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April 3, 2024

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

Submitted via Regulations.gov

RE: Docket # AMS-NOP-23-0075
NOSB Materials Subcommittee Discussion Document: Compost Production for Organic Agriculture, February 13, 2024

Dear NOSB Members:

Thank you for the opportunity to provide comments on the Discussion Document: Compost Production for Organic Agriculture. MOSA certifies over 1,820 organic operations throughout the United States, including over 630 livestock operations, 1,540 crop operations, and almost 330 handling operations. Compost in one form or another is in use by a large number of our crop and livestock operations. Products that identify compost in their name are found over one thousand times on input lists of MOSA certified operations.

Time and Temperature and C:N Ratios: We do not have a specific recommendation for updating the time and temperature requirements, the range of C:N ratios or the specific language with regard to the allowed composting methods. It is noteworthy that the majority of the compost and/or processed manure inputs that we review are deemed compliant based on NOP 5006 or NOP 5021. We do not rely on 205.203(c)(2)(i)-(iii) as frequently in order to evaluate a compost for unrestricted use by our certified operations.

Regarding the distinction between UREC and 'Contamination': In response to the NOSB's question on contamination; we rely on close evaluation of the materials that are used to manufacture a compost in order to ensure that contamination in the final product which is applied to certified organic land is not a concern. Therefore, if an ingredient such as municipal food waste were used in a compost, we would inquire, document, and review the compost maker's process for removing prohibited substances from that compost ingredient. Likewise we review all manure, bedding materials and treatments of these substances when approving a given manure as a compost ingredient.

Additionally, with respect to the requirements of 205.670 we note that 205.670 (b) states that a certifying agent *"may require preharvest or postharvest testing of any agricultural input used or agricultural product to be sold…when there is reason to believe that the agricultural input or product has come into contact with a prohibited substance or has been produced using excluded methods."* This regulation specifies only the testing of agricultural inputs when there is suspicion of prohibited contact or methods and does not seem to allow for testing of compost

while the compost is being produced. We note that if the intention is to prohibit contamination from compost or other non-agricultural inputs, then the solution should include the allowance for these tests to be done in order to satisfy a requirement of 205.670. If inputs are to be tested for UREC, then this requirement should be made explicit within the language of 205.670.

Contamination: We do not have an opinion regarding preferred criteria to ensure that contamination has been removed from compost feedstocks. We currently consider both the individual compost ingredients as well as the processes in use by compost manufacturers when evaluating the acceptability of individual compost ingredients. If synthetic materials not currently listed at 205.601 were allowed as compost ingredients, we would appreciate clear direction for reviewing and approving use of these materials.

Replacing "plant and animal materials" with "compost feedstocks" and referencing ASTM standards: With regard to BPIs proposal to reference ASTM standards for compost feedstock evaluation we note the following issues. While other areas of the regulations reference ASTM standards, these are given as specific guidelines for approval of individual inputs. Specifically, ASTM standards are cited in the definition of biodegradable biobased mulch film (BBFM). When evaluating the compliance of a BBMF product, either a certification agency or MRO would be evaluating a specific input for compliance with the given ASTM standards. Additionally, BPI's petition mentions the paper-based crop planting aid definition at 205.2, which references ASTM standards. Here a laboratory test using ASTM D6866 may be used to establish the amount of biobased content in a given product. The ASTM standard though is not the only way that this may be evaluated since a "composition review by qualified personnel" may be used instead.

On the other hand, in the case where allowed compost feedstocks would be based upon a given ASTM standard for compostability we would not be expected to evaluate whether or not a given material met a specific ASTM standard, but rather whether a compost manufacturer's process correctly verified the compliance of their source materials with a given ASTM standard. Ultimately, this may mean that we have less visibility into the status of the ingredients being used in a compost approved for use on organic operations.

Introducing a 'de minimis' concept: We would not support the introduction of a "de minimis" concept into final compost product evaluation. Input material review necessarily involves a risk-based assessment of the ingredients in a given compost product. The ACA Materials Working Group has established in their best practice document a risk based approach to the materials which we allow. Codifying the fact that a 'de minimis' amount of contamination is allowed does not take into account the fact that some synthetic materials may have a detrimental effect on the natural resources of a farm even at a very low concentration. When PFAS contaminated sewage sludge was spread on farms, would the presence of these chemicals have been considered a 'de minimis' level of contamination? Without a careful evaluation of the specific risks involved with allowing any synthetic contamination of a compost we could open the door to the application of potentially hazardous materials on organic operations. We would like to see a continuation of the current process that includes an evaluation of all compost feedstocks for alignment with allowed synthetic materials.

Listing broad classes or individual substances: We do not have a specific preference for materials to be listed as broad classes or individual substances. We recognize that there are currently broad categories (205.601)(e)(9) Sticky traps/barriers) and specific substances (205.601)(h)(1) Ferric phosphate (CAS # 10045-86-0)) on the National List. In the case of broad categories, we work collaboratively with other certification agencies through the ACA working group to establish criteria for interpreting the listings. In the case of individual substances, we appreciate as much specificity with regard to how these substances are to be identified as possible.

Testing/Research: Compost in its various forms is in use by a large number of MOSA clients. Inputs which contain "compost" in the input name appear over a thousand times on the input lists of our certified organic producers. We see compost manufactured by operators for use solely on their own farm to composts and compost-based products that are produced by large manufacturers. Additional requirements for the approval of compost, such as required tests, inspections, etc. seem likely to be a greater burden on smaller scale compost producers. Also, if MOSA were expected to test compost or other inputs on a regular basis, we would appreciate clarity with respect to whether or not these tests would meet the requirements of 205.670. It is important that any future required testing be for substances that have an FDA action level established. Additionally, we expect that any tests of compost would be able to be used towards residue test requirements.

Regulatory authority over compostability/biodegradable claims: As mentioned previously we would prefer that all allowed compost feedstocks be listed at 205.601. In the paper pot and biobased mulch film listings, ASTM standards help us evaluate whether or not a specific product meets the identity of the listing on the National List. Ultimately, in these instances, a certification agency or MRO is evaluating a specific product against these criteria. We do not want to see compost become a similar circumstance.

We do not have an opinion on whether or not the organic regulations can or should establish authority over compostability, but we would note that the requirement for all synthetic compost feedstocks to be listed on the National List does allow for control of what compostable/biodegradable products end up in a compost used on a certified organic operation.

Thank you for your work on this complicated issue that affects a large number of organic operations. Compost is foundational to building and maintaining soil health and MOSA appreciates the NOSB's work to ensure that compost is defined and regulated in such a way as to prevent it from contaminating the natural resources of the operations we certify. We also appreciate the difficult path forward that must be charted given climate change and the imperative to foster a circular economy. We look forward to continued work and discussion of these topics.

Respectfully submitted,

The MOSA Certification Team