

Note: Subcommittee notes may include preliminary discussions regarding substances considered for addition to or removal from the National List. They do not represent official National Organic Program (NOP) policy/regulations or NOSB recommendations. Proposals must be voted on by the full Board, to become recommendations to the USDA. Please see the NOP website for official NOP policy, regulations, and status of substances used in organic production and handling.

Materials (MS) (GMO ad hoc) Subcommittee Notes **Tuesday, May 14, 2024 1:00 pm ET**

Present: Franklin Quarcoo (FQ), Chair; Wood Turner (WT), Vice Chair; Brian Caldwell (BC); Nate Lewis (NL); Logan Petrey (LP); Kyla Smith (KS); Mindee Jeffery (MJ); Dilip Nandwani (DN); Allison Johnson (AJ) - observer

Absent: None

Staff: Michelle Arsenault (MA); Heather Kumar (HK); Jared Clark (JC)

Agenda

- Review April 9, 2024 notes
- Guest speakers - Inerts
- Additional Items
- Adjourn

Discussion

- **April 9, 2024** notes were approved via email, as written.
- **Guest speakers - Inerts.** Karen Warkenstien, Director, Regulatory Affairs AgroSpheres Inc. and Scott Tann-Lamberti (Lamberti - inert producer, surfactant Co.). Both guests co-chair the task force for inerts, and are working with the Biological Products Industry Alliance (BPIA).

The MS has a proposal on inerts in development and is trying to gauge which of the 4 options proposed in the Spring 2024 discussion document are most feasible and effective for reviewing inerts, given that lists 3 and 4 are now obsolete (since about 2004) and EPA no longer updates them. The MS noted that the two most pressing areas of interest are formulations, and impacts that a static list (e.g. Lists 3 and 4) may have on innovation.

After introductions, the guest speakers summarized the history of inerts at EPA and FDA and the group discussed several issues such as tolerances, use in food vs. non-food agricultural ingredients, regulatory changes over the years, and the petition process and approval for use in organic.

- **Additional Items.** None.
- **The meeting was adjourned**

[Previous MS Notes](#)

Future call schedule (2nd Tuesday 1:00 PM ET | 10:00 AM PT, except where noted)

April 9, 2024

Discuss public comment process

Prep for Spring NOSB meeting

May 14, 2024

Guest speakers

June 25, 2024 - **note date change**

July 9, 2024

August 13, 2024 (Fall proposals due Aug 14, 2024)

Research Priorities (RPs) - Discuss/vote

September 10, 2024

October 8, 2024

November 12, 2024

December 10, 2024

Work Agenda

***Highlight** indicates discussion. ***Highlight** indicates action needed. ***Highlight** indicates review completion and/or vote.

Projects

Project	National List	Contact	Doc Type	Notes	Scheduled/status	Target meeting
Research Priorities (RPs)	N/A	WT	Proposal	May 2012 Framework Proposal Subcommittee reps to MS: Handling (HS): LP/DN Crops (CS): BC Livestock (LS): BC RPs due to MS from HS, CS, and LS by 01.16.24	8.13.24	Fall 2024
Excluded Methods (Induced mutagenesis)	N/A	MJ/DN /LP	Discussion Doc	MS requested TR on induced mutagenesis 1.10.23. TR due to NOP end-June. TR sent to MS 7.6.23. TR sufficiency due 9.4.23. TR found sufficient 8.8.23.	TBD	Fall 2024
Tall oil, distilled	205.601 205.603	WT	HOLD	2008 Petition (distilled tall oil). 2010 TR (tall oil). Petition sent to MS 9.4.20. Petition suff/TR request due 12.8.20. Petition found sufficient 12.8.20, and the MS requested a TR. TR due mid-Aug. TR sent to MS 8.13.21. TR suff due 10.12.21. TR found sufficient 10.12.21. Additional information from petitioner sent to MS 2.8.22 (see AMS-NOP-21-0087-0003). Returned to Subcomm at Spr 2022 meeting. On hold pending results from ANPR/guidance.	12.12.23	TBD
Inert Ingredients in Pesticide Products	Misc	FQ, NL, LP, BC	Proposal	June 23, 2023 NOP Memo	5.14.24	Fall 2024

