jefferson Street, Viroqua, WI 54665

EMAIL: mosa@mosaorganic.org **PHONE:** 608.637.2526 **FAX:** 608.637.7032

Confidential Business Information in Petitions:

We appreciate the need to balance transparency and a thorough process by which petitioned substances are reviewed with a need to protect confidential business information in petition materials. MOSA believes there should be an allowance for confidential business information in petitions, as long as stakeholder responsibilities are clearly outlined and understood. We generally support possible recommendation number two. When confidential business information is considered in a material review process, we caution that the reasons for an NOSB recommendation must be adequately transparent. After recommendations become a part of the regulation, certifiers often revisit documentation on the review and petition process for generic materials to inform our subsequent reviewing of brand-name inputs.

Also, if confidentiality agreements are used, we suggest that they have clear and consistent parameters and that there is an organized system for maintaining these. In our experience reviewing brand-name materials as a part of operators Organic System Plans, we sometimes enter into confidentiality agreements with input manufacturers. These have had varying formats and timeframes, and we've had some challenges in tracking such agreements. Failing to keep track of such varying agreements can result in liabilities.

Process for Limited Scope Technical reviews:

MOSA supports this proposal as a sound and sensible approach to moderating technical review work. We agree that checking threshold issues ahead of a more complete technical review is a wise use of time and technical resources. One suggestion we have is to rethink the OFPA references cited in the proposal. The categories listed at OFPA 6517(c)(1)(B) do not apply to all inputs used by handlers, although other parts of OFPA 6517 do refer to handler materials. It is possible that a limited scope technical review process may also be practical with regard to products on the National List at sections 205.605 and .606.

Defining "Production Aids" as used in OFPA section 6517:

This document asks if clarification of the term "productions aids" is needed. Much of the document discusses varying interpretations of the language in OFPA 6517. As such, we believe the need for clarification is evident. We believe that clarification should give examples of what is covered and not covered by the term. At MOSA, we tend to think of production aids as being material inputs, more so than devices such as traps or row covers, etc. Useful clarification should describe whether or not such devices need to be

on the National List. We believe that clarification should include a narrative definition, but we do not have suggested language.

We appreciate the thought and work that the Materials Subcommittee put into these documents.

Respectfully submitted,

The MOSA Certification Team