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September 30, 2024

Ms. Michelle Arsenault, Advisory Committee Specialist
National Organic Standards Board
USDA–AMS–NOP

Submitted via Regulations.gov.

RE: Docket # AMS-NOP-24-0023
Document # AMS-NOP-24-0023-0005

NOSB Materials Subcommittee Proposal: Inert Ingredients in Pesticide Products and Discussion Document: Excluded Methods - TBD List/Induced Mutagenesis (pdf)

Dear NOSB Members:

Thank you for the opportunity to provide comments. MOSA certifies over 1,776 organic operations throughout the United States, including approximately 635 livestock operations, 1,449 crop operations, and 356 handling operations. Almost all MOSA certified operations use some National List materials.

MOSA is commenting on two Materials Subcommittee documents:

Proposal: Inert Ingredients in Pesticide Products

Hundreds of MOSA clients are currently using over six hundred pesticidal products on their operations. We see these types of products in use by producers certified both to the livestock and to crop standards. The vast majority of these inputs include inert ingredients in their formulation. At the same time since over half of these inputs in use by MOSA clients have been reviewed by third party material review organizations (OMRI, WSDA and EPA) we do not regularly need to review inert ingredients.

First and foremost we look forward to the resolution of this long standing issue. MOSA does not have a strong preference for either solution proposed by the NOSB; rather we are most interested in seeing this issue brought to conclusion. Ultimately, we need clarity going forward regarding how inert ingredients are reviewed.

We have two primary concerns with individually listing inert ingredients on the National List. The first involves the review of all of the materials currently listed on EPA lists which would now be allowed due to their status as nonsynthetic. When relying on the EPA listing for approval of inert ingredients such as peat moss or calcium carbonate we only had to confirm the presence of these materials on EPA list 4A. If instead we need to confirm that these materials are

nonsynthetic, then we will need to collect the additional verification documents in order to substantiate our decision on these materials. Collecting this information from manufacturers whose products have been used in organic agriculture for many years may prove challenging and may in some situations lead us to no longer allow use of a product that our clients have relied upon for many years. We also have questions regarding how materials such as citric acid and vinegar would be handled. While these both may be nonsynthetic and consistent with the National List, they may also be synthetic in the case of vinegar and produced with the use of excluded and prohibited methods in the case of citric acid. Would these materials be included among those listed on the national list? Or would we also need to individually review these ingredients too?

Our second concern with individually listing materials on the National List involves the precedent that this may set with regard to the review of excipient ingredients in livestock health inputs. Unlike pesticides, which are often reviewed by a third party material review organization, MOSA typically reviews many livestock health inputs. And, crucially, many of these contain excipients that are allowed by 205.603(f). We would like to take this opportunity to explicitly state that we would not be in favor of listing excipient ingredients individually on the National List even if this is the direction taken with inert ingredients in pesticidal products.

Given the above issues MOSA's preference would be to allow the use of all inert ingredients that the EPA allows in tolerance-exempt pesticides. We do have questions about the implication of prohibiting some of these materials. Specifically, we wonder about the precedent this sets and whether there will be prohibited substances added to the excipient listing (205.603(f)) in the future? Additionally, we look forward to specifics regarding the inserts sunset "roadmap" planned for development. Regarding this proposal we especially appreciate the forethought with regard to future sunset review processes. Whatever the ultimate outcome, we hope to avoid relying on guidance documents such as the current "Reassessed inert ingredients" (NOP 5008) in order to track prohibited ingredients on otherwise allowed EPA lists.

Discussion Document: Excluded Methods - TBD List/Induced Mutagenesis (pdf)

While the discussion document on Induced Mutagenesis and Excluded Methods is primarily concerned with seeds we would note that there are many other materials in addition to seeds that we verify were produced without excluded and prohibited methods. In order to accomplish this work MOSA has adopted the ACA Materials Working Group best practice document for the review of excluded methods which states that induced mutagenesis through in vitro nucleic acid techniques are not compatible with organic standards. On the other hand, mutagenesis developed through exposure to UV light, chemicals, irradiation or other stress causing activities is currently considered compliant. This distinction has caused us to closely analyze some materials in order to determine compliance. At the same time we have hundreds of seeds and materials that have been verified to the current standard. If the interpretation of excluded methods were altered to include mutagenesis developed through exposure to UV light, chemicals, irradiation or other stress-causing activities then we would presumably have to reconsider numerous inputs, ingredients and materials in addition to seed varieties. A large change such as this to a fundamental document we use to assess seeds and materials would create a huge amount of uncertainty for MOSA and our clients as we work to determine if

hundreds of materials and seeds remain compliant for organic use. MOSA believes that any change as large and impactful as this should only be implemented if there is a commensurate benefit to organic integrity. After considering the technical report on induced mutagenesis and the current discussion document we do not believe that this change would meet such a threshold.

Finally we would like to thank the materials subcommittee for its continued work on these long-standing issues central to the integrity of the organic industry. While we look forward to continued discussion of both inert ingredients and induced mutagenesis we also hope to see these issues resolved such that stakeholders industry wide have clarity moving forward.

Respectfully submitted,

The MOSA Certification Team