



BEYOND PESTICIDES

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September 23, 2023

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

Docket # AMS-NOP-23-0026

Re. CACS: Residue testing in the supply chain

These comments to the National Organic Standards Board (NOSB) on its Fall 2023 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.

Broadening the list of substances for which certifiers regularly test can increase organic integrity. We look forward to guidance for what to do with positive results. We understand that certifiers generally conduct residue tests on the NOP 2611-1 pesticide list or for GMO contamination—both of which are broad-spectrum tests, to identify any possible contamination of a crop or product for which there is not a specific suspected contaminant. The exceptions are when a certifier has reason to suspect a specific contaminant in a particular product, in addition to tests for glyphosate, which is a common chemical not on the 2611-1 list. We would like to see a list of additional substances, especially if that list includes information about the highest-risk crops or products to test for each substance or set of substances, as is suggested in the proposed framework. This would help us focus surveillance efforts more effectively, especially for handled or processed products. Broadening the list to include solvents, fumigants (particularly those used at the borders), conventional fertilizers, and other prohibited substances used in conventional food production would give certifiers more useful tools without increasing the burden of testing.

1. CACS asks, “Are there additional substances NOSB should evaluate that are not currently encompassed by periodic residue sampling guidance and practices?”

Glyphosate is a commonly-used chemical that is not on the 2611-1 list and should be evaluated. Conventional fertilizers, prohibited livestock drugs (hormones, antibiotics, or synthetics), and fumigants that are used at the borders are also materials that should be high priority. Based on a review of the scientific literature and regulatory action by state and federal agencies, chemicals associated with drift and runoff, like the herbicide dicamba, should be included on list 2611-1.

Seed contamination was a subject of much work years ago, with a pilot program to test organic corn seed for GMO contamination. Farmers were willing to help with testing and resources were devoted to research. Producers getting loads rejected due to a certain level of contamination wanted to know what the source was. Unfortunately, NOP stepped back from the pilot program and no final action was taken. This is another area that should be considered.

We support the comments of OEFFA and NOC on this document and will not repeat them here.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Terry Shistar, Ph.D.
Board of Directors