

The Organic Report

Monitoring the organic standard setting process

The National Organic Standards Board (NOSB) meeting in October, 2017, held in St. Paul, Minnesota, was marked by a high degree of unity among board members and an effort to hold the National Organic Program (NOP) accountable to the principles, values, and letter of the national organic law, the *Organic Foods Production Act* (OFPA). This meeting reflected the value of the participatory decision making process, engaging a diverse standards board that includes the full range of organic stakeholders and a public opportunity to bring issues and information before the board. Ironically, this meeting was held as Congress considers in the 2018 Farm bill amendments (at this writing) that will undermine important and critical strengths of OFPA.

THE PAPER POTS MEETING

"What do you think about paper pots?" was a question addressed to almost every speaker who did not already speak on the issue. In August, 2018, NOSB received a revised petition from Small Farm Works—a self-described "business committed to small-scale, sustainable farming practices and tools, seeking the allowance of an ingenious, low-tech system for growing vegetables by transplanting in paper pots that are chained together and planted with a planter pushed by hand.

It is a technology especially important to small farmers because of the time savings that it provides. However, while some certifiers allowed the use of paper pots under organic standards, others did not. NOP agreed with the certifiers that prohibited the pots and told all certifiers that it would prohibit their use after the 2018 growing season. The decision to prohibit paper pots was based on several factors—unapproved synthetic adhesive, the use of virgin paper, and the fact that its use is neither mulch nor a compost ingredient, as permitted by law.

Beyond Pesticides has expressed concerns about the many additives in paper, which include adhesives, such as those used in the paper pots. However, in terms of the characteristics of the pot as planted, these pots are no worse than the paper currently allowed in mulching systems.

Since the paper pots issue emerged, the Crops Subcommittee (CS) of the board issued a discussion document on the subject and has requested a technical review (TR) to address issues related to the composition of the materials used. The Maine Organic Farmers and Gardeners Association (MOFGA) requested delaying the prohibition at least until after the 2019 growing season to allow the petition process to unfold. A number of speakers commented on the inconsistency of NOP's allowance of hydroponics and concentrated animal feeding operations—used by large-scale operations—while prohibiting this system used by small-scale vegetable growers.





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The NOP's decision to discontinue paper pots was not on the NOSB's agenda as an action item, but it garnered a lot of support from users, and NOSB members were sensitive to the benefit it provided to small farmers. In the end, the NOSB unanimously passed a resolution calling for an extension of the deadline for using the pots. Less than two weeks after the meeting ended, NOP announced that it would allow use of the pots until the NOSB reviews the petition and rulemaking proceeds.

A number of issues will have to be considered by the NOSB in addressing the petition. NOP regulations currently allow recycled newspaper and other non-glossy paper without colored inks. The requirement that such paper be recycled is a resource conservation issue, but the recent technical review of recycled paper reveals many additives that no one would have guessed would be present in paper—such as acrylonitrile, polyethylene (LDPE), styrene, butadiene, vinyl acetate,

Paper Chain Pot Transplanting System: A History

Oregon Tilth, a certifier, issued comments that provided context on the use of paper pots in certified organic production. Below are Oregon Tilth's comments:

As an organic certifier who has reviewed different types of biodegradable pots requested for use by our certified organic producers, Oregon Tilth appreciates the complexity and nuance of this topic and the questions raised by the CS. The petition for this product states “. . . [paper pots] has been historically allowed for the past 12 years by some organic certification agencies. . . .”

We believe that some historical context around certifier allowance of these types of products may be helpful to the NOSB.

- Oregon Tilth has historically prohibited the use of pots made from new (not recycled) biodegradable paper, including transplanting pots, such as EllePots and paper chain pots.
- Inconsistencies around paper pots have been ongoing since 2013 when ACAs (Accredited Certifying Agents) were polled to comment on whether they allow or prohibit such paper pots.
- Several ACAs as well as the Organic Materials Review Institute (OMRI) confirmed that they would not allow these products for use in organic crop production due to prohibited synthetics, such as binders and poly fibers.
- In 2017, we became aware of operations “certifier shopping,” e.g., searching for certifiers that would allow the use of paper pots.
- In early 2018, the USDA NOP (National Organic Program) provided additional clarification that synthetic binders

used in the production of many types of paper pots were not allowed.

