

Formal Recommendation
From: The National Organic Standards Board (NOSB)
To: The National Organic Program (NOP)

Date: May 1, 2025

Subject: Compost, Feedstocks, and the National List

NOSB Chair: Amy Bruch

The NOSB hereby recommends to the NOP the following:

Rulemaking Action:

Guidance Statement:

Other: X

Statement of the Recommendation:

This recommendation confirms that for any synthetic substance to be added to compost used on organic farms, that substance must first be added to the National List at 7 CFR 205.601 through a 2/3 affirmative vote by the National Organic Standards Board followed by notice and comment rulemaking conducted by the National Organic Program.

Rationale Supporting Recommendation:

Organic Foods Production Act of 1990

7 U.S.C. 6504 (1) NATIONAL STANDARDS FOR ORGANIC PRODUCTION

To be sold or labeled as an organically produced agricultural product under this title, an agricultural product shall--

(1) have been produced and handled without the use of synthetic chemicals, except as otherwise provided in this title

7 U.S.C. 6517 (d) PROCEDURE FOR ESTABLISHING NATIONAL LIST

USDA Organic Regulations

7 CFR 205.2 - Definitions

Compost.

7 CFR 205.203(c)(2)

7 CFR 205.601(c) as compost feedstocks—

NOSB Vote:

Motion to accept the proposal stating synthetic substances intentionally included as feedstocks in organic compliant compost must be evaluated by the NOSB, recommended for addition to the National List by a two-thirds vote of the NOSB, and added to the National List through the Federal Register process of notice and comment rulemaking by the NOP.

Motion: Mindee Jeffery

Second: Logan Petrey

Yes: 14 No:0 Abstain: 0 Recuse: 0 Absent: 1

Motion Passed

**National Organic Standards Board
Crops Subcommittee
Spring 2025 Proposal: Compost, Feedstocks, and the National List**

Summary

The National Organic Program (NOP) [requested](#) that the National Organic Standards Board (NOSB) address a petition from the Biodegradable Products Institute (BPI) to allow certain materials in organic-compliant compost. Several of BPI's requested changes to the regulations conflict with the process of classifying and evaluating synthetic materials and, therefore, cannot be adopted. The Crops Subcommittee (CS) recommends a formal clarification that compost feedstocks are subject to the same National List evaluation process as other materials proposed for use in organic agriculture.

Background

The Organic Foods Production Act of 1990 (OFPA) and NOP regulations include a process and criteria for the NOSB to use in evaluating synthetic substances proposed for use in organic crop production (7 U.S.C. 6504, 6508, 6517, 6518; 7 CFR 205.105; 205.600). In response to the Spring 2024 discussion document (DD) on this topic, many organic stakeholders, some composters, the CS, and the full Board acknowledged the well-established process for evaluating synthetic substances, and that adding a definition of compost feedstocks that presumptively includes compostable packaging to organic definitions, as requested in the BPI petition, would bypass the required evaluation of synthetic materials. Bypassing this established path would essentially amount to the allowance of synthetic substances in organic production without the approval from the NOSB.

In Fall 2024, the CS presented a proposal to amend the definition in 7 CFR 205.2 and the practice standard at § 205.203. The background section of that proposal indicates how the CS considered all points of the BPI Petition and reiterated that the process for evaluating compostable materials is the same as for all other substances proposed for use in organic agriculture. To avoid future confusion, the CS proposes a formal recommendation to confirm that synthetic compost feedstocks are subject to the same National List evaluation process as other synthetic substances.

The CS has also requested a Technical Report on compostable packaging materials in order to evaluate these synthetic substances according to established procedures around petitioned substances. The initial discussion of these substances is addressed in a separate discussion document that also aims to unpack the issues related to Unavoidable Residual Environmental Contamination (UREC) and contamination of compost from food waste and compostable packaging materials.

