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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. HS: Magnesium Carbonates Petition

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.

Magnesium carbonate and magnesium carbonate hydroxide are petitioned as drying or anti-caking agents. Beyond Pesticides agrees with the finding of the Handling Subcommittee (HS) that magnesium carbonate and magnesium carbonate hydroxide are nonagricultural synthetic substances and with the recommendation to deny the petition to add them to § 205.605(b) because they “are not compatible with organic handling due to the existence of several alternatives on the National List.”

Magnesium carbonate and magnesium carbonate hydroxide are synthetic.

As stated in the Technical Review (TR), magnesium carbonates are the result of chemical reactions of precursors, which may be synthetic or nonsynthetic, and “[t]hus, the material is synthetic according to the decision tree.”¹

Manufacturing causes environmental harm.

The environmental impacts arise mainly from the mining and processing of ores, as detailed in the TR.² Although mining and ore processing in general cause environmental harm, including from substances currently on the National List, we should not add new, unnecessary materials to the list if they result in such impacts.

¹ Magnesium carbonates TR, lines 501-543.

² Lines 649-758.

Magnesium carbonate and magnesium carbonate hydroxide are not needed.

According to the HS proposal, The Handling Subcommittee's (HS) discussion focused on whether the potential presence of nanoparticles in the alternatives—calcium carbonate, tricalcium phosphate, and silicon dioxide—makes the case for the essentiality of MCs. The HS discussed the current prohibition of nanotechnology (NOP PM 15-2) and if this is sufficient in certifiers' material review processes to keep engineered nanomaterials out of organic products and if there is a true concern here that perhaps petitioning removal of those materials in question is the better approach.

We are concerned about the presence of nanomaterials in organic food, but we concur with the HS that if there is a concern about the presence of nanoparticles in existing substances on the National List, then it should be addressed in the examination of those substances. Furthermore, concerns have also been raised about the presence of nanoparticles in magnesium carbonates. One of the criteria given for such concern is use as anti-caking agents ("antiagglomérants.")³

Conclusion

Magnesium carbonate and magnesium carbonate hydroxide are nonagricultural synthetic substances. The petition to add them to §205.605(b) because their manufacture causes environmental harm and they "are not compatible with organic handling due to the existence of several alternatives on the National List."

Thank you for your consideration of these comments.

Sincerely,



Terry Shistar, Ph.D.
Board of Directors

³Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail, 2020. Nanomatériaux dans les produits destinés à l'alimentation: Avis de l'Anses Rapport d'expertise collective. <https://www.anses.fr/en/system/files/ERCA2016SA0226Ra.pdf>. Pages 122 and 234.