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1400 Independence Avenue, S.W.
Room 2642-S, Mail Stop 0268
Washington, D.C. 20250-0268

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MEMORANDUM TO THE NATIONAL ORGANIC STANDARDS BOARD

FROM: Ruihong Guo, Ph.D.
Acting Deputy Administrator
National Organic Program (NOP)

SUBJECT: Response to National Organic Standards Board Recommendations (Fall 2017 Meeting)

Background

This memorandum responds to the National Organic Standards Board (NOSB) recommendations made at its meeting in Jacksonville, Florida on October 31–November 2, 2017.

Summary of Recommendations and AMS Responses

1. Petitioned Substances and Related Recommendations. The NOSB recommended two amendments to the National List of Allowed and Prohibited Substances (National List). This section of the U.S. Department of Agriculture (USDA) organic regulations includes synthetic substances allowed in crop and livestock production, nonsynthetic substances prohibited in crop and livestock production, and non-organic substances allowed in the handling of organic products.

Substance	Section	NOSB Recommendation
Sulfur	Livestock: § 205.603(b)	The motion to add sulfur to the National List, section 205.603, passed.
Potassium acid tartrate (cream of tartar)	Handling: § 205.605(b) (current) § 205.606 (recommended)	The motion to reclassify potassium acid tartrate as agricultural (vs. nonagricultural as currently listed) passed.

AMS Response: AMS is reviewing the NOSB’s recommendations to add sulfur to the National List for organic livestock production and to classify potassium acid tartrate as agricultural.

2. Certification Requirements for Certain Handling Operations. The NOSB passed a set of recommendations related to the exclusion of certain handling operations from organic certification (7 CFR 205.101). The NOSB recommended a revision to the current NOP Guidance document NOP 5031 (*Certification Requirements for Handling Unpackaged Organic Products*)

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to clarify that handlers are only excluded from the requirements of certification if they handle product that is both packaged and labeled. Additionally, the Board recommended that AMS provide training and guidance to certifiers and to certified organic handlers to support the integrity and traceability of organic products.

AMS Response: AMS appreciates the NOSB's work on this topic and is reviewing the NOSB's recommendation. This topic is of particular importance as AMS considers new approaches for maintaining the integrity of complex supply chains.

3. Excluded Methods. The NOSB passed a recommendation to update their November 2016 recommendation on excluded methods by adding three methods to the "Terminology Chart" in that recommendation. The Board voted to classify the three methods as excluded based on the definition of excluded methods in the USDA organic regulations and the criteria included in the NOSB's 2016 recommendation.

AMS Response: AMS is reviewing the NOSB's recommendation.

4. Aeroponic Production of Organic Crops. The NOSB passed a recommendation to prohibit the use of aeroponic systems for the production of organic crops. Aeroponic systems were described by the NOSB as systems that do not require soil or a root-zone medium. In these systems, the roots are suspended in midair, and the roots are regularly sprayed with water that contains water-soluble nutrients.

AMS Response: AMS is reviewing the NOSB's recommendation.

5. Sunset Review—Recommendations for Removal. The NOSB recommended that four substances be removed from the National List: Vitamin B₁ for crop production, oxytocin and procaine for livestock production, and non-organic konjac flour for handling.

The recommendations follow the Board's completion of the sunset reviews for these substances that sunset on March 15, 2022. The NOSB completed their sunset review of these substances early to more evenly distribute the sunset review workload (see NOSB's Fall 2016 recommendation). The Board requested that these four substances remain on the National list until their sunset date of March 15, 2022 (for sunset dates see NOP 5611 National List Sunset Dates).

AMS Response: AMS is reviewing the Board's recommendations to remove Vitamin B₁, oxytocin, procaine, and non-organic konjac flour from the National List.

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Substance	Use National List Section	Action Considered by NOSB NOSB Recommendation
Vitamin B ₁	Crop production 205.601(j)	The motion to remove this substance from the National List passed . The NOSB recommended removal from the National List as a result of its sunset review.
Oxytocin	Livestock production 205.603(a)	The motion to remove this substance from the National List passed . The NOSB recommended removal from the National List as a result of its sunset review.
Procaine	Livestock production 205.603(b)	The motion to remove this substance from the National List passed . The NOSB recommended removal from the National List as a result of its sunset review.
Konjac flour	Handling 205.606	The motion to remove this substance from the National List passed . The NOSB recommended removal from the National List as a result of its sunset review.

6. Sunset Review—Not Recommended for Removal. The NOSB completed its sunset review of the substances in the following table. The Board did not recommend that these substances be removed from the National List. With the exception of biodegradable biobased mulch film (sunset 2019), the substances were scheduled to sunset in 2022. The NOSB completed the sunset reviews for these substances early, to more evenly distribute the sunset review workload (see NOSB’s Fall 2016 recommendation).

AMS response: AMS is reviewing the NOSB’s sunset reviews of the National List substances below.

Substance	Use	National List Section
Chlorine materials (calcium hypochlorite, chlorine dioxide, sodium)	Crop production	205.601(a)
Herbicides, soap-based	Crop production	205.601(b)
Biodegradable biobased mulch film	Crop production	205.601(b)
Boric acid	Crop production	205.601(e)
Sticky traps/barriers	Crop production	205.601(e)

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Copper sulfate	Crop production	205.601(i)
Coppers, fixed	Crop production	205.601(i)
Humic acids	Crop production	205.601(j)
Micronutrients—soluble boron products	Crop production	205.601(j)
Micronutrients—sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt	Crop production	205.601(j)
Vitamins C and E	Crop production	205.601(j)
Lead salts	Livestock production	205.602(d)
Tobacco dust (nicotine sulfate)	Livestock production	205.602(i)
Chlorine materials (calcium hypochlorite, chlorine dioxide, sodium	Livestock production	205.603(a)
Chlorhexidine	Livestock production	205.603(a)
Glucose	Livestock production	205.603(a)
Tolazoline	Livestock production	205.603(a)
Copper sulfate	Livestock production	205.603(b)
Lidocaine	Livestock production	205.603(b)
Attapulgate	Handling	205.605(a)
Bentonite	Handling	205.605(a)
Diatomaceous earth	Handling	205.605(a)
Nitrogen	Handling	205.605(a)
Sodium carbonate	Handling	205.605(a)
Acidified sodium chlorite	Handling	205.605(a)
Carbon dioxide	Handling	205.605(b)
Chlorine materials (calcium hypochlorite, chlorine dioxide, sodium	Handling	205.605(b)
Magnesium chloride	Handling	205.605(b)
Potassium acid tartrate	Handling	205.605(b)

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Sodium phosphates	Handling	205.605(b)
Casings	Handling	205.606
Pectin (non-amidated forms only)	Handling	205.606

Summary

AMS acknowledges and sincerely appreciates the many hours NOSB members provided in developing its recommendations. AMS supports NOSB’s vital role in representing the diversity of the organic community and ensuring organic integrity.

AMS also thanks retiring board member Francis Thicke for his service. During the past five years, Francis tirelessly served the organic community, providing his deep expertise to advise the USDA on the implementation of the Organic Food Production Act and the USDA organic regulations.