122 W. Jefferson Street | P.O. Box 821 | Viroqua, WI 54665 PH 844-637-2526 | FAX 608-492-0470 | mosaorganic.org

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: Inert Ingredients in Pesticide Products, February 13, 2024

Dear NOSB Members:

Thank you for the opportunity to provide comments on the Discussion Document: Inert Ingredients in Pesticide Products. MOSA certifies over 1,820 organic operations throughout the United States, including over 630 livestock operations, 1,540 crop operations, and 330 handling operations. Over 700 pesticidal products, many of which contain inert ingredients, are currently in use by MOSA certified operations.

As we address the specific questions posed in the discussion document, we also offer as a reference our comments to the NOP of December 30, 2022. Our observations and opinions noted in our comment remain accurate with respect to the NOSB's current discussion.

1. With regard to the **format and analysis of Appendix A** we have the following thoughts: Our first area of concern is the 264 materials that are on list 4, but not listed in 40 CFR. Of these materials we have verified that none are in products that we have reviewed and which are currently in use by our clients. We do have a number of OMRI listed products in use by clients and therefore may have concerns with the 16 materials which are noted as in use by OMRI/PCO, but which are not listed in 40 CFR. If a policy change were to affect OMRI listed products then this decision may ultimately also affect our clients.

   We also note that there are a number of sections within 40 CFR which are cited in order to account for all of the List 4 materials. As noted in our comments to the NOP, the current ACA best practice document regarding excipients in livestock health products references at least eight resources which may be used to identify materials that are allowable as excipients in livestock health products. Given the fact that we regularly navigate these resources when reviewing livestock health inputs, we are confident that we could navigate the various lists within 40 CFR when reviewing inert ingredients in pesticidal products. We are confident that we can navigate a collection of EPA resources in order to continue to allow the materials which are currently listed on EPA's old lists.

2. With regard to the **areas of expertise consulted** we note that pesticidal products are in use throughout the various scopes which we certify. We see crop, livestock and facility management inputs used for pesticidal purposes and would appreciate that the board consider insights from manufacturers of products intended for a variety of uses on a range of organic operations.

   We also note that we rely heavily on reviews conducted by MROs such as OMRI, WSDA and the EPA for the approval of many pesticidal products. For this reason we would hope that the board considers the perspective of recognized MROs when charting a path forward.

3. We have no concerns with the **accuracy of the list of inert ingredients currently in use** as represented by Appendix A. We note that we only have a small subset of these ingredients which we have reviewed in product formulations in our database. As previously mentioned, we also rely on the reviews of OMRI, the WSDA and the EPA in order to allow a number of pesticidal products. Therefore the list of inert ingredients in products in use by MOSA certified clients is greater than those that we have explicitly identified in our database.

4. In answer to the board's question regarding **the development of a single, external list of allowed inert ingredients,** we note the following. This option appears to perpetuate the current situation by codifying a list of currently allowed inert ingredients. This has both advantages and disadvantages.

   One of the advantages with this approach would be continuity with current policy. Since we already rely on a single, external list of allowed inert ingredients, and assuming that this hypothetical list of allowed inert ingredients is consistent with the current list, this option would prove minimally disruptive. Whereas a disadvantage of a single, external list is that the process for maintenance of this list would exist outside of the current sunset review process.

   There are also questions that would need to be answered regarding a "single, external list of allowed inert ingredients." Namely, what would be the process for adding materials to or deleting materials from this external list? Who would have authority over the list? How would this list be regularly reviewed for consistency with organic standards? These are the same basic questions that have been discussed about the current EPA list 3 and 4.

5. In response to the question of whether or not **designating a specific entity responsible for maintaining a single external list** would be desirable, we note, as above, that more specifics are needed with regard to the proposed arrangement between the NOSB and the external entity designated to maintain this list of allowed inert ingredients. As noted, we currently consult FDA regulations for excipient ingredients in livestock health products and AAFCO listings for vitamin and mineral ingredients in livestock feeds.

   We have worked with other certification agencies in the ACA Materials Working Group in order to define best practices for working with these external resources. As previously

noted the current ACA Best Practice Document references a number of resources that may be consulted in order to identify if a given material may be allowed as an excipient. Additionally, the same Best Practice Document identifies specific areas (such as with regard to proteinated minerals) where additional verification above and beyond a listing in AAFCO is needed in order to allow for certain materials to be included as ingredients in a livestock feed product. The designation of a specific entity to maintain a single external list of allowed inert ingredients would ideally be done in such a way that the list of allowed inert ingredients comprised an individual, complete source that could be consulted with confidence. We would appreciate being able to reference a single list maintained specifically for compliance with OFPA.

We look forward to the board's continued work on this issue. We support a solution that addresses current issues without disrupting the inputs that our clients rely upon. We also hope that the board's solution will provide enough flexibility such that we can be assured that this solution will be resilient to the ever-changing landscape of available products. And additionally that the board's solution will ensure that all products in use are consistent with 205.200 which requires maintenance or improvement of the natural resources on our certified organic operations. Thank you for your work on this challenging and long-standing problem.

Respectfully submitted,

The MOSA Certification Team