



BEYOND PESTICIDES

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September 30, 2025

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-25-0034

Re. CACS: Residue testing §205.671

These comments to the National Organic Standards Board (NOSB) on its Fall 2025 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.

Currently §205.671 of the regulations states:

§ 205.671 Exclusion from organic sale.

When residue testing detects prohibited substances at levels that are greater than 5 percent of the Environmental Protection Agency's tolerance for the specific residue detected or unavoidable residual environmental contamination, the agricultural product must not be sold, labeled, or represented as organically produced. The Administrator, the applicable State organic program's governing State official, or the certifying agent may conduct an investigation of the certified operation to determine the cause of the prohibited substance.

Section 6511 OFPA states:

(c)(2) Removal of organic label. If, as determined by the Secretary, the applicable governing State official, or the certifying agent, the investigation conducted under paragraph (1) indicates that the residue is—

- (A) The result of the intentional application of a prohibited substance; or
- (B) present at levels greater than unavoidable residual environmental contamination as prescribed by the Secretary or the applicable governing State official in consultation

with the appropriate environmental regulatory agencies; such agricultural product shall not be sold or labeled as organic under this title.

Beyond Pesticides supports the proposal of the CACS to revise §205.671 to require exclusion from organic sales in the case of an intentional application of a prohibited substance as well as a result of residue testing. While there are other enforcement measures, it is important to protect organic consumers and the integrity of the organic label by preventing such crops from being sold as organic.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar". The signature is fluid and cursive, with a prominent initial "T" and a long, sweeping underline.

Terry Shistar, Ph.D.
Board of Directors