



BEYOND PESTICIDES

OrganicEye 

Comments to NOSB


April 21, 2020

Jay Feldman, Executive Director, Beyond Pesticides

Good afternoon, members of the NOSB. I am Jay Feldman, executive director of Beyond Pesticides, and a former member of the NOSB.

Welcome, to new members. It is Beyond Pesticides' sincere hope that you will embrace the history and spirit of the Organic Foods Production Act (OFPA) in ensuring that the rich diversity of the organic community and industry is an integral part of the deliberations of this board.

We hear the word “integrity” when we talk about the role of the NOSB. Integrity goes to the value of the organic seal in the marketplace and the long-term growth of the organic market.




The NOSB has a special responsibility in safeguarding the integrity of the National List of Allowed and Prohibited Substances—ensuring that elements of the law have been fully evaluated, with the assistance of an adequate TR. Short-term market growth should not be achieved at the expense of long-term trust in the organic sector.

Allowed synthetic substances must (1) not cause **adverse effects to health and the environment** from production, use through disposal; (2) must be **compatible with an organic system**, which is defined by law, and (3) must be **essential**: we do not add synthetics—even those meeting other criteria—unless we determine the need in organic production.

And, **Sunset** means that a substance does not stay on the National List unless current information shows that it meets the criteria in OFPA.

This is admittedly a very high bar. OFPA's requirements go beyond those of other agencies like EPA or FDA.

The law maintains a default assumption against synthetics in organic production and processing. We formed the NOSB to be the steward of this process—for example, certain substances and practices, are essential, not to organic production, but to industrial agriculture. Under the law, we need more pasturing of animals, we will preserve the marine environment and virgin forests, we will stop the use of chlorine-based substances, we will eliminate inerts that are among the most hazardous materials used in organic production. We will ensure rigorous inspections/certification without conflict of interest.



If we do not adhere to these principles in law, we will erode the trust of consumers who pay a premium, and we will have lost the opportunity to grow the only market that offers an opportunity to sustain life by stemming the climate crisis, protecting farmworkers, and halting biodiversity decline.

For Beyond Pesticides—and our constituency of consumers, farmers, scientists, medical practitioners, municipalities, landscapers, and school districts—the NOSB is not a panel of vested interests that are seated to protect a piece of the pie, but one charged with growing the integrity of the label so that organic becomes mainstream agriculture.

You may sit in one of the most important seats for our future. But, What do we do, when USDA holds us back –if there a critical issue that you can't get on the NOSB workplan? Or, you want to provide advice to the Secretary of Agriculture. Please assert the authority that Congress gave to this board, for without the board asserting its authority, organic will remain a niche market, and we will suffer the apocalyptic environmental and health catastrophes that the scientific community predicts.


The good news is that we have a solution –organic. We just need to pursue it with all our collective strength.

Thank you for your service on the board.



BEYOND PESTICIDES

OrganicEye 



My name is Terry Shistar, and I am on the Board of Directors of Beyond Pesticides. I am willing to field questions on any of our comments. I may need to get back to you with the answer.



Broader Issues

This meeting has a notable lack of voting issues. While it concerns us that the NOSB may not be moving forward on some important issues, it also gives the board an opportunity to look at some broader issues that may receive inadequate attention in the rush to complete voting. Some of these issues have been raised repeatedly by public comment. Some have been on and off of the NOSB work agenda. Some have even been the subject of repeated recommendations that have not been implemented by NOP. These include “inert” ingredients in pesticides, marine materials, contaminated inputs, sanitizers and disinfectants, and products of fermentation.

- “Inert” ingredients in pesticides
- Marine materials
- Contaminated inputs
- Products of fermentation
- Sanitizers and disinfectants

Sanitizers and Disinfectants

Today, I would like to focus on the need to look collectively at options for sanitizing and disinfecting. Some sanitizers and disinfectants are on the National List. Others have been petitioned for listing. They do not all appear on the National List as required by OFPA, itemized by specific use or application. Even when the use is specified, it is not possible to determine from the National List whether there are adequate sanitizers and disinfectants to meet the requirements of organic production. For this reason, we and others have requested a comprehensive review of these materials.

