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National Organic Standards Board
USDA-AMS-NOP
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Room 2648-S, Mail Stop 0268
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Docket ID # AMS-NOP-23-0075

Re. HS: Rye Pollen Extract

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.

Rye pollen extract (RPE) is petitioned as a vegan sweetener, as an alternative to honey. We agree with the Handling Subcommittee (HS) that, “[T]he use of RPE, as petitioned, is incompatible with organic handling and suggests that the petitioner pursue section §205.204(a), which allows nonorganic, untreated seed to be used for the production of an organic crop when an organically produced variety is not commercially available.”

The NOSB must reduce the reliance on nonorganic ingredients listed in §205.606.

Materials should not be listed on §205.606 if they can be supplied organically. Materials listed on §205.606 are nonorganic agricultural ingredients that are allowed to be used as ingredients as part of the 5% of organic processed foods that is not required to be organic. OFPA allows such substances to be used in organic food under limited conditions, including this from §6517(c)(1):

The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this chapter only if—

(A) the Secretary determines, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, that the use of such substances—

(i) would not be harmful to human health or the environment;

(ii) is necessary to the production or handling of the agricultural product because of the unavailability of wholly natural substitute products; and

(iii) is consistent with organic farming and handling.

Organic RPE can be produced from nonorganic seed.

The HS cites this excerpt from the Technical Review:

Section 7 CFR 205.301(b) permits nonorganically produced ingredients at less than 5% of a product's formulation when not available in organic form. The petitioner states that the specific high-pollen-producing rye breeder seed is unavailable in organic form. However, § 205.204(a) allows nonorganic, untreated seed to be used for the production of an organic crop when an organically produced variety is not commercially available. Certification of the petitioner's rye farm and processing facility may be possible, even if the specific seed used is not available in organic form.¹

We agree with the Subcommittee that the petitioner has the option of obtaining rye pollen extract by using nonorganic seed raised on farmland under organic management. Thus, there is no need to list RPE on §606.

Nonorganic RPE is not a healthy alternative sweetener.

Below are the pesticides with established tolerances (residue limits for pesticides used in the U.S. or by countries exporting to the U.S.) for rye.² While not all the pesticides on the list are applied to all rye, there is no way to tell which pesticides are applied to any given "conventional" product. Eating organic food is the only way to know we are not contributing to these harms, so we need to keep nonorganic products out of organic food.

California Farmworker Poisonings, 1992–2010: Not a major California crop.

Pesticide Tolerances —Health and Environmental Effects: The database shows that while rye grown with toxic chemicals show low pesticide residues on the finished commodity, there are 39 pesticides with established tolerance for rye, 15 are acutely toxic creating a hazardous environment for [farmworkers](#), 37 are linked to chronic health problems (such as cancer), 12 contaminate streams or groundwater, and 36 are poisonous to wildlife.

Pollinator Impacts: In addition to habitat loss due to the expansion of agricultural and urban areas, the database shows that there are 19 pesticides used on rye that are considered toxic to honey bees and other insect pollinators.

(A = acute health effects, C = chronic health effects, SW = surface water contaminant, GW = ground water contaminant, W = wildlife poison, B = bee poison, LT = long-range transport)

[2,4-D](#) (C, SW, GW, W, B)

[Difenoconazole](#) (C, W)

[Malathion](#) (A, C, SW-URBAN, GW, W, B) [Propiconazole](#) (A, C, W)

¹ TR, lines 330-335.

² <https://www.beyondpesticides.org/resources/eating-with-a-conscience/choose-a-crop?foodid=48>.

[Acetochlor](#) (C, SW, W, B) [Diquat Dibromide](#) (A, C, W) [Mancozeb](#) (C, W, B) [Prosulfuron](#)
[Alachlor](#) (SW, GW, W) [Endothall](#) (A, C, W) [MCPA](#) (C, GW, W, B) [Pyraclostrobin](#) (C, W)
[Boscalid](#) (C, W) [Flufenacet](#) (C, W) [Metalaxyl](#) (A, C, W) [Pyrethrins](#) (C, W, B)
[Bromoxynil](#) (A, C, GW, W) [Fluometuron](#) (C, W, B) [Metconazole](#) (C, W) [Pyriproxyfen](#) (C, GW, W, B)
[Captan](#) (A, C, W) [Fluridone](#) (C, W) [Methomyl](#) (A, C, W, B) [Spinetoram](#) (C, B)
[Carfentrazone-ethyl](#) (C, GW, W, B) [Glyphosate](#) (C, SW-URBAN, GW, W, B) [Methyl bromide](#) (A, C, W) [Spinosad](#) (C, W, B)
[Clothianidin](#) (A, C, SW-URBAN, W, B) [Imidacloprid](#) (A, C, SW, W, B) [Metolachlor](#) (C, SW, GW, W) [Sulfentrazone](#) (C, W)
[Cyfluthrin](#) (A, C, W, B) [Iproconazole](#) (C) [Myclobutanil](#) (C, W) [Thiamethoxam](#) (C, B)
[Deltamethrin](#) (A, C, W, B) [Lambda-cyhalothrin](#) (A, C, W, B) [Phosphine](#) (A, C)

Conclusion

We agree with the HS that the petitioned use of RPE “is incompatible with Organic Handling and that the petitioner should pursue section §205.204(a), which allows nonorganic, untreated seed to be used for the production of an organic crop when an organically produced variety is not commercially available.”

Thank you for your consideration of these comments.

Sincerely,



Terry Shistar, Ph.D.
Board of Directors