



April 5, 2021

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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-20-0089**

**NOSB Crops Subcommittee Proposal: Biodegradable biobased mulch annotation change**

Dear NOSB Members:

Thank you for the opportunity to provide comments on the proposal for Biodegradable Biobased Mulch Film annotation change. MOSA certifies approximately 2,100 organic operations throughout the United States, including about 500 vegetable and transplant growers. Many of these operations use a mulch product. Last fall we provided quantitative data regarding the use of different mulch inputs. This spring's data only varies slightly, with the most significant increase shown in usage of synthetic plastic mulch (+ten clients). Our clients would appreciate an alternative to synthetic plastic mulch.

Presently, we have reviewed 46 "mulch" products, 26 of which are in use by clients.

- 183 clients use synthetic plastic mulch
- 173 clients use agricultural mulch
- 58 clients use wood chips or sawdust
- 15 use leaf mulch
- 20 clients use paper mulch, including OMRI-listed WeedGuard products
- 15 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. We appreciate the Crops Subcommittee's consideration of an annotation change that would seem to open the door for growers to find compliant inputs. The subcommittee proposes to change the definition of biodegradable biobased mulch film to require that such films be at least 80% biobased according to ASTM D6866. For consistency, the language proposed should be "biodegradable biobased mulch film" rather than "biodegradable plastic mulch films." The subcommittee also

*“recommends that use of >80% biobased material be required if and when these materials become available.”*

The proposed change to §205.601 does not reflect this stated intention that *greater than 80%* biobased material be used when available. The proposed language indicates only that *when a 100% biobased biodegradable plastic mulch film becomes available* is a producer required to use it.

*When 100% biobased biodegradable plastic films become available, producers are required to use 100% biobased content BDM plastic films.*

This proposed language doesn't require use of a film with a biobased content between 80 and 100 percent. The proposed language also *includes* a 100% biodegradability requirement, and that contradicts the definition requirement #2 -- a 90% biodegradation requirement over two years as verified by test results. The language used is also inconsistent with the terms used in the definition. We understand the intention, but we do not feel that the proposed language fully captures it. We also recognize the review challenges this puts forth for certifiers and clients. The proposed language creates a commercial availability search requirement for clients and a challenge for certifiers when trying to assess what is acceptable. For example, since any mulch film with at least 80% biobased content would be allowed, what if a client found a film with 84% biobased content, but tested and found it did not perform as well as another, also compliant, 81% biobased content film product? Would we then be required to enforce use of the product with 84% biobased content? Also, how would the 90% biodegradation threshold play into decision making? If an input has a higher than the minimum biodegradation percentage but is a few percent lower in biobased content (but still over 80%), can we consider that greater biodegradation is better for organic principles? We present theoretical scenarios here, but the reality is that these, or similar, questions will come up and we will have to answer them practically, soundly, and in compliance with the regulation, which leaves room for inconsistent interpretation. We do not recommend inclusion of this language in the standard because verifying compliance appears as if it would be ambiguous, without adequate guidance.

However, if the NOSB intends to maintain the language, first we recommend revision to capture the intention stated and to remove the biodegradability requirement. And second, we recommend that guidance be provided for compliance verification. This perhaps also includes the intention to develop a list of products found to be universally compliant. We propose the following revision:

*Growers must use biodegradable biobased mulch film with greater than 80% biobased content if commercially available.*

We are unaware of any products on the market that could comply with all the requirements in the entire standard, but the [USDA's BioPreferred® Program](#) should be helpful to figure out if products comply with the minimum biobased requirement. The Program's requirements for mulch and compost materials include a 95% or greater biobased content based on ASTM D6866 testing.

[BioPreferred product categories:](#)

▶ **FP** Mulch and Compost Materials

**Description:** Products designed to provide a protective covering placed over the soil, primarily to keep down weeds and to improve the appearance of landscaping. Compost is the aerobically decomposed remnants of organic materials used in gardening and agriculture as a soil amendment, and commercially by the landscaping and container nursery industries.

**Minimum Biobased Content:** 95%

There are two products on the BioPreferred Programs Products list we are aware of that show compliance (albeit outdated) with the requirement for 80% biobased content in the proposed standard, though the first product would not seem to comply with the production requirement “without organisms or feedstock derived from excluded methods.” Also, we do not know the source material for the second product. And we do not know about compliance with the compostability specifications or biodegradation requirements for either product. Clearly further review would be needed, but the point is that the BioPreferred program would be a useful resource for determining biobased content since their requirement for testing is the same.

Selected Product

**BIOTELO 100% BIODEGRADABLE BLACK MULCH**

Product	Company
	<b>FP</b>
	Company did not verify product information in 2018 audit. Product information may be out of date.
Product Name	BioTelo 100% Biodegradable Black Mulch
Company Name	Dubois Agrinovation
Product Website	<a href="http://www.duboisag.com">http://www.duboisag.com</a>
Product Description	BioTelo is made entirely of Mater-Bi, a corn starch based raw material, 100% biodegradable. The master batch used for coloring is also made of Mater-Bi. No toxic residues in the ground and savings on pick up and land fill costs.
Product Categories	[95%] - Mulch and Compost Materials
Found in Catalog	Grounds Maintenance > Mulch and Compost
Biobased Content	Meets Minimum
Unique Feature	Eliminates weeds Increases soil temperature and allows rapid root growth Prevents erosion from water Fruits and vegetables are not directly on the ground so the crop is clean and there are less plant diseases

**AGRARFILM**

Product	Company
	<b>FP</b>
	Company did not verify product information in 2018 audit. Product information may be out of date.
Product Name	AgrarFilm
Company Name	Bio-DC, Inc.
Product Website	<a href="http://www.bio-dc.com/products.html">http://www.bio-dc.com/products.html</a>
Product Description	AgrarFilm is mulching film for vegetable farmers and landscape gardeners. An alternative to commonly used plastic-films, AgrarFilm does away with the need for expensive recovery and disposal after use. AgrarFilm . After harvesting, the remaining film fragments can be ploughed into the ground, where they will biodegrade naturally over a predefined period.
Product Categories	[95%] - Mulch and Compost Materials
Found in Catalog	<a href="#">Grounds Maintenance &gt; Mulch and Compost</a>
Biobased Content	Meets Minimum

We encourage the NOSB to point to existing resources for compliance verification. However, we do not really expect to do compliance verification ourselves at MOSA for mulch film inputs, since there are several layers (in total, five as proposed) to compliance verification and our resources are limited. We will continue to require clients to use inputs listed by a third party Material Review Organization (MRO), such as OMRI. Our verification would be limited to commercial availability if that requirement remains in the final proposal (but again, it seems difficult to envision adequate verification; even an MRO-listed product may not be *as compliant* as another MRO-listed product).

We support the proposal to change the biobased content requirement from 100% to at least 80% and do not support the commercial availability requirement portion of the proposal. If products are not found to be available which could meet the *revised* full standard for biodegradable biobased mulch film, we recommend that this listing be allowed to sunset when it comes up again for review. We appreciate the continued effort to reach what seems like a reasonable annotation change.

Thank you for your work on this challenging topic.

Respectfully submitted,

The MOSA Certification Team