Organic Foods Production Act

§6517. National List

(a) In general

The Secretary shall establish a National List of approved and prohibited substances that shall be included in the standards for organic production and handling established under this chapter in order for such products to be sold or labeled as organically produced under this chapter.

(b) Content of list

The list established under subsection (a) shall contain an itemization, by specific use or application, of each synthetic substance permitted under subsection (c)(1) or each natural substance prohibited under subsection (c)(2).

COVID-19

Disinfection is a topic on the minds of many people as we protect ourselves from COVID-19. We are reviewing disinfectants used for coronavirus because of a concern that some disinfectants affect the respiratory and immune systems and therefore may increase the risk of COVID-19 to users. We believe that our experience may be helpful when it comes to reviewing sanitizers and disinfectants used in organic production.

<https://beyondpesticides.org/programs/antibacterials/disinfectants-and-sanitizers>



Environmental Topics

Laws & Regulations

About EPA

Pesticide Registration

List N: Disinfectants for SARS-CoV-2

All products on this list meet EPA's criteria for use against SARS-CoV-2, the virus that causes COVID-19.

Finding a Product

The easiest way to find a product on this list is to enter **the first two sets** of its **EPA registration number** into the search bar below.

For example, if EPA Reg. No. 12345-12 is on List N, you can buy EPA Reg. No. 12345-12-2567 and know you're getting an equivalent product. You can find this number by looking for the EPA Reg. No. on the product label.

Using Other Products

If you can't find a product on this list to use against SARS-CoV-2, look at a different product's label to confirm it has an EPA registration number and human coronavirus is listed as a target pathogen.

Follow the Label

When using an EPA-registered disinfectant, **follow the label directions** for contact time, which is the amount of time the surface should be visibly wet.

These products are for use on surfaces, not humans.



Programs > Disinfectants, Sanitizers, and Antimicrobials > Disinfectants and Sanitizers > Protecting Yourself from COVID-19 (coronavirus) without Toxic Sanitizers and Disinfectants

Protecting Yourself from COVID-19 (coronavirus) without Toxic Sanitizers and Disinfectants

Fight the coronavirus with common sense prevention and safer disinfection products. Avoid products that increase vulnerability to respiratory problems. [Download the PDF of this factsheet, here.](#) Jump to [Q&A section.](#)