Classification

The BPI petition suggests that synthetic compost feedstocks are not subject to the National List petition process and requests that NOP allow "de minimus" amounts of synthetic substances in compost. The CS, however, has recommended and continues to support the National List review process for the evaluation of synthetic compost feedstocks. The CS will continue to address the implications of a 'de minimis' approach in future work, as applicable. The BPI petition seems to suggest that regardless of the synthetic or nonsynthetic classification of compost feedstocks going into the composting process, the resulting product of the composting process (i.e. compost) must be categorically allowed as a nonsynthetic substance. In support of this position, they reference the exception for naturally occurring biological processes included in the definition of "synthetic" in OFPA (7 U.S.C. 6502) and mirrored in the USDA organic regulations at 7 CFR 205.2 Terms defined:

Synthetic. A substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.

In contrast to the approach BPI is suggesting, the CS asserts that nonsynthetic materials subjected to only biological processes remain nonsynthetic, but a biological process cannot convert a synthetic material to a nonsynthetic material. Compost is an end product of a naturally occurring biological process, and compost products that consist entirely of nonsynthetic feedstocks are allowed for use in organic crop production. However, the same conclusion cannot be drawn for composts that include synthetic feedstocks. Objectively, compost feedstocks are not created by naturally occurring biological processes; therefore, composts containing intentionally added synthetic feedstocks are considered prohibited substances unless the synthetic feedstocks have been evaluated against National List criteria and are included on the National List (e.g., newspaper and other recycled papers).

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

(c) As compost feedstocks—Newspapers or other recycled paper, without glossy or colored inks.

In response to issues raised in the NOP Work Agenda request from the NOP to the NOSB, the CS is providing the following list in order to be transparent about how the Subcommittee and the full Board are reconciling the work agenda request and ongoing NOSB work on the compost work agenda:

- BPI Petition requested changes to 7 CFR 205.2 and 205.203; in response, the Board voted at the Fall 2024 meeting unanimously in support of alternative updates to the definition and practice standard..
- The current regulatory framework already identifies anaerobic digestate as distinct from composting, as per the Fall 2017 NOSB recommendation. Previous work by the NOSB indicated that anaerobic processes include pathogens of concern that vary from those appearing in aerobic composting conditions and should be distinctly evaluated.
- The Fall 2024 proposal did not alter guidance for vermicomposting, which also relies on aerobic conditions, thus maintaining consistency with current practices and the Fall 2024 proposal to update the definition and practice standard.
- The CS and the full Board have considered and declined a process path by which “compost feedstocks” would be added to § 205.2 in terms defined.
- The CS and the full Board have considered and declined to recommend a “de minimis” approach to synthetic substances intentionally included in compost.
- The CS and the full Board have unresolved questions related to whether ASTM standards for biodegradability provide adequate oversight of substances on the National List as required by OPFA. The CS has ordered a technical report in order to evaluate compostable substances petitioned by BPI.
- The CS is working on a discussion document and is in conversation with the Certification, Accreditation & Compliance Subcommittee (CACS) around issues of UREC and contamination as part of CACS’ ongoing work on residue testing.

Discussion

The NOP has requested that the Board update and refine organic compost standards to reflect current scientific research, regulatory alignment, and industry best practices for organic compost making. This

proposal ensures that compliant organic composting practices remain effective in maintaining soil fertility, nutrient management, and the overall integrity of the organic system. The Fall 2024 proposal to update the compost definition and composting requirements represent a crucial step in harmonizing the organic regulatory framework with other federal standards, while fulfilling the requirement listed at 7 CFR 205.203 that organic crop inputs “maintain or improve soil organic matter content in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, pathogenic organisms, heavy metals, or residues of prohibited substances.” By simplifying and aligning the regulations, the Fall 2024 NOSB recommendation supports the continued advancement of organic agriculture while ensuring that the health and sustainability of the system remain central to all regulatory changes. This proposal is not intended to complete the process engaged by the CS or to complete the work agenda request of the NOP to the NOSB in the compost landscape. This proposal seeks to reinforce the Crops Subcommittee’s process for the full Board’s evaluation of synthetic compost feedstocks.

Subcommittee Vote:

Motion to accept the proposal stating synthetic substances intentionally included as feedstocks in organic compliant compost must be evaluated by the NOSB, recommended for addition to the National List by a two-thirds vote of the NOSB, and added to the National List through the Federal Register process of notice and comment rulemaking by the NOP.

Motion: Mindee Jeffery

Second: Logan Petrey

Yes: 8 No:0 Abstain: 0 Recuse: 0 Absent: 0