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MEMORANDUM TO THE NATIONAL ORGANIC STANDARDS BOARD

FROM: Miles McEvoy
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National Organic Program (NOP)

SUBJECT: National Organic Standards Board Recommendations (April 2014)

This memorandum responds to National Organic Standards Board (NOSB) recommendations and other actions at the April 29 – May 2, 2014 meeting of the NOSB in San Antonio, Texas. The NOSB recommendations and other actions included the following:

- 1) The NOSB voted on a petition to remove the existing expiration date of October 21, 2014 for streptomycin for fire blight control in organic apples and pears. The NOSB's motion to extend the allowance of streptomycin beyond October 21, 2014 did not receive the necessary 2/3 majority vote to pass.
- 2) The NOSB recommended that growers and certifiers include more alternative practices and materials for controlling fire blight in organic system plan annual updates.
- 3) The NOSB recommended that USDA should increase support and prioritization of research into alternative practices and materials for control of fire blight on organic farms.
- 4) The NOSB recommended adding magnesium oxide to § 205.601 with the annotation: for use only to control the viscosity of a clay suspension agent for humates.
- 5) The NOSB recommended classifying certain forms of vinasse (a by-product of molasses distillation) as nonsynthetic, and for the NOP to include this information in the program's Guidance on Materials for Organic Crop Production (NOP 5034-1).
- 6) The NOSB recommended that the NOP provide guidance to clarify regulations that apply to retail operations (e.g., requirements for an "exempt" versus an "excluded" retail establishment). The NOSB also requested that the NOP provide more education and outreach to the retail sector.
- 7) The NOSB recommended revisions to the guidelines for submitting National List petitions and requesting technical reviews. This effort seeks to clarify instructions for petitioners, clarify and standardize the petition review process for the NOSB, and provide greater transparency to the public about the process. The NOSB also recommended

revising the National List petition guidelines to no longer accept confidential business information (CBI) as part of petition submissions.

- 8) The NOSB submitted a current list of research priorities in support of the organic community. Priorities on this list include: organic aquaculture, aquatic biodiversity, herd health, pastured poultry and salmonella, commercial availability assessments for section 205.606 substances, consumer demand data, fate of GE plant material in compost, reduction of GMO content in breeding lines, chlorine alternatives, sulfuric acid alternatives, parasite control, and reduction of mastitis and pneumonia in organic livestock. The NOSB provides this information for stakeholders and USDA to consider as funding priorities are established.

NOP DISCUSSION AND RESPONSE:

1-3. Streptomycin

Streptomycin is currently allowed under the USDA organic regulations for the treatment of fire blight in organic apple and pear production. Streptomycin is an antibiotic effective against fire blight, a bacterial disease that is ubiquitous in the environment and causes extensive damage and loss of apple and pear trees.

The NOSB has previously debated the suitability of the use of streptomycin in organic production, which resulted in one rulemaking action that amended the listing for streptomycin on the National List (7 CFR 205.601(i)(11)) by adding an expiration date of October 21, 2014 (77 FR 33290).

The main reasons for adding the expiration dates for streptomycin were: 1) to acknowledge that the use of antibiotics in the environment contributes to antibiotic resistance; and 2) to prompt research and development of alternatives acceptable for use in organic production.

At the April 2014 meeting, the NOSB considered a petition requesting removal of streptomycin's expiration date, October 21, 2014. This petition, if adopted, would continue to allow streptomycin in organic apple and pear production after October 21, 2014.

In response to the petition, the NOSB Crops Subcommittee put forth a proposal to extend the use of streptomycin until October 21, 2017. This proposal was intended to address concerns of both consumer groups who want antibiotics out of organic fruit production immediately, and organic producers who want more time to transition from streptomycin to non-antibiotic, biological alternatives for fire blight control. Organic producers stated that additional time is needed to develop effective commercial alternatives to streptomycin.

