



BEYOND PESTICIDES

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September 27, 2022

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 ID # AMS-NOP-22-0042

Re. CS: 2024 Sunset §205.602: lead salts and tobacco dust (nicotine sulfate).

These comments to the National Organic Standards Board (NOSB) on its Spring 2022 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.

The NOSB and NOP must support the listings of materials on §205.602 with a solid rationale, based on OFPA and science.

Although some of the materials on §602 are prohibited from use in organic production directly by the *Organic Foods Production Act* (OFPA), and others, it appears, are listed based on common sense, good government requires that regulations be backed up by reference to legal criteria. Therefore, we were pleased to see that, in 2015, the decision on tobacco dust (nicotine sulfate) was backed up by research citing OFPA criteria (i.e., a checklist). Such justification should be provided for lead salts. We suggest that the Crops Subcommittee consult the Toxicological Profile for lead prepared by the Agency for Toxic Substances and Disease Registry in preparing its justification document.¹

Current Listings

§205.602 Nonsynthetic substances prohibited for use in organic crop production.

The following nonsynthetic substances may not be used in organic crop production:

(d) Lead salts.

(i) Tobacco dust (nicotine sulfate).

¹ ATSDR 2007, Toxicological Profile: Lead. P. 304. <http://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

Lead salts

OFPA specifically prohibits the use of lead salts in organic crop production. They are no longer registered for pesticidal use by EPA. They are highly toxic and persistent, bioconcentrate in plants and animals, and cause a number of toxic effects, including the impairment of neurological development in children.²

Lead salts should remain on §602.

Tobacco dust (nicotine sulfate)

Tobacco dust/nicotine sulfate is very toxic. The production of tobacco uses high inputs of synthetic fertilizer and pesticides and results in water pollution. The registration of the last remaining nicotine sulfate pesticide was cancelled in 2013, and nicotine sulfate is no longer available for sale in the U.S.³

Tobacco production causes environmental damage.

Tobacco production requires the use of a large amount of pesticides. Tobacco companies recommend up to 16 separate applications of pesticides just in the period between planting the seeds in greenhouses and transplanting the young plants to the field. These pesticides, as well as fertilizers, end up in the soil, the waterway and the food chain.⁴ Tobacco leaches nutrients, such as nitrogen and potassium, from the soil at a high rate.⁵

Tobacco dust/nicotine sulfate is not necessary or compatible with organic and sustainable agriculture.

Nicotine sulfate is an extremely toxic pesticide that is no longer available in the U.S.

Conclusion

Although tobacco dust/nicotine sulfate is no longer available for sale in the United States, it should remain on §602 to discourage use of homemade tobacco dust or use on imported products.

Thank you for your consideration of these comments.

Sincerely,



Terry Shistar, Ph.D.
Board of Directors

² ATSDR, 2007. Toxicological Profile: Lead. P. 304. <http://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>

³ J.R. Roberts and J.R. Reigart, 2013. Recognition and Management of Pesticide Poisonings, 6th edition. https://www.epa.gov/sites/production/files/documents/rmpp_6thed_ch8_biologicals.pdf.

⁴ Multnomah Tobacco Prevention and Education Program, 2013. Fact Sheet: Environmental Impact of Tobacco. https://www.pdx.edu/healthycampus/sites/www.pdx.edu.healthycampus/files/Environmental_Impacts.3.7.13.pdf

⁵ NC State Extension, Tobacco Growers Information. Fertility – Nutrients. <https://tobacco.ces.ncsu.edu/tobacco-fertility-nutrients/>.