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March 18, 2024

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-23-0075

Re. MS: TR Template Update

These comments to the National Organic Standards Board (NOSB) on its Spring 2024 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.

On the whole, Beyond Pesticides supports the recommended changes to the templates for technical reviews (TRs). We have minor suggestions for word use and some suggestions for clarification.

The suggested changes are improvements that will enable the NOSB to implement the Organic Foods Production Act (OFPA).

As cited by the Materials Subcommittee (MS), the NOSB Policy and Procedures Manual (PPM) states, "A Subcommittee cannot proceed with a recommendation to list a material if it is determined that there is insufficient valid scientific information on that material's impact on the environment, human health and its compatibility with organic principles." When proposals have been based on TRs using the current template, they have frequently contained inadequate scientific support, as pointed out by commenters. These shortcomings often involve ancillary substances, nanoparticles, and excluded methods.

There are NOSB and/or NOP policies governing all these possible constituents or methods, which are often not revealed in petitions. In order to do an adequate job of petition or sunset review, the NOSB requires the additional information required by this revision. Including these questions in the TR template can eliminate the need for limited scope TRs in the future.

Technical reviews should also address fermentation methods used in manufacture.

Although the NOSB has not yet adopted policies concerning products of fermentation—their classification and possible limitations on their use—information concerning fermentation manufacturing processes can still inform NOSB decisions. We suggest an addition to Evaluation Question #1(A) in both templates:

If the substance is manufactured by fermentation, describe the substrate, fermenting organism, and any additives. Are any the result of excluded methods. Which, if any, of these are present in the petitioned substance or released into the environment through air, land, water, or food?

Ancillary substances must be examined, as well as identified.

Proposed Evaluation Question #1(E) states, “Does the substance in its raw or formulated form contain ancillary substances as defined by the NOSB in the 2016 recommendations?” [Plurals corrected to singulars.] The referenced 2016 recommendation¹ requires the NOSB, in considering a petition or sunset, to not only identify ancillary substances, but also to determine compliance with the criteria listed in the recommendation. Therefore, we suggest adding to Evaluation Question #1(E), **“List all ancillary substances and describe how they comply with the criteria in the 2016 recommendation.”**

Evaluation of environmental impacts should include transportation and disposal.

Evaluation Question #7 says, “Discuss and summarize findings on whether the manufacture and use of the petitioned substance maybe harmful to the environment.” The explanation calls for “consideration of the petitioned substance, its manufacturing process, and its breakdown products.” However, since use almost always involves transportation and disposal of residues, packaging, or wash water, this phrase should include those steps in the life cycle of the material: **“consideration of the petitioned substance, its manufacturing process, transportation, disposal, and its breakdown products.”**

“Whether” is used for alternatives; “if” for conditionals.

As the “Grammarist” website says, “The conjunction *if* must be used in a conditional sentence. A conditional sentence is one in which the outcome depends on a certain circumstance, or where a situation is hypothetical. . . The conjunction *whether* must be used when there are two alternatives or a choice.”² Several of the suggested changes include wording like, “Describe if the substance can be classified as agricultural. . .” “If” in these cases should be replace with “whether” because the TR must help to determine whether or not a condition holds.

¹ <https://www.ams.usda.gov/sites/default/files/media/HS%20Ancillary%20Substance%20Proposal%20NOP.pdf>.

² <https://grammarist.com/grammar/if-vs-whether/>.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar". The signature is written in a cursive style with a prominent flourish at the end.

Terry Shistar, Ph.D.
Board of Directors