



September 28, 2023

Ms. Michelle Arsenault, Advisory Committee Specialist
National Organic Standards Board
USDA-AMS-NOP
Submitted via [Regulations.gov](https://www.regulations.gov).

RE: Agency/Docket Number: Doc. No. AMS-NOP-23-0026

NOSB Additional Request for Feedback on Inerts

Dear NOSB Members:

Thank you for requesting additional comments on the topic of inerts. This request comes after the [NOP's Memo to the NOSB of June 23, 2023](#). MOSA supports NOSB proposing a final solution for the review of inert ingredients in pesticide products.

MOSA certifies over 1,850 organic operations throughout the United States, including over 650 livestock operations, 1,750 crop operations, and almost 315 handling operations. Almost all of MOSA's certified organic operations use inputs. We review inputs with inerts used in various pesticide applications for crops, livestock, and processing/handling including pesticides, insecticides, fungicides, herbicides, internal and external parasiticides and parasite control, facility pest management, and post-harvest handling. Such inputs are almost always restricted for use. MOSA has over 1300 pesticide inputs in our database. Over 800 are in use by our clients. We have reviewed more than a hundred inputs with an acceptable inert ingredient and approximately 60 of them are in use by clients. Most of the products we see in use are verified by a third party: 17 are EPA approved for organic use products; almost 300 are OMRI listed; and another ~25 are WSDA listed. Many others are used outside of production areas and have prohibited ingredients and approval is only given through review and approval of a client's specific plan for use, under NOS § 205.271. MOSA staff extend careful consideration before approving such inputs for use.

NOSB requested feedback on:

1. **Capacity:** We believe a few inert ingredients (or other materials) could be added to the National List and absorbed but too many individual materials would not be feasible to add and maintain. This addition to the current NOSB workload is not a reasonable solution. We support finding a solution that *is* within reason and allows for a quick review of approved lists which would be referenced in the standards.
2. **Authority:** We already rely on the EPA's authority for pesticide product review for materials that bear the EPA logo for organic use. These products are allowed in organic production accordingly. MOSA supports a process that accepts lists of ingredients

maintained by other sources. The issue seems to be the list of inerts currently allowed under list 4 that didn't show up on the EPA list of inerts allowed in minimal risk pesticides. We didn't find many ingredients that would be of concern among the inerts we have reviewed, though notably many of the products our clients use are OMRI/WSDA/EPA listed and we do not review the ingredients. It would be great to see a memorandum of understanding between the NOP and EPA. We also encourage manufacturers to proactively list with a third party. The seal of approval plus the restrictions being spelled out clearly on public websites gives certifiers and clients the tools to be sure the products in use are approved for the client's use.

3. **Flexibility:** The National List is not flexible but references within the NOS to other lists should provide the flexibility needed. We support categorical listing of inerts with reference to approved lists.

The comments MOSA submitted on the ANPR supported the use of the two lists referenced by the NOP in their memo to the NOSB. We evaluated inert ingredients that have been disclosed to us and have no significant concerns with updating references to options discussed below.

- *Allow inert ingredients that EPA allows in minimal risk pesticide products. This alternative references EPA regulations and addresses some of the inert ingredients on EPA List 4.*
- *Allow inert ingredients EPA allows in passive pheromone dispensers. This alternative also references EPA regulations and addresses all EPA List 3 inert ingredients. Together, these two alternatives appear to address approximately 70 percent of the various inert ingredients currently used in organic production. Additionally, in 2015 the NOSB supported these alternatives in their recommendation to replace EPA List 3 and List 4, in part, with these two alternatives, mentioned above.*

We continue to support both of these alternatives. MOSA does not have concerns with adoption of these two lists given the inputs our clients use *that we have reviewed*. Our clients do use a large number of OMRI and other third-party listed inputs and we do not review any ingredients ourselves. Compiling a list of inerts that aren't on either list as well as prohibited materials was suggested. That would be a step in the right direction. Certifiers and MROs often discuss the status of ingredients and we have other such lists maintained by the Accredited Certifiers Association. A similar resource could be developed. Is it possible for OMRI or another third party to host a list? It may boil down to making a decision to go with the knowns and referencing the EPA resources explained above and letting the manufacturers figure out how to solve that problem if they use other inert ingredients. The normal length of time it takes for a proposed rule to become a final rule should give stakeholders adequate time to find resolution to their concerns. We encourage the NOSB to make a final proposal for the NOP to develop into a proposed rule for further stakeholder consideration.

Thank you for your work on this obviously difficult issue.

Respectfully submitted,

The MOSA Certification Team