



March 19, 2018

Robert Pooler, Standards Division,  
National Organic Program, USDA-AMS-NOP,  
1400 Independence Ave. SW,  
Room 2642-S., Ag Stop 0268,  
Washington, DC 20250-0268.

Docket Number AMS-NOP-14-0079; NOP-14-05  
Regulatory Information Number (RIN) 0581-AD60  
Submitted via <https://www.regulations.gov>

Dear Mr. Pooler,

MOSA appreciates the opportunity to provide comments on the [proposed rule](#) to amend the National List of Allowed and Prohibited Substances (Crops, Livestock and Handling). MOSA works with over 2000 operations throughout the United States with the majority of our certified entities located in the Upper Midwest. This includes approximately 900 livestock operations and 275 handlers. As a result, we have extensive experience reviewing materials. We maintain an internal materials review database which includes over 7000 brand name products and generic materials. We have several suggestions to offer on the recommended additions and revisions. It's imperative that the National Organic Program provide a clear National List to follow.

### **Crops 250.601(j)**

Micronutrients - We appreciate the revision to include other means of documentation to verify a micronutrient nutrient deficiency. However, we recommend further simplification. We suggest just stating, "Micronutrient deficiency must be documented." The new text proposed- "other methods approved by the certifying agent"- opens the door to *any* certifier approved documentation, which is covered in the statement - "Micronutrient deficiency must be documented" - since *all* documentation is approved by certifiers. The specificity in the last part is not necessary to make this rule functional. Our proposed revision automatically includes the specifics mentioned (tissue testing, advice from a crop advisor or agronomist, extension information), as well as other methods we find adequate to document the deficiency. We propose revisions as follows. *Micronutrients - not to be used as a defoliant, herbicide, or desiccant. Those made from nitrates or chlorides are not allowed. Micronutrient deficiency must be documented by soil or tissue testing, advice from certified crop advisors or professional agronomists, agricultural extension information, or other methods approved by the certifying agent.*

Squid Byproducts - The Federal Register notice discusses that this material will be added to 205.601(j)(7) which is the current listing for Liquid Fish, however at the end of the notice where rule addition and revisions are printed as they would appear in the rule, this material is listed as a [new entry at \(10\)](#). We agree with a *separate* entry for Squid Byproducts. The requirement that squid be from food waste processing only could potentially confuse the listing for Liquid Fish.

Rotenone - This prohibition will clarify NOP stance on this material and ensure that all products certified to the National Organic Standards follows the same requirements.

### **Livestock 205.603(a) and (b)**

Calcium Borogluconate and Calcium Propionate - These materials are unnecessary additions to the National List. Both are electrolytes covered under 205.603(a)(8). We refer to the [2015 Technical Review](#) for a list of electrolytes and both of these materials are listed. We would allow the use of both of these for the treatment of milk fever now under this listing. Adding another listing will confuse how these two materials could be used in the future, since they would still be included as electrolytes and allowed for appropriate uses. While we agree that these two materials can be used for the treatment of milk fever, we do not think that they should be added individually to the National List.

Chlorhexidine - We appreciate the practical revisions proposed. Having a vet “supervise” “medical procedures” is less restrictive than only allowing its use “by a veterinarian” and for “surgical procedures”.

Kaolin Pectin, Mineral Oil, and Propylene Glycol - All are additions that we know farmers we certify will appreciate. We support the additions and annotations as proposed.

Nutritive Supplements - This recommended addition should be revised. We have several suggestions. We appreciate the intent, but we feel that the language recommended for addition will further confuse the National List. The addition of *feed vitamins and minerals* on 205.603(a) as a medical treatment makes sense and would align policy with practice. However, the *way* the vitamin or mineral is distributed (*injectable*) is a specification that is not necessary and will confuse whether vitamins and minerals given to the animal in different ways would be allowed for healthcare. Could a healthcare product administered orally include vitamins or minerals? We suggest that *just* trace minerals and vitamins be added to 205.603(a) as a medical treatment. Vitamins and minerals used topically would not be allowed unless materials are specifically noted in 205.603(b) of the rule.

Electrolytes are already listed at 205.603(a)(8) and do not need to be listed again. This new listing also implies that electrolytes would need to be injectable which confuses *how* electrolytes would be allowed for use, since there is no such restriction in (a)(8).

Excipients are reviewed as part of ALL healthcare inputs on 205.603, so calling out excipients review for these particular materials is unnecessary.

Finally, to restrict the use of vitamins and minerals or electrolytes to use only “by or on the order of a licensed veterinarian” will unnecessarily complicate organic farming requirements. While we agree that healthcare should not be taken lightly, we do not feel that it’s necessary for a vet to prescribe a vitamin boost for a cow that just freshened. We also wouldn’t see the vet being called for every case of milk fever or scouring calves.

We recommend the following simplifying revisions to the proposed standard. We note that we do not feel that these are substantive changes given the reasoning above.

