



Agricultural  
Marketing  
Service

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Room 2646-South, STOP 0268  
Washington, DC 20250-0201

May 16, 2012

**MEMORANDUM FOR THE CHAIRPERSON OF THE NATIONAL ORGANIC STANDARDS BOARD (NOSB)**

**FROM:** Miles McEvoy  
Deputy Administrator  
National Organic Program (NOP)

**SUBJECT: NOSB Review of Petitioned Substances for Aquaculture**

The National Organic Program (NOP) is preparing a proposed rule for the production and certification of organic animal aquaculture products. We expect this rulemaking process to take place over the next two years. In anticipation of this rulemaking, the NOP has received a number of petitions for substances to be added to the National List of Allowed and Prohibited Substances (National List) for use in organic aquaculture. These petitioned substances must be reviewed by the National Organic Standards Board (NOSB). The petitioned substances that the NOSB recommends for addition to the National List may be included in a proposed rule for organic aquaculture production.

The purpose of this memorandum is to formally ask the NOSB to review these petitioned substances for compliance with the Organic Foods Production Act (OFPA) criteria (7 U.S.C. 6518(m)) and NOP regulations at 7 CFR 205.600. Since we will be developing the proposed rule based on aquaculture-related NOSB recommendations already submitted to the NOP, those recommendations should be used to guide your review.

Furthermore, the NOSB previously recommended establishing four new sections of the National List for aquaculture materials, i.e., §§ 205.609-205.612. At this time, the NOP has not determined whether to establish new sections of the National List for aquaculture, or whether aquaculture materials should be incorporated into the existing framework for National List substances. The NOP expects that the majority of aquaculture substances petitioned to the National List will be petitions for substances already listed at section 205.601 or 205.603 for organic crop or livestock production respectively.

The NOP would like the NOSB to use the following framework for review of aquaculture petitions:

- The NOSB Livestock Committee should review petitions for aquatic animal production.
- The NOSB Crops Committee should review petitions for aquatic plant production.
- The NOSB Committees should request third-party technical reports for petitioned substances which do not have reports available. Committees should refer to technical reports previously prepared for substances used in crop or livestock production and determine whether supplemental information is necessary for the Committee to review the substance in the context of aquaculture. Any requests for supplemental information should be coordinated through Dr. Lisa Brines, NOP National List Manager.

As always, we appreciate the hard work, knowledge and experience the NOSB lends to the regulatory process. If you have any questions regarding this request, please do not hesitate to contact me or Michelle Arsenault, NOSB Advisory Board Specialist.