Oregon Tilth supports the petition to allow synthetic paper production aids to 205.601(o) for the following reasons:

- Organic agricultural producers require additional resources. Oregon Tilth has received many requests from farmers to use paper chain transplanting pots and other types of biodegradable paper pots.
- Paper planting pots reduce producers' dependence on plastic, fossil fuels, and intensive labor needed for planting transplants, thereby increasing the sustainability of organic farming practices.

Paper planting aids made from biodegradable paper use special technology to manufacture the biodegradable fibers and in some cases require the use of specialty equipment that appears to be fairly unique compared to other products on the market. Oregon Tilth certifies 15 clients using OMRI-approved nonsynthetic fiber pots—Jiffy Pot and Fertilpot—that are used to grow transplants that must be planted by hand. Paper chain pots allow one person to transplant hundreds of seedlings in minutes using their proprietary transplanter, a cost-savings critical for farm viability. We are in support of allowing operations, who have been approved to use these products by their certifier, to continue using them until a final determination is made via the petition process. It is important to note that the petition process can be time-consuming and we encourage the USDA NOP to continue to allow the use of paper pots already approved during this stage of the process.

and polyvinyl chloride (PVC)—so the discussion of the petition will be complex.

FAIRNESS IN ORGANIC DAIRY

Because of a loophole in the law, large dairy operations are allowed to bring conventionally managed animals into their operations on a continuous basis. A fix for this problem, an Origin of Livestock rule, was proposed by USDA in 2015, but the agency now appears to have no plans to finalize the rule.

OFPA requires organic milk and dairy products labeled as organic to come from dairy cows continuously managed as organic from the last third of gestation. Because of the short supply of organic dairy breeder stock when the law was passed in 1990, a one-time conversion of conventional dairy cows to organic was allowed, as long as they are managed organically. Despite this, NOP has allowed two interpretations of this provision, allowing the problem to persist.

The NOSB recognized that it is unfair to allow large organic dairies to profit at the expense of smaller dairies that follow the spirit of the law. In another demonstration of unity, the NOSB unanimously passed a resolution urging the Secretary of Agriculture to issue a final rule that will close the loophole.

ONE SYNTHETIC SUBSTANCE REMOVED FROM THE NATIONAL LIST IN SUNSET VOTE, PETITIONS FOR MORE SYNTHETICS, NON-ORGANIC INGREDIENTS REJECTED

Sucrose octanoate esters, listed to control varroa mites in bees and crop insect pests, was voted off the National List in view of a lack of support. In other materials votes, the petition to allow chlorine dioxide gas made from sodium chlorite for food handling was rejected by a vote of 6 yes, 9 no. [A decisive vote, or two thirds of the board, is required to list a synthetic substance for use in organic food production.] Chlorine dioxide gas is registered for use by EPA in conventional food production as an anti-microbial pesticide, sanitizer and/or disinfectant for the direct treatment of fruits and vegetables during storage, transportation, and food preparation.

The board voted unanimously to send the petition for the anti-bacterial agent silver dihydrogen citrate back to the Handling Subcommittee. The board unanimously rejected petitions to allow non-organic Japones and Ethiopian peppers to be used in organic processed foods, but approved by a vote of 11–4 the petition to allow the use of non-organic tamarind seed gum. The petition for allyl isothiocyanate as a fumigant was sent back to the Crops Subcommittee. The motion to allow sodium citrate as an anticoagulant in the production of blood meal to the National List passed unanimously. The NOSB found the petitioned antimicrobial natamycin to be a non-synthetic, then voted to list it as a prohibited nonsynthetic in crop production.

BOARD ACTS ON FRAUD AND SUPPORTS FURTHER INVESTIGATION OF MARINE MATERIALS

The NOSB adopted unanimously two proposals to fight fraud in organic commerce. The board approved an outline of factors that should be considered by NOP in targeting oversight of USDA-accredited certifiers. Oversight includes audits of certifier activities and inspection procedures. The list of factors for assessing the risk that a certifier might be involved in fraudulent activities was developed by the Compliance, Accreditation, and Certification Subcommittee, based on input from stakeholders, the organic community, and NOP. It addresses fraud anywhere in the production and supply chain. In addition, the board recommended improvements in the inspector qualifications and training proposal that was passed at the Spring 2018 NOSB meeting.

The NOSB devoted a good deal of time to a discussion document on marine materials used in organic production and whether it is appropriate, as suggested by the Materials Subcommittee, to require that inputs from marine plant sources in organic production be made from organic seaweeds, certified organic according to wild crop standards. The board supported the suggestion by the subcommittee that a working group be convened to help develop guidance for harvesting marine plants.