Fall 2024 Milestones	Target dates (tentative)	Weeks PTM (prior to meeting)
NOP - Publish FRN, Open public comment	~May 24, 2024	21
NOP - Draft Fall 2024 NOSB meeting agenda	Aug 2, 2024	~10
NOSB - Fall 2024 proposals due to NOP	Aug 14, 2024	~9
NOP - Post proposals	Aug 30, 2024	~7.5
Public comment closes	Sep 30, 2024	~4.5
NOP - Send compiled public comments to NOSB	~Oct 3, 2024	~2
Public comment webinars	Oct 15 & 17, 2024	1
Fall 2024 NOSB meeting - Portland, OR	Oct 22 - 24, 2024	0
Final recommendations due	Nov 25, 2024	30 days post

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Present: Franklin Quarcoo (FQ), Chair; Wood Turner (WT), Vice Chair; Brian Caldwell (BC); Nate Lewis (NL); Kyla Smith (KS); Mindee Jeffery (MJ); Dilip Nandwani (DN)

Absent: Logan Petrey (LP)

Staff: Michelle Arsenault (MA); Heather Kumar (HK); Esu Obu (EO)

Agenda

- Review March 12, 2024 notes
- Discuss public comment process
- Prep for Spring NOSB meeting
- Additional Items
- Adjourn

Discussion

- **March 12, 2024** notes were approved with no changes.
- **Public comment process.** The group discussed preparations for the Spring NOSB meeting.
- **Additional Items.**
 - **Inerts.** The MS discussed inviting a speaker(s) from the Biological Products Industry Alliance (BPIA) to the May 14 call to discuss inerts. The NOSB Chair recently participated on a panel at the BPIA meeting and interacted with staff, and feels they would be a great resource. Additionally, a public commenter recommended engaging with the EPA; specifically, the office that works on approval of inerts. The NOP suggested someone from EPA and KS and NL will follow up with the National List Manager to get connected. The MS will send NOP the names of the guest speaker(s) from BPIA. NL volunteered to lead the conversation on inerts at the April NOSB meeting. The group acknowledged the NOSB's work on this topic as conscientious, deliberate, and respectful, as they make forward progress.
 - **Communication.** The group discussed the current process for relaying information to the NOP since the National List Manager is not on the Subcommittee calls anymore. Members asked about an update about who is responsible for relaying information up the chain.
 - **TR templates.** The NOSB received lots of helpful comments, and discussed how to proceed at the meeting should they choose to make changes to the current proposal. Members discussed what would be considered substantive, given that these documents are internal templates to aid the NOSB in its work, and are not proposals for rulemaking. Members acknowledged the difficulties given that the topic of excluded methods isn't black and white. MJ will lead the conversation at the NOSB meeting.
 - **Seed comments.** MJ asked folks to pay attention to the comments regarding excluded methods as it seemed that commenters may be conflating two different projects.
 - **Excluded Methods.** The group discussed the plan for the Fall meeting and beyond, given that two of the leads will be rotating off the Board in January 2025. Ideally, the MS will establish top priorities and work on this immediately after the Spring meeting. Members expressed support for two sub-projects: a discussion document on induced mutagenesis, which could have implications for other processes on the TBD list; and a document on fermentation. They will talk more about the TBD list and what/if to add. A member emphasized the need for transition planning, given the turnover on the Board in the next few years, as members complete their terms.

- **Induced Mutagenesis (DN, BC).** The co-leads have a draft document and will share that with others as they determine how to move ahead. The plan is to have a discussion document ready for the Fall 2024 meeting. MJ noted the change in tenor of the comments from the seed community.
- **The meeting was adjourned**

[Previous MS Notes](#)

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Discuss public comment process

Prep for Spring NOSB meeting

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Guest speaker

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Projects

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Technical Report (TR) Update	N/A	MJ	Proposal		1.9.24 1.30.24 2.13.24	Spr 2024

Milestones

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Absent: Mindee Jeffery (MJ); Logan Petrey (LP)

Staff: Michelle Arsenault (MA); Heather Kumar (HK); Esu Obu (EO)

Agenda

- Review February 13, 2024 notes
- Inert Ingredients in Pesticide Products (NL)
- Updates on excluded methods
- Additional Items
- Adjourn

