

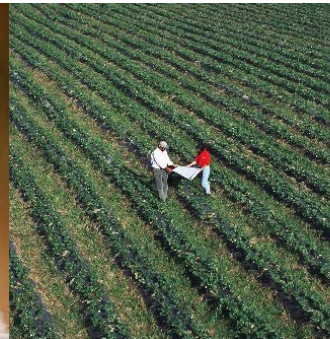


# USDA Organic Regulations Standards Update

January 13, 2016

USDA Agricultural Marketing Service

National Organic Program



# Agenda



- National List
- Clarifications
- Status Updates



- **Amending the National List:**
  1. NOSB recommendation
  2. Draft Rule
  3. Legal Review
  4. USDA Clearance
  5. Other Clearance (If Needed)
  6. Publication
  7. Public Comments (Proposed Rule Only)



## Sunset 2015:

## Renewal published **June 2015**:

- Crops - Renewed sodium carbonate peroxyhydrate, aqueous potassium silicate, and sulfurous acid
- Handling - Renewed gellan gum and tragacanth gum



## Sunset 2015:

## Proposed Rule published **July 2015**:

- Proposed to remove fortified cooking wines (marsala and sherry) from 205.606.
- Proposed to remove streptomycin and tetracycline from 205.601 (use expired 10/21/14).



## Sunset 2015:

### Final Rule published **December 2015**:

- Removes fortified cooking wines (marsala and sherry) from 205.606.
- Removes streptomycin and tetracycline from 205.601 (use expired 10/21/14).



## Sunset 2016

**Proposed Rule published December 2015**

NOSB recommended removal from 205.605:

- Egg white lysozyme
- Cyclohexylamine
- Diethylaminoethanol
- Octadecylamine
- Tetrasodium pyrophosphate



## Sunset 2016

### Renewal notice under development

NOSB completed review of:

- Crops – ferric phosphate for slug or snail bait, hydrogen chloride for delinting cotton seed
- Handling – L-malic acid, microorganisms, activated charcoal, peracetic acid, sodium acid pyrophosphate





## **Sunset 2017:**

Renewal notice under development

Crops – 52 individual listings

Livestock – 41 individual listings

Handling – 94 individual listings



## Sunset 2017:

NOSB recommended removal:

- Lignin sulfonate from **205.601** (for postharvest floating only)
- Furosemide from **205.603**
- Magnesium carbonate from **205.605**
- Chia, Dillweed oil, Galangal, Inulin-oligofructose, Lemongrass, Chipotle chili pepper, Turkish bay leaves, Whey protein concentrate from **205.606**

# Rotenone (Botanical Pesticide)



- NOSB recommendation: Prohibit rotenone by Jan 1, 2016 by listing as prohibited nonsynthetic substance (§ 205.602)
- No allowed uses for food crops in U.S. (U.S. EPA); still allowed as a fish poison
- International use of rotenone in organic production diminishing, due to alternatives
- AMS plans to include rotenone in a future proposed rule

# Other National List Topics



## **205.605(b) – Nutrient vitamins and minerals**

- September 2012 Interim Rule In Place - Status Quo

## **205.602 – Sodium Nitrate**

- September 2012 Notice
- AMS has not renewed sodium nitrate on 205.602
- Therefore, the sodium nitrate listing on 205.602 is invalid, no longer enforceable
- Use of sodium nitrate must meet soil fertility and crop nutrient standard; natural resource standard
- September 11, 2012 notice provides information

# Biodegradable Biobased Mulch Film



Biodegradable biobased mulch film allowed

- Compostable
- Biodegradable
- Biobased – polymer feedstocks consist of biological products or renewable agricultural or forestry products.
- NOSB is reviewing a new Technical Report, as there are currently no biodegradable mulch films that meet the criteria on the market.

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# Nanotechnology Policy Memo



- Engineered nanomaterials are substances specifically designed and manufactured to have unique properties or behavior attributable to particle size.
- Nanomaterials generally range from 1-100 nm along one dimension.
- Nanomaterials may occur naturally or unintentionally
- Consistent with the 2010 NOSB recommendation on nanotechnology, engineered nanomaterials are prohibited.

# Electrolyzed Water



- On June 9, 2014, NOP issued a policy memo on electrolyzed water ([PM 14-3](#)).
- Following its release, stakeholders provided additional technical and regulatory information on electrolyzed water to the NOP.
- On September 11, 2015, NOP issued an updated policy memo clarifying that electrolyzed water is a type of chlorine material that is allowed in organic production and handling.



