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March 27, 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. MS: TR templates

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 revised templates for technical reviews for handling/processing, crops, and livestock. We believe that they present the same information, but organized in a way that is easier to understand and apply. In some cases, it may prove to be less repetitive.

The Materials Subcommittee (MS) asks, **“Where in the TRs is the best places for questions? What questions should be included to help the NOSB identify excluded methods in the organic supply chain?”** Since the TRs consist of questions and answers, it is not clear what the MS is asking. We will assume that the MS is interested in where the TR can ask questions to elucidate information about excluded methods.

It makes sense to include such questions in the section currently called “Classification of the substance,” which—even without questions concerning excluded methods—might be better called “Manufacture, characteristics, and classification of the substance.” We suggest that the following questions would be appropriate:

1. Is the substance created using excluded methods?
2. If the substance is manufactured from agricultural raw materials, are those materials derived from genetically engineered crop, or crops resulting from excluded methods?

3. If the substance is manufactured from other biological raw materials—such as those produced by fermentation or enzymatic action—are those biological materials derived from genetically engineered organisms, or crops organisms resulting from excluded methods?
4. If the substance is manufactured using fermentation or other active biological processes, are the fermentation or other active biological organisms the result of genetic engineering or excluded methods?

Questions should address the manufacture process for the final substance, the substrate, and any organisms that might be used. The TR should refer to the latest NOSB definitions of excluded methods.

In addition, a question should be added relating to nanomaterials:

5. Does the substance in its raw or formulated forms contain nanoparticles? If so, are they engineered nanomaterials or incidental nanomaterials as defined by the NOSB and NOP?

The MS also asks, **“Who uses TRs and for what purposes?”** We use TRs. We use them to help us comment on petitions and sunsets. The TR documents are basic to a process of full transparency and a long-standing commitment to public engagement during the public comment period and rulemaking, as well as trust in the USDA and organic seal. We also use them in evaluating materials that we might recommend in our efforts to encourage transition to organic land care.

Finally, the MS asks, **“Is the TR template functional for all types of materials, methods, and practices? If not, does the NOSB need to develop another report template for methods/practices?”** We believe that the template, with the additions suggested above, is broadly functional, as long as contractors are familiar with OFPA, the organic regulations, NOSB actions, and the history of organic production. The subcommittee and contractors must be somewhat flexible in their use of the templates, with the understanding that a precautionary approach to methods and materials is needed. Ultimately, NOSB members must be equipped to address all technical issues relating to substances under review, including (i) adverse health and environmental effects from cradle-to-grave, (ii) compatibility with organic practices, and (iii) essentiality, given the availability of alternative products and practices.

Thank you for your consideration of these comments.

Sincerely,



Terry Shistar, Ph.D.
Board of Directors