The NOSB did not reach the two-thirds majority vote required to pass the proposal to extend the use of streptomycin.

At the April 2014 meeting, the NOSB recommended that USDA should increase support and prioritization of research into alternative practices and materials for control of fire blight on organic farms.

NOP Response:

The NOP has reviewed the NOSB's discussion and April 2014 vote on streptomycin. Based on this review, AMS will not take action to extend the allowance of streptomycin for control of fire blight after October 21, 2014.

NOP will continue to support the development of prevention practices and effective alternatives for treating fire blight on organic farms. In May 2011, the NOP [requested](#) support for development of such alternatives from the USDA Agricultural Research Service and National Institute of Food and Agriculture (NIFA). In Fiscal Year 2011, USDA awarded a \$475,835 grant to Oregon State University to develop non-antibiotic treatments for the control of fire blight in organic apples and pears. This research was funded through NIFA's Organic Research and Extension Initiative (OREI). In 2013, NIFA's Organic Transition Program provided \$464,482 to fund a three year project at Michigan State University, for organic management of fire blight on apples in humid climates without use of antibiotics. The NOP is also sharing the NOSB research priorities, including the need for alternatives to streptomycin, with USDA's Organic Working Group, which includes staff from NIFA, the Risk Management Agency, Farm Service Agency, Natural Resources Conservation Service, among others.

4. Add the substance magnesium oxide to the National List, at § 205.601, for use as a soil amendment.

In response to a petition, the NOSB recommended adding magnesium oxide to § 205.601 with the following annotation: for use only to control the viscosity of a clay suspension agent for humates.

Magnesium oxide (MgO) was petitioned for use under § 205.601 Synthetic substances allowed for use in organic crop production. Specifically, the petition states that "magnesium oxide is intended to be used to control the viscosity of a clay suspension agent to prevent settling of materials suspended in water or other liquids." The petitioner indicates they wish to use MgO for the application of finely ground humates. The petitioner states: "The substance is intended to be used in combination with other organic inputs applied as a liquid foliar on a wide variety of different agricultural, vegetable, fruit, and horticultural crops."

The NOSB found that magnesium oxide appears to be a fairly benign compound that has a wide range of uses, and the petitioned use is for a very low level and specific use. The NOSB recommended the restrictive annotation to limit use of magnesium oxide to humate formulations.

NOP Response:

The NOP has reviewed the NOSB's recommendation and intends to initiate rulemaking for public comment to add magnesium oxide to the National List for use in organic crop production. If finalized, the use of magnesium oxide would be limited to use in humate formulations.

5. Classification of vinasse as a non-synthetic substance

In response to a petition, the NOSB considered the use of vinasse for use in organic crop production. The NOSB recommended classifying certain forms of vinasse as non-synthetic, and for the NOP to include this information in the NOP's Guidance on Materials for Organic Crop Production (NOP 5034-1), which is currently published as draft guidance. The NOSB Crops subcommittee reviewed the manufacturing process against the draft guidance on classification of materials (NOP 5033). Factors considered during this review: 1) whether the manufacturing process for vinasse is a synthetic or a biological process; 2) whether vinasse contains a synthetic substance not on the National List at a significant level; 3) whether vinasse is the result of a chemical change; and 4) whether all non-allowed synthetics have been removed to the degree that they have no technical or functional effect in the final product.

The Crops subcommittee concluded from its technical report review that vinasse production in many countries is decentralized and there are production variations during and after fermentation. Some vinasse is generated without synthetic materials added during and after fermentation. While other vinasse production may include acids, anti-microbial agents, or nitrogen added during or after fermentation. However, the subcommittee concluded that since not all vinasse is synthetic, it does not belong on the National List.