# Electrolyzed Water



- Chlorine materials are on the National List
- In water, chlorine materials on the National List form an equilibrium of related chlorine species, including hypochlorous acid (HOCl) and hypochlorite (ClO<sup>-</sup>).
- Similar chlorine species are formed when generating electrolyzed water.
- NOP considers hypochlorous acid generated by electrolyzed water to be an allowable type of chlorine material.
- NOSB is currently reviewing a petition for electrolyzed water.

# Agenda



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# Hydroponic and Aquaponic Task Force



- OFPA and USDA organic regulations don't specifically address hydroponics and aquaponics.
- Certification of hydroponic/aquaponic operations in the U.S.: 8 certifiers certifying; 39 operations certified (2013)
- **NOSB Recommendations:**
  - 1995: Hydroponic production allowed if provisions of OFPA are met.
  - 2010: Hydroponics (and similar systems) cannot be classified as certified organic growing methods.

# Hydroponic and Aquaponic Task Force



- **Why is the task force needed?** Rulemaking action required; contradictory recommendations; Incomplete information.
- Hydroponic and Aquaponic Task Force
  - 16 members with expertise in hydroponic, aquaponic, and soil-based organic production from many regions of the country.
  - Final Report: Technical background on hydroponic/aquaponic production systems and a balanced analysis representing all sides
  - Timeline: Final report to NOSB summer 2016



## Final Guidance:

**NOP 5023** – Final Guidance: Substances Used in Post Harvest Harvesting

**NOP 5020** – Final Guidance: Natural Resources and Biodiversity Conservation

# Substances in Post-Harvest Handling



- Clarification provided on how to determine whether a substance is acceptable for use in post-harvest handling
- Post-harvest handling can be carried out on-farm following harvest or in a handling (processing) facility: includes washing, cleaning, sorting, packing, cooling, facility pest management.
- Facility pest control in on-farm post-harvest facilities and in handling facilities is the same.

# Substances in Post-Harvest Handling



- Substances that can be used:
  - Non-synthetic substances allowed for crop production that are not restricted or prohibited in § 205.602 of the National List
  - Synthetic substances that are listed in §205.601 specifically for post-harvest use
  - Substances listed in § 205.605 of the National List, according to restrictions
  - Inert ingredients in pest control substances must be allowed in § 205.601(m) or meet one of the conditions above

# Substances in Post-Harvest Handling



- Facility Pest Management:
  - Non-synthetic and synthetic substances list in §§ 205.601, 205.603 or 205.605 are allowed in accordance with any restrictions
  - EPA registered pesticide used in facilities must be registered for that use
  - Inerts must be nonsynthetic or be allowed in § 205.601(m), § 205.603(e), or § 205.605 of the National List
  - Requirements of § 205.271 apply to handling facilities, whether on or off farm



# Natural Resources and Biodiversity



- Specifics provided on how to implement §205.200, which requires operations to maintain or improve the natural resources of the operation, including soil and water quality.
- Guidance was developed in collaboration with the NRCS and provides examples of production practices that support conservation principles.
- Explains the responsibility of producers, certifiers, and inspectors in implementing and verifying the requirements.
- Scope does not extend to Handlers.

# Natural Resources and Biodiversity



- Responsibility of organic operations:
  - OSP must describe how biodiversity will be maintained or improved
  - Operations that also participate in NRCS activities can refer to a current NRCS plan as a part of their OSP
  - Split operations can use their non-certified land for conservation efforts that benefit certified land
  - Examples: planting diverse species, controlling livestock access to biologically sensitive areas

# Natural Resources and Biodiversity



- Responsibility of certifiers and inspectors:
  - Verification of OSP with practices on site and records maintained
  - Certifiers should ensure inspectors are sufficiently qualified to effectively assess compliance with § 205.200.
  - Inspectors will assess compliance with the OSP as well as special circumstances such as extreme climatic conditions or factors beyond control of the certified operation
  - Appendix A offers best-practice examples



- Guidance
  - Treated Lumber
  - Calculation of Organic Ingredients
  - Crop and Livestock Materials
  - Pesticide spray drift
- Rulemaking
  - Final Rule: Origin of Livestock
  - Proposed Rule: Aquaculture
  - Proposed Rule: Pet Food
  - Proposed Rule: Animal Welfare
  - Proposed Rule: Apiculture
- Instruction
  - Conservation Activity Plan for Organic Systems Plans

# Questions?

