



April 3, 2020

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National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Ave., SW.,  
Room 2642-S., Mail Stop 0268  
Washington, DC 20250-0268

Submitted via [Regulations.gov](https://www.regulations.gov).

**RE: Docket # AMS-NOP-19-0095**

## **NOSB Crops, Livestock, and Handling Subcommittees Sunset Reviews**

Dear NOSB members:

Thank you for the opportunity to provide comments on the 2022 Sunset Review Materials. MOSA certifies approximately 2,155 organic operations throughout the United States, including approximately 825 livestock operations, 1,890 crop operations, and 315 handling operations. Almost all MOSA certified operations use some National List materials.

With recent upgrades to our materials database, we can now determine how many clients are using a given product on their operation, and we can provide quantitative data regarding the use of different products. With ongoing data entry, we've linked almost 90 percent of crop, livestock, and producer/handler clients to materials they use. The remaining handler clients are being undertaken in a project that we'll roll out later this year and into 2021. We are now able to provide some quantitative information about the number of clients we see using materials and ingredients, and in the future we'll be able to provide more precise and complete information.

Italicised comments below include information taken from our database as well as anecdotal comments from staff regarding their experiences during file review. We've provided answers to NOSB questions where we have information to offer.

### **2022 Crops Sunset Reviews: §205.601 & §205.602**

- **Insecticidal soap**
  - Is this substance still necessary for the organic farming community?
    - *MOSA has reviewed 9 insecticidal soap products which are in use by 51 clients.*
- **Vitamin D3 (rodenticide)**
  - Is this product still needed as a rodenticide in organic crop production?
    - *MOSA has only a few different products recorded as in use by almost 90 clients. We consider this a common input that we see used in production, especially on handling operations, under an approved pest management plan.*

- Please provide information on the ancillary substances that may be part of vitamin D3 formulations.
  - *Additional ingredients for the products we have reviewed are all generally acceptable or are allowed as list 4 inerts.*
- **Aquatic plant extracts (fertilizer)**
  - Given the broad range of views on this topic, please describe if/how aquatic plant extracts should be addressed during this sunset review.
    - *As with any input during ongoing discussion, the status quo should be maintained until discussion concludes.*
  - Are aquatic plant extracts still needed in organic crop production?
    - *We do not specifically identify “aquatic plant extracts” but we do identify aquatic fertilizers, which include fish, kelp and crab meal and aquatic plants and extracts. We consider aquatic plant fertilizers rather common: we have reviewed 102 products in use by a total of 699 clients.*
- **Lignin sulfonate (chelating agent, dust suppressant)**
  - *We agree with the NOSB statement that this material is “in wide use by the trade and is considered to be necessary for both dust suppression and as the chelating agent for many micronutrient formulations.” MOSA has reviewed approximately ten products containing lignin sulfonate which are in use by more than 150 clients.*
- **EPA List 4 inerts**
  - Are there any alternatives for updating this listing other than the review of each substance individually or adoption of the EPA Safer Choice Program?
    - *MOSA would appreciate a resource to reference, such as the Safer Choice Program. We do not think reviewing each inert ingredient individually is a viable alternative. We expect that most are not on the National List, and reviewing to the National List would present its own challenges since the same materials are used across scopes, but reviews are required as per each section of the National List. We encourage the adoption of a list of materials for certifiers to reference.*
  - What would be the consequences of a NOSB recommendation to delist List 4 Inerts?
    - *A burdensome consequence to certifiers would be the need to reevaluate all approved and restricted materials containing inert ingredients. We could expect widespread impact with changing this common class of materials. EPA Safer Choice Program provides an up to date list of materials that could take the place of the outdated Inert List 4, however we can assume that many currently in use products would not be allowed if materials were required to be on the National List individually.*
    - *We have recorded 90 different ingredients which are allowed because they are found on acceptable Inert lists. These ingredients are included in approximately 50 different MOSA reviewed products in use by 355 clients. This includes all uses in both crops and livestock.*
    - *For OMRI, WSDA or EPA for organic use listed products, which are also commonly used inputs by MOSA certified operations, we do not record ingredients. To provide the following information, we searched on all fungicide, herbicide, pesticide, facility pest control, internal and external parasite control and fly control products in use, and as listed by a third party. We have 298 OMRI listed products used by a total of almost 2600 clients, a total of 31 WSDA listed products used by 182 clients, and five EPA*

*for organic use products listed almost 20 times on client's input inventories. Products could be listed by more than one organization.*

- *We encourage the NOSB to consolidate thinking on Inert materials. Further reply on inerts are below in the Livestock materials section.*

MOSA has no recorded use of section 205.601 materials soap-based algicide/demossers, ammonium carbonate (for use as bait in insect traps), and sodium silicate (floating agent in post-harvest handling), nor of section 205.602 prohibited materials arsenic or strychnine.

