



October 1, 2020

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National Organic Standards Board  
USDA-AMS-NOP  
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Submitted via [Regulations.gov](https://www.regulations.gov).

**RE: Docket # AMS-NOP-20-0041**

**NOSB Crops Subcommittee [Discussion Document: Biodegradable biobased mulch annotation change](#)**

Dear NOSB members:

Thank you for the opportunity to provide comments on the Discussion Document on Biodegradable Biobased Mulch Film. MOSA certifies approximately 2200 organic operations throughout the United States, including about 500 vegetable and transplant growers. Many of these operations use a mulch product. 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 mulch products. MOSA's reported numbers have changed somewhat since our spring comments. Presently, we have reviewed 42 "mulch" products, 23 of which are in use by clients.

- 173 clients use synthetic plastic mulch
- 165 clients use agricultural mulch
- 51 clients use wood chips or sawdust
- 15 use leaf mulch
- 24 clients use paper mulch, including OMRI listed WeedGuard products
- 13 clients use various other materials (wool, compost, walnut shell grit, cocoa shells) as mulch

MOSA does not allow the use of any synthetic biodegradable mulch.

The Crops Subcommittee's discussion questions are primarily for industry experts, but we do want to reiterate our opinion on plastic use in organic production. As we noted in our spring comments, the troublesome amount of plastic in use on organic operations would obviously decrease if an efficacious mulch film were allowed. It would be nice to see a National List

annotation that aligned with biodegradable products that clients could actually use, whether such products exist today or *could be* manufactured, and without concern for organic integrity.

We also offer our opinion on Question #5. *Plastic films are heavily used in organic berry production systems. What other organic production systems are dependent on plastic films?* We find that plastic mulch is used on produce operations including berries and vegetables, both long and short season crops, and in perennial systems.

And on Question #9. *Would it be feasible to gather up and remove BDM film at the end of the season for on-farm or off-farm composting?*

While MOSA allowed the removal of BDM film at the end of the season until the publication of NOP Guidance [5034-1](#) in 2016, the effectiveness of such a practice is greatly affected by the product in use and how it is being used. Continual monitoring of the product in use is needed, since mulch films are intended to degrade and incorporate into the soil. We do not think it is a feasible option to assume that removal would always happen before degradation begins. Even in the best of years, *farming happens* and unforeseen circumstances can prevent or delay plastic removal. Removal in the spring after winter wouldn't be possible for most mulch films. What would happen if the farmer did not get it removed in time and most of it had broken down already, or missed removal altogether one year?

We reviewed the [USDA's BioPreferred® Program](#) to see what common biobased content for mulch films are declared on biodegradable biobased mulch film products. We didn't find many products that were obviously biobased mulch film registered in the program, but those that were listed their biobased content as "meets minimum" (which is 95% for the Mulch and Compost Materials category for the federal purchasing categories, which mulch films fall into). Two products had some information on biodegradability - 100% for one, and the second said that the film fragments left after harvesting can be plowed into the ground, "where they will biodegrade naturally over a predefined period." Biobased verification is only a part of the requirement that would seem difficult for mulch films to meet. Are there manufacturers that have reported that they could meet the other three requirements - compostability, biodegradability, and composition and processing verified to ensure that the film was produced without organisms or feedstock derived from excluded methods?

The NOSB subcommittee requested additional input on options for regulating BDM films. None of these options include a verification of any amount of biobased content. We recommend that if a specific biobased content is agreed upon for paper-based crop planting aids, that same content should be the requirement here. As such, we recommend that mulch films be 80% biobased. Both of the products that we looked up on the [USDA's BioPreferred® Program](#) (Agrarfilm, and Biotelo 100% Biodegradable Black Mulch) would seem to comply with that biobased requirement.

*Please comment on which of the following mutually exclusive options for regulating BDM films that are not 100% biobased you think is best:*

*1. Continue with the current annotation with no change.*

We do not support this option. If this listing and definition remain the same, we suggest the listing be allowed to sunset. If there comes a time when there are manufacturers with viable products, they can petition for National List inclusion at that time.

*2. Allow BDM film use followed by ploughing into soil (with some consideration for off-site transport), with monitoring and assessment to determine whether there are adverse impacts.*

This would seem to allow the use of any BDM film and is not in line with current thinking on paper-based crop planting aids.

*3. Allow BDM film use but require that it be gathered up at the end of the season followed by on-farm or off-farm composting, if feasible.*

As noted in our comments above on Question #9, this would not be a practical solution.

*4. Allow BDM film use but restrict its use in certain environments where biodegradation may not occur in a reasonable time.*

More information is needed on the types of environments and which product may not biodegrade in a reasonable amount of time.

If the annotation is not changed on the current listing, then we'd suggest that this listing be allowed to sunset from the National List. MOSA appreciates the continued effort to reach a reasonable annotation change for the current listing. To date, we've likened the prohibition on biodegradable biobased mulch films to the prohibition on bioplastics - all affected materials should be considered and standards kept consistent. We also would really appreciate the [petitioned substances page](#) be kept up to date with current documents for the public's consideration. It would be easier to follow conversations spread across several NOSB meetings with a single reference point.

Thank you for your work on this challenging and precedent-setting issue.

Respectfully submitted,

The MOSA Certification Team