However, the subcommittee also believes that vinasse with synthetic materials added to it after fermentation should not be permitted in organic cropping systems. As such, the NOSB recommended vinasse, with a restrictive annotation, be included as an allowed nonsynthetic substance in NOP 5034-1, Materials for Organic Crop Production as follows: *Vinasse - may not contain prohibited additives, such as but not limited to, pH adjusters, sanitizers, ammonium compounds, antibiotics or chlorine materials that are not provided for at §205.601. Nitrogen levels may not be fortified.*

As written, the NOSB concluded that this guidance would enable materials review organizations to determine those vinasse sources that would be allowed and prohibited.

NOP response: The NOP will include vinasse in NOP 5034-1, Materials for Organic Crop Production, as recommended.

6. Education and Guidance on Retail Compliance and Certification

The NOSB recommended that the NOP provide general education and guidance to clarify regulations that apply to retail operations (e.g., requirements for an "exempt" versus an "excluded" retail establishment). The NOSB also requested that the NOP provide more outreach to the retail sector.

In 2009, the NOSB recommended development of guidance clarifying marketing for voluntary retail certification. This recommendation presented background information on the exemptions allowed for retailers, and described a need for clearer guidance around the use of the USDA seal and the "organic" claim for organic retail marketing. The April 2014 recommendation provides

more detail regarding needed guidance, and requests that the NOP provide training on organic retail compliance to assist in maintaining organic product integrity.

NOP response:

The NOP supports the NOSB recommendation on retailer certification. The NOP has a number of outreach programs established, including the Organic Literacy Initiative, Organic 101 on the USDA Blog, the Organic Integrity Quarterly newsletter, and many fact sheets available of various topics. The NOP will evaluate current programs and develop materials targeted to retail operations, and consider whether formal guidance is necessary.

7. Revisions to National List Petition Guidelines

The NOP asked the NOSB for advice on revising the procedures for petitions and technical reviews in an effort to make the petition submission procedures clearer for petitioners.

In response, the NOSB issued two recommendations that apply to review of petitions for the National List. The first recommendation includes revisions to the guidelines for submitting National List petitions and requesting technical reviews. The NOSB determined that these revisions will add clarity to the petition instructions, improve the NOSB petition review process, and to provide increase transparency to the public. The second recommendation includes revising the National List petition guidelines to no longer accept Confidential Business Information as part of petition submissions.

During its review, the NOSB assessed the different types of petitions (e.g., additions, removals, and amendments); how petitions are processed after being received; how the NOSB determines which substances are on the National List; and adding, removing or changing an annotation placed on a listed substance.

This effort is aimed at making the process clearer for petitioners to submit complete petitions and to know what to expect in the petition process, for the NOSB to have clear policies for reviewing petitions in a consistent way, and for the public to have transparency in how petitions are received, evaluated and reviewed.

NOP Response:

The NOP is working on implementing the recommendation to update the National List petition guidelines. Changes to the petition guidelines will be published in the Federal Register.

8. Research priorities

The NOSB annually recommends a list of research priorities in support of organic agriculture for stakeholders and USDA to consider as funding priorities are established. Priorities on this list include: whole farm systems, alternatives to antibiotics for control of fire blight in apples and pears, evaluation of genetically modified livestock vaccines, alternatives for synthetic methionine in poultry nutrition, various questions regarding organic aquaculture including aquatic biodiversity, preventive livestock health strategies, the practice of pasturing poultry and impact on incidence of *Salmonella*, commercial availability assessments for substances on the

National List at § 205.606, consumer demand data, fate of genetically engineered plant material in compost, and the potential for reduction of unintended genetically engineered germplasm in plant breeding lines.

NOP response

The NOP has reviewed the NOSB's recommendation and appreciates the clarification and background information provided by the NOSB. The NOP has shared the information with USDA's Organic Working Group to solicit feedback and further communication with USDA agencies.

Summary

The NOP acknowledges and sincerely appreciates the number of hours and creative work each NOSB member volunteers every month during their five-year term. The NOSB plays a vital role in representing the diversity of the organic community as we work collaboratively to ensure organic product integrity.