WHY THE CONCERN ABOUT TOXIC SANITIZERS AND DISINFECTION PRODUCTS

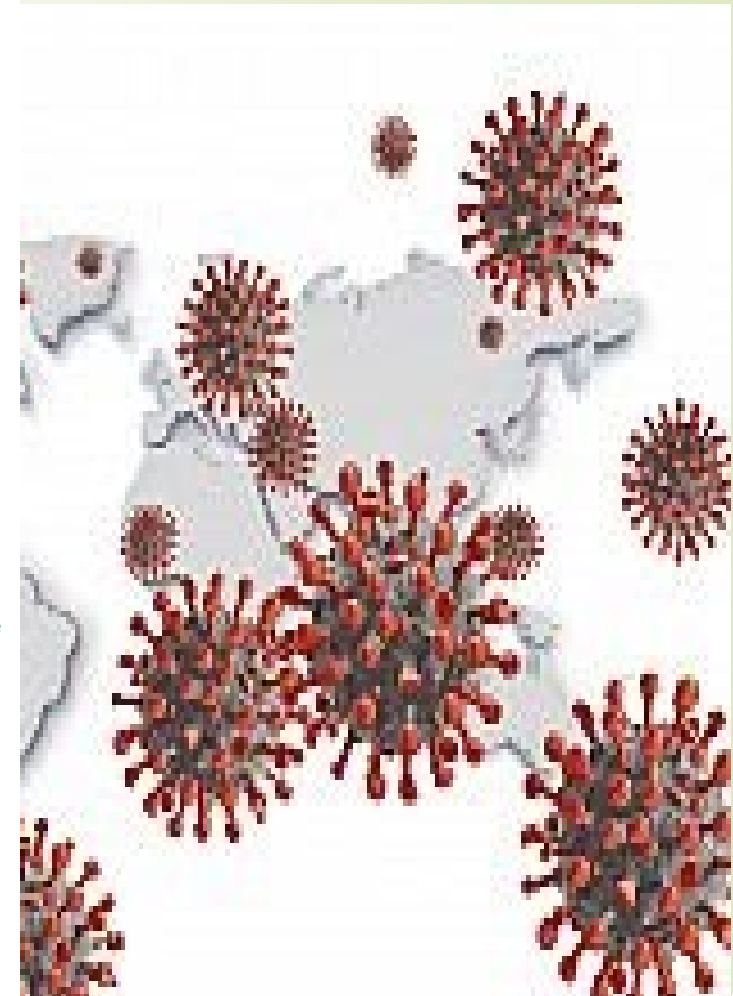
We have learned through the COVID-19 crisis that there are people who are more vulnerable to the effects of the virus. These are generally people who have a pre-existing condition or are of advanced age, who may have a weakened immune or respiratory system. With the management of viral and bacterial infections, it is always important that we do not exacerbate the risk to individuals in the process of avoiding or controlling the threat. In the case of COVID-19, we have measures of protection—both practices and products—that can protect us without using toxic products that increase risk factors.

PREVENTION

The good news is that toxic chemicals are not necessary to prevent exposure to COVID-19 and eliminate the virus. The Centers for Disease Control and Prevention (CDC) urges simple measures to prevent exposure:

- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.

How it works: The best way to prevent any infectious disease transmission is to stay out of contact with those who have



Review of Sanitizers and Disinfectants

The first step of such a review is identification of the needs for sanitizers and disinfectants. We were looking at the need to remove the coronavirus.

The second step is identification of available materials. EPA's List N contains products approved for removal of coronavirus.

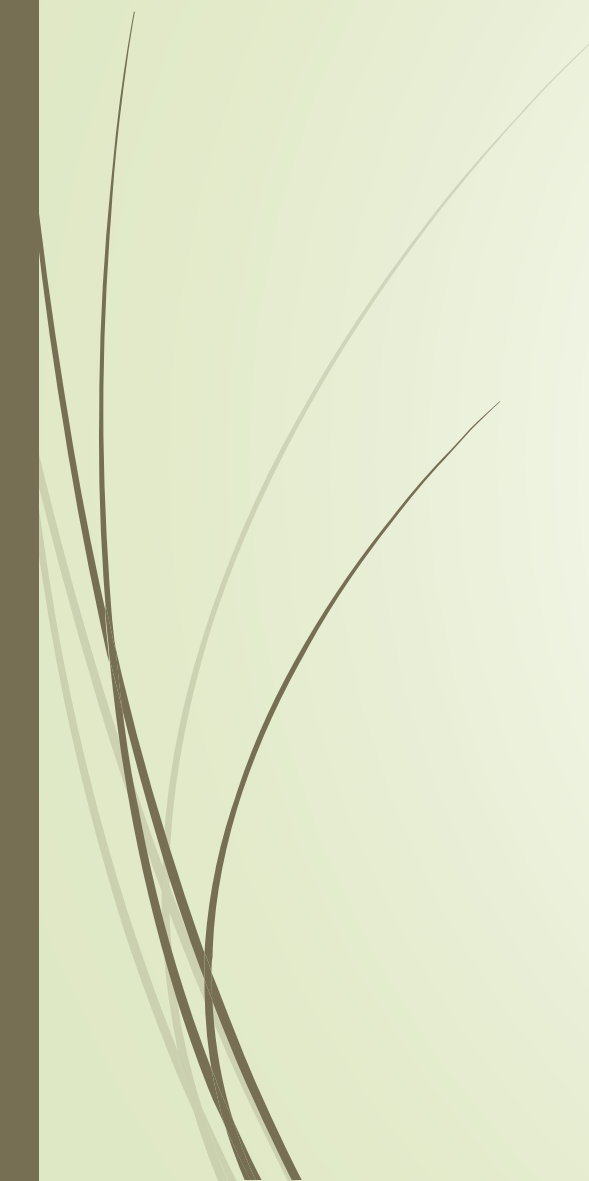
The third step is reviewing these materials according to OFPA criteria. We reviewed List N according to our criteria and produced recommendations for using them.

