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## Policy Memorandum

**To:** Stakeholders and Interested Parties

**From:** Miles V. McEvoy, Deputy Administrator

**Subject:** Aquatic Plant Extracts

**Date:** Approved on March 12, 2014

This memorandum corrects a previous National Organic Program (NOP) interpretation on the allowance of synthetic acids for pH adjustment of aquatic plant extracts for crop production under the USDA organic regulations (7 CFR Part 205).

### Issue:

On December 9, 2013, the NOP issued a memorandum to the National Organic Standards Board (NOSB) requesting that the NOSB add to its workplan a 2002 petition for the use of phosphoric acid in organic crop production. This action was needed to rescind a letter the NOP issued on February 6, 2004, which incorrectly stated that phosphoric acid did not need to be petitioned because the restrictions for aquatic plant extracts on the National List of Allowed and Prohibited Substances (National List) did not prohibit its use.

On January 14, 2014, the petitioner voluntarily withdrew the 2002 petition. In accordance with the procedures for petition withdrawals, no further action is needed by the NOSB on this petition.

Since the petition has been withdrawn and the NOSB has not issued a recommendation on the use of phosphoric acid, this policy clarifies the status of aquatic plant extract products.

### Policy:

Since the petition for phosphoric acid has been withdrawn, the use of phosphoric acid and other synthetic acids for pH adjustment of aquatic plant extracts is prohibited under the annotation for aquatic plant extracts at [section 205.601\(j\)\(1\)](#) of the National List. As such, the 2004 NOP letter about this issue is no longer valid.

Certifiers and material evaluation programs may need to take steps to ensure that previously-approved aquatic plant extract products comply with the annotation at section 205.601(j)(1) of the National List. Products previously approved on the basis of the 2004 NOP letter must be phased out from use no later than March 12, 2015. Use of aquatic plant extract products for organic crop production that contain phosphoric acid or other synthetic acids after March 12,



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2015 may constitute the use of a prohibited substance, which could jeopardize the organic status of the operation, including land and products.

Any party interested in further consideration of phosphoric acid or other synthetic acids for pH adjustment of aquatic plant extracts should submit a new petition according to the current National List petition guidelines published in the Federal Register.

**References:**

**USDA Organic Regulations ([7 CFR Part 205](#))**

7 CFR § 205.601 Synthetic substances allowed for use in organic crop production.

**Memorandum to the National Organic Standards Board**

[Review of National List Petition for Phosphoric Acid, December 9, 2013](#)

**NOSB Policy and Procedures Manual**

Handling Withdrawals of Petitions by the Petitioner

[National Organic Standards Board Policy and Procedures Manual](#)

**National List Petition Procedures**

[Notice of Guidelines on Procedures for Submitting National List Petitions, 72 FR 2167](#)