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Agriculture

Agricultural  
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May 1, 2017

**MEMORANDUM TO THE NATIONAL ORGANIC STANDARDS BOARD**

**FROM:** Miles V. McEvoy  
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**SUBJECT:** Response to National Organic Standards Board Recommendations  
(November 2016 Meeting)

**Background**

This memorandum responds to the National Organic Standards Board (NOSB) recommendations made at its November 16-18, 2016, meeting in St. Louis, Missouri.

**Summary of Recommendations**

**1. Petitioned Substances.** The NOSB recommended one amendment 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
Ivermectin	Livestock: 205.603(a)(18)(ii)	The motion to remove ivermectin from the National List, section §205.603, passed.  The NOSB reviewed and supported the petition for removal of ivermectin from the National List.

**2. 2018 Sunset Review.** The NOSB completed the 2018 sunset review for 15 substances. The NOSB considered motions to remove each of these substances from the National List. Upon completing the 2018 Sunset review, the NOSB recommended one substance for removal: Carrageenan.

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<b>Substance</b>	<b>Section</b>	<b>Action Considered by NOSB NOSB Recommendation</b>
Carrageenan	§205.605(a)	The motion to remove this substance from the National List, based on the OFPA criteria “availability of alternatives,” passed. The NOSB recommended removal from the National List as a result of its sunset review.
Copper sulfate	205.601(a); 205.601(e)	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.
Ozone gas	205.601(a)	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.
Peracetic acid	205.601(a); 205.601(i)	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.
EPA List 3 Inerts	205.601(m)	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.
Calcium chloride	205.602(c)	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.
Agar-agar	205.605(a)	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.
Animal enzymes	205.605(a)	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.
Calcium sulfate- mined	205.605(a)	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.

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Glucono delta-lactone	205.605(a)	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.
Tartaric acid	205.605(a)	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.
Cellulose	205.605(b)	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.
Potassium hydroxide	205.605(b)	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.
Silicon dioxide	205.605(b)	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.
Colors: Beta-carotene extract	205.606	The motion to remove this substance from the National List failed. The NOSB completed its sunset review.

### 3. Other Recommendations

#### Policy and Procedure Manual Revisions

The NOSB issued a recommendation to adopt the September 13, 2016, draft version of the NOSB Policy and Procedures Manual. The objective of the recommendation is to revise the manual to reflect the current procedures for the collaborative and productive functioning of the NOSB.

#### Sunset Review - Efficient Workload Reorganization

The NOSB recommended a reorganization of the sunset review schedule to distribute the workload more evenly over the course of the five-year review timeline. The new timeline was widely supported by organic stakeholders, as it also lessens the workload for stakeholders who provide public comment.

### **Research Priorities**

The NOSB submitted a current list of research priorities that would support the organic sector, and urges researchers to consider whole farm systems when undertaking research topics. New priorities added to the 2016 list include: prevention of GMO contamination; biodegradable biobased mulch film; prevention and management of parasites for organic livestock; evaluation of methionine; a systems-based approach for organic poultry; chlorine materials for handling; and alternatives to copper for plant disease and algae control. The NOSB recommended adopting the proposal on the 2016 NOSB Research Priorities.

### **Excluded Methods Terminology**

The NOSB passed a recommendation on excluded methods terminology that creates a structure for reviewing new technologies and disseminating the results of the review in a transparent manner. The Board voted to approve various definitions for excluded methods, and approve principles and criteria for evaluating new technologies and terminologies.

### **Discussion and Response**

#### **1. Petitioned Substances: Ivermectin (Livestock)**

The NOSB concluded that ivermectin should be removed from the National List, pursuant to Section 6518(m) of the Organic Foods Production Act (OFPA), with particular reference to Criteria 2, 5, 6, and 7 at Section 6518(m). Specifically, the NOSB recommended to remove ivermectin from the National List because: it is toxic in the environment by having a negative impact on dung beetles (a critical component of good pasture management); there are two alternative synthetic parasiticides on the National List, fenbendazole and moxidectin, that can be used as alternative medications during an emergency; high quality pasture and range management grazing techniques can reduce the need to use any parasiticide; and there are alternative herbal remedies. For the above reasons, the NOSB concluded that the use of ivermectin is incompatible with a system of sustainable agriculture.

The NOSB passed a recommendation to remove ivermectin from section 205.603(a)(18)(ii) of the National List.

#### **AMS Response:**

AMS is reviewing the recommendation to remove ivermectin from the National List.

#### **2. 2018 Sunset Review**

The NOSB completed the sunset review for 15 substances as a part of the 2018 Sunset review and recommended the removal of one substance: carrageenan.

The NOSB evaluated carrageenan according to OFPA criteria, and specifically with relation to 7 U.S.C 6518(m)(1) and (2). The NOSB determined that there are suitable alternatives to be used in place of carrageenan, such as gellan gum, guar gum, or xanthan gum. The majority of

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NOSB members also concluded that carrageenan is not compatible with OFPA criteria at 7 U.S.C. 6518(m) due to controversial information regarding perceived human health risks associated with the material. The Board's recommendation was also based on the NOSB's Guidance on Compatibility from the Appendix of the NOSB Policy and Procedures Manual, which addresses the question of whether the substance satisfies the expectations of organic consumers with regard to the authenticity and integrity of organic products. Some members stated that carrageenan does not meet the expectations of organic consumers.

The NOSB passed a recommendation to remove carrageenan from section 205.605(a) of the National List.

### **Response:**

AMS is reviewing the National List materials that were part of the 2018 sunset review process, including the recommendation to remove carrageenan from the National List.

### **3. Other Recommendations**

As presented above, the NOSB made recommendations related to the Policy and procedure manual; sunset review - efficient workload reorganization; research priorities; and excluded methods terminology.

### **Response:**

The NOSB Policy and Procedures Manual has been revised per NOSB's recommendation and is available at <https://www.ams.usda.gov/sites/default/files/media/NOSB-PolicyManual.pdf>. AMS is working with NOSB to implement the reorganization of the sunset review process. AMS is providing the research priorities to USDA's National Institute for Food and Agriculture and the Agricultural Research Service. AMS is reviewing the excluded methods recommendation to determine next steps to implement recommendations.

### **Summary**

AMS acknowledges and sincerely appreciates the hundreds of hours NOSB members provided in developing its November 2016 recommendations. In addition, AMS supports NOSB's vital role in representing the diversity of the organic community to enhance organic regulatory implementation and ensure organic product integrity.

AMS welcomes new committee members Joelle Mosso (Organic Handler), Sue Baird (Consumer Interest Representative), Asa Bradman (Environmental Protection and Resource Conservation Representative), Steve Ela (Organic Farmer), and David Mortensen (Scientist Representative). NOP thanks retiring board members Tracy Favre, Jean Richardson, Zea Sonnabend, Carmela Beck, and Harold Austin for their service and thoughtful guidance. During the past five years, they demonstrated a commitment to NOSB's role in advising AMS on the USDA organic regulations and the OFPA. Much of the success achieved by AMS is due to the considerable expertise and dedication of NOSB members.