



BEYOND PESTICIDES

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March 29, 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-22-0071

Re. PDS: Petition improvements

These comments to the National Organic Standards Board (NOSB) on its Spring 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 eliminate a reliance on pesticides. Our membership and network span the 50 states and the world.

Beyond Pesticides supports the suggestions of the National Organic Coalition (NOC) for changes in the Policy and Procedure Manual to improve the petition process. These suggestions are meant to improve the quality of the petitions and limit the submission of petitions to only those that can truly benefit organic producers.

[Reducing the reliance on nonorganic ingredients listed in §205.606.](#)

Materials listed on §205.606 are nonorganic agricultural ingredients that are allowed to be used as ingredients as part of the 5% of organic processed foods that is not required to be organic. OFPA allows such substances to be used in organic food under limited conditions, including this from §6517(c)(1):

- The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this chapter only if—
- (A) the Secretary determines, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, that the use of such substances—
 - (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.

Organic agriculture can now supply these materials.

Materials should not remain on §205.606 if they can be supplied organically. A lesson from the experience with hops is that the organic production may not be sufficient until the demand is present. The petition needs to ask the question of potential suppliers, “Could you supply the need if the organic form is required?” The petition also needs to ask the series of questions listed by NOC for elucidating the barriers to providing the organic form of the agricultural material.

Additional information for materials on §205.601, §205.602, §205.603, §205.604 and §205.605.

In addition, as presented in the NOC comments, additional information should also be requested in other petitions:

- Documentation of efficacy must be provided showing that the material fulfills the function described in the material listing. This requires that the petition must state the “specific use or application” as required by OFPA for listing on the National List.
- Petitioners should be required to disclose the presence of nanoparticles, and the NOSB should determine whether they are engineered nanomaterials or incidental nanomaterials. The NOSB should make a determination, rather than just making an assumption or ignoring the issue.

Thank you for your consideration of these comments.

Sincerely,



Terry Shistar, Ph.D.
Board of Directors