



# BEYOND PESTICIDES

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National Organic Standards Board  
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Room 2648-S, Mail Stop 0268  
Washington, DC 20250-0268

**Docket ID # AMS-NOP-23-0075**

## **Re. CACS: Residue testing DD**

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.

Broadening the list of substances for which certifiers regularly test can increase organic integrity. We look forward to guidance on what to do with positive results. We understand that certifiers generally conduct residue tests on the NOP 2611-1 pesticide list or for GMO contamination—both of which are broad-spectrum tests, to identify any possible contamination of a crop or product for which there is not a specific suspected contaminant. The exceptions are when a certifier has reason to suspect a specific contaminant in a particular product, in addition to tests for glyphosate, which is a common chemical not on the 2611-1 list. We would like to see a list of additional substances, including known hazardous “inert” ingredients and metabolites, especially if that list includes information about the highest-risk crops or products to test for each substance or set of substances, as is suggested in the proposed framework. This would help us focus surveillance efforts more effectively, especially for handled or processed products. Broadening the list to include solvents, fumigants (particularly those used at the borders), conventional fertilizers, and other prohibited substances used in conventional food production would give certifiers more useful tools without increasing the burden of testing.

CACS asks how to improve 2611-1, “Prohibited Pesticides for NOP Residue Testing.” The weed killers glyphosate and dicamba are commonly-used chemicals that are not on the 2611-1 list and should be evaluated. While imidacloprid, a neonicotinoid insecticide, is on the list, monitoring (and the list) should be expanded to all neonicotinoids and related compounds because of their persistence in soil and water and adverse systemic effects on biodiversity. Conventional fertilizers, prohibited livestock drugs (hormones, antibiotics, or synthetics), and

fumigants that are used at the borders are also materials that should be high priority. Based on a review of the scientific literature and regulatory action by state and federal agencies, chemicals associated with drift and runoff, like the herbicide dicamba, should be included on list 2611-1.

CACS also asks about NOP 2613, “Instruction Responding to Results from Pesticide Residue Testing.” In this instruction, certifiers are told that if residues are less than 0.01 ppm they should “Notify the certified operation of the test results and indicate that the product may be sold as organic; assess why the residue is present and follow up with operation as appropriate; and retain the test results, which must be made available to the public upon request and will be reviewed as part of the next audit.”

If residues are detected at or above 0.01 ppm, the certifier needs to determine whether a tolerance for the pesticide on the crop exists, and if so, consider various actions, including suspending or revoking the certification. If the residue exceeds 5% of the tolerance level, the certifier is instructed to “issue a notice of noncompliance for violation of 7 CFR 205.671, having prohibited substances at levels greater than 5 percent of the EPA tolerance level.”

But what if the tolerance is less than 0.01 ppm (for example, the tolerance for indirect or inadvertent residues of the insecticide fipronil and degradates on wheat grain is 0.005 ppm<sup>1</sup>)? Residue levels should be compared to 5% of the tolerance, rather than to the arbitrary 0.01 ppm threshold.

Very small concentrations of a pesticide can have serious consequences—not only for human health, but also for the ecosystem. Any level of an endocrine disrupting chemical can disrupt hormone systems. Ten ppb (0.01 ppm) of a neonicotinoid not only affects bees, but also the pollination they can provide.<sup>2</sup> Basing a judgment of deleterious effects on EPA’s tolerance levels can thus be misleading.

However, the impact of these discoveries is that growers may be penalized for environmental pollution beyond their control. EPA’s regulation of pesticides makes it virtually impossible to farm without pollution. Buffer zones—which, when required of organic growers, essentially constitute a taking of their land—are only minimally effective. While it is important to protect organic consumers and the integrity of organic products, probably the most important action to be taken is to “assess why the residue is present and follow up with operation as appropriate.”

We support the comments of OEFFA and NOC on this document and will not repeat them here.

Thank you for your consideration of these comments.

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<sup>1</sup> <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180/subpart-C/section-180.517>

<sup>2</sup> Stanley DA, Garratt MP, Wickens JB, Wickens VJ, Potts SG, Raine NE. Neonicotinoid pesticide exposure impairs crop pollination services provided by bumblebees. *Nature*. 2015 Dec 24. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4693958/>.

Sincerely,

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

Terry Shistar, Ph.D.  
Board of Directors