Discussion

- **February 13, 2024** notes were accepted as written.
- **Inert Ingredients in Pesticide Products (NL).** The lead mentioned a previous conversation in which they discussed inviting guest speakers to future MS calls. Given the short timeline to complete the recommendation on inerts, there may not be enough time to convene a panel, and so inviting expert speakers seems more feasible. The group discussed the expertise they would seek, such as someone(s) who uses inerts, an inert/pesticide manufacturer, a researcher, and perhaps someone who could speak to the intersection of EPA and USDA, OFPA, and the legal implications. The group discussed outstanding questions that they could pose to speakers. The lead asked if NOP could explore names of folks at EPA and USDA that they could connect with the Subcommittee. The Food Technologists will relay this conversation to NOP staff, and the lead will also reach out to NOP to seek input from.
- **Updates on excluded methods (FQ).**
 - **Induced mutagenesis.** The MS Chair opened the floor to comments and questions from the Subcommittee members. A couple members have been discussing induced mutagenesis, and the TBD list, hoping to minimize it. This may look like a discussion document for Fall 2024, and a proposal in Spring 2025. The group discussed this method, noting that it's been in use since the 1930's, but questioned whether if it were newly introduced if it would be compatible with organic agriculture. The co-lead suggested looking through previous comments on induced mutagenesis, and plan to have a rough draft to share at a future call.
 - **Fermentation.** Both the HS and MS have had discussions about fermentation. The NOSB chair asked how to move this project forward, and if it would be a stand-alone document or part of the excluded methods project. Several members offered feedback, and the overall consensus is that it become part of the excluded methods project. The ultimate (and perpetual) question is how far back in the process does the board look, when reviewing a substance?" There is a general prohibition of GMOs, but it's not entirely clear how that prohibition is applied by certifiers, when they are the entities responsible for assessing the details.
- **Additional Items.** None.
- **The meeting was adjourned**

[Previous MS Notes](#)

Future call schedule (2nd Tuesday 1:00 PM ET | 10:00 AM PT, except where noted)

February 13, 2024

Inert Ingredients in Pesticide Products (FQ, NL, LP, BC) - discuss/vote
 Research Priorities (WT/All) - discuss/vote
 Excluded Methods (MJ/DN/LP) - discuss/vote

March 12, 2024

April 9, 2024

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May 14, 2024

June 11, 2024

July 9, 2024

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Technical Report (TR) Update	N/A	MJ	Proposal		1.9.24 1.30.24 2.13.24	

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Absent: None

Staff: Michelle Arsenault (MA); Jared Clark (JC); Heather Kumar (HK); Esu Obu (EO)

Agenda

- Review January 9, 2024 notes
- Inert Ingredients in Pesticide Products (FQ, NL, LP, BC) - discuss/vote
- Research Priorities (WT/All) - discuss/vote
- Excluded Methods (MJ/DN/LP) - discuss/vote
- Additional Items
- Adjourn

Discussion

- **January 30, 2024** notes were accepted as written.
- **Inert Ingredients in Pesticide Products Discussion Document (NL, FQ, LP, BC).** During the last NOSB meeting, the Materials Subcommittee posted a brief document with questions in the open docket, but this is the first meeting they will present a fully flushed out discussion document. The document includes 4 options for reviewing inerts, as well as a spreadsheet compiled by the NOP Food Technologists listing the inert substances on 4A and 4B. The lead summarized the comments they received previously, and noted there was no consensus. The MS intends on making the process as transparent as possible given the complexity and interest. Members provided feedback on the work-to-date, noting that it is an information-gathering-tool at the moment. The MS voted on the document and will submit it for the Spring meeting.

Motion to accept the discussion document on inert ingredients in pesticide products

Motion by: NL

Seconded by: BC

Yes: 6 No: 0 Abstain: 0 Recuse: 0 Absent: 2

- **Research Priorities (WT/All).** The group reviewed the lists of priorities from the other Subcommittees. The lead will finalize the document and recirculate it so members can view the final version before voting via email. (Note: the final vote was tallied and recorded below)

Motion to accept the discussion document on research priorities

Motion by: WT

Seconded by: BC

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

- **Technical Report (TR) Update Proposal (MJ).** The group discussed the request by NOP to repost this as a proposal, so stakeholders have one more opportunity to submit feedback. The MS voted on the proposal and will submit it to NOP for the Spring meeting.