### **2022 Livestock Sunset Reviews: §205.603**

- **Flunixin (analgesic/anti-inflammatory)**
  - Is flunixin, listed in §205.603(a), still deemed necessary for organic livestock production?
    - *MOSA has reviewed nine inputs containing flunixin as an ingredient which are in use by a total of 86 clients.*
- **Magnesium hydroxide (antacid/laxative)**
  - *An ingredient in five products in use by eight clients.*
- **Poloxalene (emergency bloat treatment)**
  - *An ingredient in one product in use by 13 clients.*
- **Excipients**
  - Are excipients listed in §205.603(f) still deemed necessary for organic livestock production?
    - *Yes, in our review experience, excipients are very common ingredients. We have 560 products containing allowed excipients in use 4,839 times.*
  - How are excipients currently being reviewed in livestock health products by the certifiers?
    - *We verify excipients are one of the following: (1) Identified by the FDA as Generally Recognized As Safe; (2) Approved by the FDA as a food additive; (3) Included in the FDA review and approval of a New Animal Drug Application or New Drug Application; or (4) Approved by APHIS for use in veterinary biologics.*
    - *MOSA is an active member in the ACA working group on materials, which developed [a best practice for the review of excipients](#). The ACA document can be found on the ACA website - <https://www.accreditedcertifiers.org/policy-advocacy>*
- **EPA List 4 inerts**
  - *See our comments above on Crops materials for quantitative numbers. Information provided is total materials including approved inerts as ingredients.*
  - *We appreciate the NOSB's list of questions, and we would also point back to our 2015 comments posted on Docket AMS-NOP-15-0037 - NOP-15-11 Crops and Livestock Subcommittees – Proposal: Annotation Change on EPA list 4 Inerts on 205.601(m) and 205.603(e). Our comments identified the questions we would have with a transition to the Safer lists. Additional guidance on how the lists are to be used would also be needed.*
  - *We encourage the NOSB to consolidate thinking on Inert materials. Further reply on inerts is above in the Livestock materials section.*

MOSA has no recorded use of section 205.603 materials butorphanol (anesthetic) and formic acid (pesticide in beehives), nor of section 205.604 prohibited material strychnine.

**2022 Handling Sunset Reviews: §205.605 & §205.606**

The information below is primarily based on reviewer experiences. In the coming months we will be connecting our clients to our database of ingredients.

- **Sodium bicarbonate (leavening agent)**
  - *This is a common ingredient used by MOSA certified clients.*
  - *There is some discussion about the processes that render sodium bicarbonate synthetic. Guidance would be helpful. MOSA's general guidance is as follows: The mined, untreated product (produced from Trona ore) is allowed in food products: it's on 205.605(a). The synthetic product (from the Solvay production method) is not allowed.*
- **Cornstarch (thickener)**
  - *This is a common ingredient used by MOSA certified clients.*
- **Calcium phosphates (leavening agent)**
  - *This is a common ingredient used by MOSA certified clients, specifically tricalcium phosphate.*
- **Sodium hydroxide**
  - *This is an occasional ingredient used by MOSA certified clients. We would not consider it very common.*
- **Inulin-oligofructose enriched (dietary fiber)**
  - *This is an occasional ingredient used by MOSA certified clients. We would not consider it very common.*
- **Whey protein concentrate (nutritional enrichment)**
  - *This is an occasional ingredient used by MOSA certified clients. We would not consider it very common, and our clients would prefer to use organic when it's available.*
  - *Does the NOSB consider whey protein concentrate derived from milk sourced from animals treated with hormones to be allowed by this listing? From what we gather, original listing documents intended to include that WPC derived from animals treated with hormones be considered a GMO, but we are not convinced that this thinking prevails. Are there any additional considerations for certifiers when approving use of this nonorganic material?*
- **Glycerin (solvent)**
  - *This is an occasional ingredient used by MOSA certified clients. We would not consider it very common.*

MOSA has little or no recorded use of kaolin, colors, carnauba wax, Turkish bay leaves, sweet potato starch, kelp, orange shellac-unbleached, ammonium carbonate, ammonium bicarbonate, ozone, and wood rosin.

Thank you for your review of sunset materials. Please let us know if you have any questions.

Respectfully submitted,

The MOSA Certification Team