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USDA-AMS-NOP
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Submitted via [regulations.gov](https://www.regulations.gov).

**Re: AMS-NOP-21-0060; NOP-21-02, Regulatory Information Number (RIN)
0581-AE11**

[Proposed Amendments to the National List of Allowed and Prohibited Substances per October 2020 and April 2021 NOSB Recommendations \(Handling, Crop\)](#)

Jared Clark:

Thank you for the opportunity to provide comments on the proposal for highly soluble nitrogen fertilizers. MOSA certifies over 2,000 organic operations throughout the United States, including approximately 730 livestock operations, 1,750 crop operations, and 325 handling operations. Almost all MOSA certified operations use some National List materials.

MOSA has no input on low-acyl gellan gum and we appreciate the technical correction for wood rosin. We support the addition of paper planting aids to the National List as discussed below. MOSA certifies approximately 25 farmers using a paper pot planting system and one using a seed tape.

We support the addition of paper-based crop planting aids to § 205.2 Terms Defined as well as to the National List, at § 205.601(o)(2), as a synthetic substance allowed in organic crop production, however we also note the last sentence of the definition is not clear, nor does it seem accurate.

The recommended definition is:

Paper-based crop planting aid. A material that is comprised of at least 60% cellulose-based fiber by weight, including, but not limited to, pots, seed tape, and collars that are placed in or on the soil and later incorporated into the soil, excluding biodegradable mulch film. Up to 40% of the ingredients can be non-synthetic, other permitted synthetic ingredients at § 205.601(j), or synthetic strengthening fibers, adhesives, or resins. Contains no less than 80% biobased content as verified by a qualified third-party assessment (e.g., laboratory test using ASTM D6866 or

composition review by qualified personnel). Added nutrients must comply with §§ 205.105, 205.203, and 205.206. [Emphasis added]

The definition seems clear to us except for the last sentence. We would like to fully understand the intention for the inclusion of this sentence.

Added nutrients must comply with §§ 205.105, 205.203, and 205.206.

We understand the intention with the reference to § 205.105 and to § 205.203, though we inherently apply this logic and thinking to all crop materials so explicit callout isn't needed. However, the reference to § 205.206 would apply to pest, weed, and disease management practices, and would NOT seem to apply to *added nutrients*. *Added nutrients* that we would find compliant would come from either allowed natural materials or from the synthetic materials listed on § 205.601(j) (only and specifically plant or soil amendments) which is called out earlier in the proposed definition. The intent with the call-out is to allow no synthetic materials except for those on (j) and as stated, adhesives, resins, and strengthening fibers. Sixty percent of the product must be cellulose-based fiber (paper) and the other forty percent can be nonsynthetic (i.e. peat), materials from § 205.601(j), such as micronutrients, and adhesives, strengthening fibers, or resins. No other synthetics would be allowed.

Some of the different types of products being used could very well be paper-based crop planting aids that could also include materials allowed as a pesticide, however synthetic materials for pest control are NOT included in the synthetic materials permitted. The forty percent of other ingredients could NOT include materials from just any part of § 205.601, rather only from (j). As a result, if pesticides were included as an ingredient in a paper-based crop planting aid, they would need to be composed entirely of natural materials.

To reflect our understanding, we suggest striking the last sentence of the definition entirely.

The recommended annotated listing for paper-based crop planting aids at § 205.601(o)(2) is:

Production Aids: Paper-based crop planting aids as defined in § 205.2. Virgin or recycled paper without glossy paper or colored inks.

The standards addition is clear to us given definition clarification is made.

AMS requested comment on the interpretation of “qualified personnel” and the additional considerations outlined within NOSB’s recommendation. NOSB noted several items needing additional consideration, one of which stood out to us as comment worthy.

We think that the introduction at § 205.601 *should* be updated to include (o) in the list of sections excluded from § 205.206(e) requirements.

In accordance with restrictions specified in this section, the following synthetic substances may be used in organic crop production: Provided, That, use of such substances do not contribute to contamination of crops, soil, or water. Substances allowed by this section, except disinfectants and sanitizers in paragraph (a) and those substances in paragraphs (c), (j), ~~(k)~~, and (l), and (o) of this section, may only be used when the provisions set forth in § 205.206(a) through (d) prove insufficient to prevent or control the target pest.

Meaning that substances in (b), (d), (e), (f), (g), (h), (i), (m), and (n) must only be used when § 205.206(a)-(d) are ineffective to prevent or control the target pest.

It also seems to us that (k) should also be removed from the excluded list *unless* NOP intended fatty alcohols to be allowed for use without the § 205.206(e) restriction, and recognizes that fatty alcohol products contain inert ingredients that would be reviewed to (m). We interpreted that fatty alcohols would be permitted to contain inert ingredients at (m) and that they would be restricted by the § 205.206(e) restriction.

We agree with AMS's interpretation of "qualified personnel" to be *a third-party (i.e., certifier or material review organization) capable and qualified to make limited biobased determinations based on product-specific formulation. AMS views this allowance as an alternative verification process when the biobased nature of the ingredients is clear (e.g., a product composed entirely of paper and coconut coir)*. We appreciate the clarification that MOSA would be a qualified third party to determine compliance of some paper-based planting aids. That said, we encourage product manufacturers to obtain ASTM D6866 testing and be prepared to submit full composition verification to become listed by a Material Review Organization, such as OMRI. Although we are confident in our ability to evaluate products to the proposed criteria, product approval by an organization like OMRI ensures consistent decisions between certifiers and eliminates the need for manufacturers to provide multiple individual certifiers with the same information.

Thank you for your prompt work on this NOSB material recommendation.

Sincerely,

The MOSA Certification Team