Motion to accept the proposal on TR template updates

Motion by: MJ
 Seconded by: NL
 Yes: 7 No: 0 Abstain: 0 Recuse: 0 Absent: 1

- **Additional Items.** None.
- **The meeting was adjourned**

[Previous MS Notes](#)

Future call schedule (2nd Tuesday 1:00 PM ET | 10:00 AM PT, except where noted)

January 30, 2024 Additional call

February 13, 2024

Inert Ingredients in Pesticide Products (FQ, NL, LP, BC) - discuss/vote

Research Priorities (WT/All) - discuss/vote

Excluded Methods (MJ/DN/LP) - discuss/vote

March 12, 2024

April 9, 2024

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Absent: Nate Lewis (NL); Logan Petrey (LP); Kyla Smith (KS); Dilip Nandwani (DN)

Staff: Michelle Arsenault (MA); Jared Clark (JC); Heather Kumar (HK); Esu Obu (EO)

Agenda

- Review January 9, 2024 notes
- Inert Ingredients in Pesticide Products (FQ, NL, LP, BC) - discuss/vote
- Research Priorities (WT/All) - discuss/vote
- Excluded Methods (MJ/DN/LP) - discuss/vote
- Additional Items
- Adjourn

Discussion

- **Review of the January 9, 2024** notes was deferred due to lack of quorum
- **Technical Report (TR) update (MJ).** The lead circulated a draft document, and the group provided feedback. There were no substantive changes, and the Subcommittee members were supportive of the document as presented. The group discussed the use of the different phrases based on the National List scope: ancillary substances in handling, and excipients and inerts in Crops and Livestock. The MS is seeking additional feedback from stakeholders, and deferred the vote to the February 13 call due to lack of quorum.
- **Additional Items.** None.
- **The meeting was adjourned**

[Previous MS Notes](#)

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January 9, 2024

Excluded Methods Discussion Doc (MJ/DN/LP) - discuss

Inert Ingredients in Pesticide Products (FQ, NL, LP, BC) - discuss

January 30, 2024 Additional call

February 13, 2024

Inert Ingredients in Pesticide Products (FQ, NL, LP, BC) - discuss/vote

Research Priorities (WT/All) - discuss/vote

Technical Report (TR) update (MJ) - discuss/vote

March 12, 2024

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Spring 2024 NOSB meeting - Milwaukee, WI	Apr 29 - May 1, 2024	0
Final recommendations due	May 29, 2024	30 days post meeting

Note: Subcommittee notes may include preliminary discussions regarding substances considered for addition to or removal from the National List. They do not represent official National Organic Program (NOP) policy/regulations or NOSB recommendations. Proposals must be voted on by the full Board, to become recommendations to the USDA. Please see the NOP website for official NOP policy, regulations, and status of substances used in organic production and handling.

Materials (MS) (GMO ad hoc) Subcommittee Notes **Tuesday, January 9, 2024 1:00 pm ET**

Present: Franklin Quarcoo (FQ), Chair; Wood Turner (WT), Vice Chair; Mindee Jeffery; Nate Lewis (NL); Logan Petrey (LP); Kyla Smith (KS); Dilip Nandwani (DN); Brian Caldwell (BC)

Absent: None

Staff: Michelle Arsenault (MA); Jared Clark (JC); Heather Kumar (HK)

Agenda

- Review December 12, 2023 notes
- Inert Ingredients in Pesticide Products (FQ, NL, LP, BC) - discuss
- Excluded Methods TR Template status (MJ/DN/LP) - discuss
- Additional Items
- Adjourn