The process was simpler for us because we had a defined singular need, we have a list of effective materials, and we have simple criteria, but the process for the NOSB review is conceptually the same.

NOSB Review	COVID-19 Disinfectants
Identify needs.	Remove coronavirus from surfaces.
Identify available materials.	EPA List N.
Review according to OFPA criteria.	Review according to our health-based criteria.



Thank you.





BEYOND PESTICIDES

OrganicEye 

Hello

My name is Mark Kastel and I am the director of OrganicEye - the investigative arm, and a project of, Beyond Pesticides.

Here's a little reality check and orientation for new members:

The success of the organic movement was not only based on food brands.


It was based on "the story behind the label."

That story has been greatly degraded through fraud and corruption.

We are on the cusp - and this pandemic might greatly accelerate the shift.

After the smoke clears, we could have organic food and farming - without farms!

As organic farmers we launched the commercialization of the label, in part, as an economic justice vehicle for family-scale farmers.



The story that consumers support includes economic justice for the people who produce our food, as well as environmental stewardship, and, obviously, safety and nutritional superiority.

The shift to industrial ag, something we were trying to get away from in the first place, is almost complete.

The majority of organic dairy is now coming from livestock factories, managing as many as 20,000 cows, milking them three and even four times a day and creating the illusion of grazing - good enough for the certifiers and the USDA - with stocking levels as high as 15 cows per acre. (Past research shows honest to goodness organic farms average about one cow per acre.)

The law requires access to the “outdoors” for all organic livestock. But the majority of organic eggs come from factories managing as many as a million birds with zero outdoor access.

And don't get ready to applaud the new animal welfare rule. It requires just 2 feet outdoors and 1.2 feet indoors. These are also factory conditions. Europe requires 43 square feet per bird to qualify for organics. With buildings today that have 2-5 square feet outdoors, we only see 3-10% of the birds ever going outside.


Dig this:

After years of stonewalling and cheerleading under the previous director of the NOP, telling us how bulletproof the certification system was in oversight of imported feed and ingredients, the NOP recently announced that 75% of all certified operations in the Black Sea region (many former Soviet bloc countries with endemic levels of commercial fraud) have lost their USDA organic certification either through revocation, suspension or, get this: surrender. Other fines and enforcement? None.

We've been squawking about China and these other countries for years. And now the NOP is playing a game of whack-a-mole. Exports from Turkey go down and they pop up somewhere else, like Belarus. Instant organic availability. Alchemy.

With more authority from Congress, it might get better. But the USDA, corporate agribusiness, and their lobbyists at the OTA never quit their cheerleading until we all received an indelible black eye after damning coverage of import fraud by the Washington Post.

When Congress charged the USDA with oversight of the organic industry, protecting consumers and ethical farmers and businesspeople against fraud, they ordered that the Secretary "shall" consult with the NOSB in implementing the act.



It's a joke! It's a bad joke on consumers who are paying a premium thinking they are supporting respectful treatment of livestock.

And how about imports? Are any of the eggs, meat, or dairy products truly organic if what the animals are eating is laundered conventional feed?

Instead, when certifiers have questions on enforcing the law, **and I wish I was making this up**, the NOP tells them to confer with other certifiers and decide on their own.

It's time for the NOSB to assert their authority in oversight of how the law and regulations are carried out. Otherwise, we all, large and small, farmers and businesspeople, and the most important stakeholders, the eaters, stand to lose what we have all created together.

Thank you.