Agenda

- National List
- Clarifications
- Status Updates
National List

- 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).
National List

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 bate, hydrogen chloride for delinting cotton seed
- Handling – L-malic acid, microorganisms, activated charcoal, peracetic acid, sodium acid pyrophosphate
National List

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 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⁻).
• 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.
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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
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
In Development

• 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