Discussion

- **December 12, 2024** notes were accepted with modifications.
- **Inert Ingredients in Pesticide Products (FQ, NL, LP, BC).** The leads developed a spreadsheet as a starting point for the Food Technologists, which they hope will be helpful when evaluating the various scenarios and options for inerts. It includes a summary of stakeholder input, and an explanation of the options, to help focus the possible outcomes. The MS is also interested in hosting a panel on inerts between Board meetings; perhaps in June. They are approaching this project in two phases: Phase 1 will be a discussion document for the Spring 2024 meeting that includes the spreadsheet, and Phase 2 may include some solutions (perhaps grouping the inerts by functional group), and would be presented at the Fall 2024 meeting. A member recalled feedback from public comment suggesting that the inerts be grouped into a different section of the regulations. The MS will discuss further and vote on the next call.
- **Excluded Methods TR Template status (MJ/DN/LP).** The group discussed the TR template status. The templates have been through several iterations, and have been modified with feedback from stakeholders and the Organic Materials Review Institute (OMRI), who currently writes the TRs. The process has been long, and the MS is unanimous in their sentiment that they are ready to be implemented. One member suggested minor edits regarding microorganisms, and the lead suggested it might be better to encourage future Boards to address questions about fermentation. after NOP makes a determination about inerts. The addition of these questions is really about feedstocks, and could be seen as creating policy where none exists. Also, it's not clear how certifiers would use that information. Two other members suggested a question about ancillary substances. The lead will add minor changes and submit the document to the NOP.
Additional Items. Research priorities. The MS will divide the lists in each Subcommittee into two categories: top priorities and ongoing research. This way, it highlights topics for researchers.
- **The meeting was adjourned**

[Previous MS Notes](#)

Future call schedule (2nd Tuesday 1:00 PM ET | 10:00 AM PT, except where noted)

December 12, 2023

Inert Ingredients in Pesticide Products (FQ, NL, LP, BC)

January 9, 2024

Excluded Methods Discussion Doc (MJ/DN/LP) - discuss

Inert Ingredients in Pesticide Products (FQ, NL, LP, BC) - discuss

February 13, 2024

Inert Ingredients in Pesticide Products (FQ, NL, LP, BC) - discuss/vote

Research Priorities (WT/All) - discuss/vote

Excluded Methods (MJ/DN/LP) - discuss/vote

March 12, 2024

April 9, 2024

May 14, 2024

June 11, 2024

July 9, 2024

August 13, 2024

September 10, 2024

October 8, 2024

November 12, 2024

December 10, 2024

Work Agenda

*Highlight indicates discussion. *Highlight indicates action needed. *Highlight indicates review completion and/or vote.

Projects

Project	National List	Contact	Doc Type	Notes	Scheduled / status	Target meeting
Research Priorities (RPs)	N/A	WT	Discussion Doc	May 2012 Framework Proposal <u>Subcommittee reps to MS:</u> Handling (HS): LP/DN Crops (CS): BC Livestock (LS): BC RPs due to MS from HS, CS, and LS by 01.16.24	2.13.24	Spr 2024
Excluded Methods	N/A	MJ/DN /LP	Discussion Doc	MS requested TR on induced mutagenesis 1.10.23. TR due to NOP end-June. TR sent to MS 7.6.23. TR sufficiency due 9.4.23. TR found sufficient 8.8.23.	12.12.23	Fall 2024

Tall oil, distilled	205.601 205.603	WT	HOLD	2008 Petition (distilled tall oil). 2010 TR (tall oil). Petition sent to MS 9.4.20. Petition suff/TR request due 12.8.20. Petition found sufficient 12.8.20, and the MS requested a TR. TR due mid-Aug. TR sent to MS 8.13.21. TR suff due 10.12.21. TR found sufficient 10.12.21. Additional information from petitioner sent to MS 2.8.22 (see AMS-NOP-21-0087-0003). Returned to Subcomm at Spr 2022 meeting. On hold pending results from ANPR/guidance.	12.12.23	TBD
Inert Ingredients in Pesticide Products	Misc.	FQ, NL, LP, BC	Discussion Doc	June 23, 2023 NOP Memo	9.12.23 10.10.23 11.14.23 12.12.23 1.9.24 2.13.24	Spr 2024
Technical Report (TR) Update	N/A	MJ	Proposal		1.9.24 1.30.24 2.13.24	

Milestones

Spring 2024 Milestones	Target dates (tentative)	Weeks PTM (prior to meeting)
NOP - Publish FRN, Open public comment	~Nov 17, 2023	16 -20
NOP - Draft Spring 2024 NOSB meeting tentative agenda	Feb 9, 2024	~ 10
NOSB - Spring 2024 proposals due to NOP	Feb 15, 2024	~ 9
NOP - Post proposals	Mar 5, 2024	7.5
Public comment closes	Apr 3, 2024	3.5
NOP - Send compiled public comments to NOSB	Apr 5, 2024	3
Public comment webinars	Apr 23 & 25, 2024	1
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