*Nutritive Supplements - injectable supplements of trace minerals per 205.603(d)(2), vitamins per 205.603(d)(3), and electrolytes per 205.603(a)(8-11), with excipients per 205.603(f), in accordance with FDA and restricted to use by or on the order of a licensed veterinarian.*

Parasiticides - The proposed revision to allow parasiticides for use in fiber bearing animals with a 90 day withdrawal period from the time of treatment to the harvest of the wool or fleece seems as if it confuses the intended regulation. The proposed origin of livestock rule clarified that in order to produce organic fiber, an animal must be born organic - eligible for organic slaughter.

Parasiticide use is prohibited in slaughter stock. This addition would allow animals bearing fiber to be treated with a parasiticide 90 days prior to the harvest of organic wool or fleece, but they would lose their slaughter eligibility. Careful documentation will be needed on fiber producing operations using parasiticides in the event of an emergency.

Moxidectin - The [proposed rule discussion section](#) stated that the annotation would be revised to remove the requirement for use by or on the lawful written order of a licensed veterinarian. This is not a current annotation for Moxidectin.

Sodium Chlorite, Acidified - The addition should only be made to (a) of 205.603, and not to (b) as well, as is being proposed. To add to (b) would only confuse the way the National List is laid out today, where all teat dip products are currently listed on only (a). If just this one is listed on (b), then it would seem others on (a) would also need to be listed on (b). Our vote is to keep it simple and list *Sodium Chlorite, Acidified - Allowed for use on organic livestock as a pre and post teat dip treatment only* on just 205.603(a). We suggest striking the word “allowed” since it’s not a necessary word to include in the annotation.

We currently have about 10 prohibited sodium chlorite dips in our database with varying ingredients. We assume that any acid will be allowed as an acidifying agent since no restriction was proposed for the acidifying agent.

Zinc Sulfate - Clients will appreciate this addition, however we feel that it should be added to 205.603(b) rather than (a). Zinc sulfate for use as a foot treatment is a topical treatment. Also, copper sulfate is listed on (b) and not on (a). Listing zinc sulfate for this purpose on (a) will confuse the way the National List is laid out now.

Methionine - Certifiers will need to develop policies regarding documentation requirements and farmers will need time to begin keeping the documentation. New methods for calculations will need to be in place for the entire span of a flocks life in order to see if the mechanisms for calculations are effective. While calculations for broilers and most meat birds wouldn’t seem to present any issues, calculations for layers will be more complicated. We’ll need to verify a single flock of birds between two operations, and we’ll only be able to assess full compliance when the hens are considered spent and ready for sale, after all organic eggs have been produced. Pullet operations will need to work with layer operations to ensure that together they are projected to be within the maximum methionine allowed. In order to ensure that feed rations are in compliance, certifiers will need to monitor averages along the way, and if numbers are seeming too high, we’ll need to assess how producers intend to ensure they’ll achieve full compliance before their hens are done producing. We’ll need to figure out the best way to work with the feed mills we certify for chicken feed processing too. We support the change to averaging, but we’ll need time to fully implement it.

We also point out that the NOSB recommended that the following represent *maximum* rates of methionine allowed, yet the word is omitted from the proposed rule. We intend to interpret it as such, but it’d be helpful if the rule were absolutely clear. Even with the added word *maximum*, the wording still implies that the rates listed are requirements. However, we know lower amounts would also be allowed. By changing the word “at” to “up to” in the proposed rule, the intent of the listing is better met. *Maximum* rates that can be fed would be as listed, and by using the wording “up to” amounts *below* the maximum average would be allowed as well.

*DL-Methionine, DL-Methionine—hydroxy analog, and DL-Methionine—hydroxy analog calcium (CAS #'s 59-51-8, 583-91-5, 4857-44-7, and 922-50-9)—for use only in organic poultry*

*production ~~at~~ up to the following pounds of synthetic 100 percent methionine per ton of feed in the diet, averaged over the life of the flock: laying chickens—2 pounds; broiler chickens—2.5 pounds; turkeys and all other poultry—3 pounds.*

Excipients - We appreciate the addition of the APHIS approved veterinary biologics list as a reference, however the addition of “and biologics” to the standard is not all that helpful. We would appreciate a change as suggested in the [recommendation](#) for excipients, which recommends changing the language from “drug” to “animal health care products.” Certifiers review excipients for all animal health care products in use on farm operations, not just “drugs” and “biologics.”

Potassium Lactate and Sodium Lactate - Both are discussed throughout the Federal Register notice, but when it comes to the [specific rule changes at the end of the notice](#), they’ve been omitted.

We support the changes being made to align the National List with current practices for hypochlorous acid on all lists and chlorine materials on 205.605(b).

We appreciate that NOSB recommendations for National List changes and updates are being addressed. Please direct any questions to Jackie DeMinter, Certification Policy Manager. [jdeminter@mosaorganic.org](mailto:jdeminter@mosaorganic.org)

Sincerely,

MOSA Certification Team