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National Organic Standards Board
USDA-AMS-NOP
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Submitted via [Regulations.gov](https://www.regulations.gov).

RE: Docket #AMS-NOP-21-0038

NOSB Proposal: Biodegradable biobased mulch film 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 2,050 organic operations throughout the United States, including about 500 vegetable and transplant growers. Many of these operations use a mulch product. In the spring of 2021, we provided quantitative data regarding the use of different mulch products. The only significant change is an increase (+20) in the number of clients using synthetic plastic mulch. Our clients would appreciate an alternative to synthetic plastic mulch.

MOSA does not currently allow the use of synthetic biodegradable mulch. We appreciate the Crops Subcommittee's continued consideration of an annotation change. That would seem to open the door for growers to find compliant products. 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.

*(3) Must be **at least 80%** biobased with content determined using ASTM D6866 (incorporated by reference; see § 205.3).*

We support the proposal to change the biobased content requirement from 100% to *at least 80%*. This new proposal is simple and since it only inserts a short phrase into the existing standard is easy to follow and understand. However, if no products which could meet the revised *full* standard for biodegradable biobased mulch film are found to be available, then 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. However, with new considerations pointed out below, this change may not yet be ready for prime time.

Mulch is mentioned in the National Organic Standards a few different times, and while we've been focused on the §205.601 listing for this material, along with the §205.2 definition, perhaps we've overlooked another important change that should be made to the crop pest, weed, and disease management practice standard. §205.206(c)(6) states weed problems may be controlled through:

Plastic or other synthetic mulches: Provided, That, they are removed from the field at the end of the growing or harvest season.

This allows the use of "other synthetic mulches," which includes biodegradable biobased mulch film, but the requirement that the mulch be removed at the end of the crop's season isn't the intention for this synthetic mulch. It is intended to remain in the field. Modification of this practice standard would seem necessary, perhaps even by leaving (c)(6) alone and creating a (c)(7) for biodegradable biobased mulch film which would not require removal at the end of the crop's season. Simply adding a phrase to the existing regulation like "as appropriate" isn't sufficient, because that would be opening to subjective interpretation regarding products that are appropriate for removal and which could remain in the field. The only synthetic mulch that will not need to be removed is biodegradable biobased mulch film. Another idea to solve this dilemma is to move the "provided that they are removed" phrase to the National List entry for Plastic -§205.601(b)(2)(ii). Then update .206(c)(6) to point to the National List --"plastic or other synthetic mulches as included on the National List for such use" -- which is already noted in the definition for "mulch." Perhaps this should have been updated when mulch film was added to the National List initially, but since there have been no compliant products, we have not been required to apply all standards to this use of "other synthetic mulch" products. Now that there could be compliant products, this is an important point to mention.

Additionally, 7 CFR 205.206(c)(1) states:

Mulching with fully biodegradable materials.

This could be misconstrued to include biodegradable biobased mulch film, IF the film product were "fully biodegradable." Perhaps the modification here is to add the word "natural" or "nonsynthetic" before "materials." One of the products we mentioned finding on the [USDA's BioPreferred® Program](#) is identified as a 100% biodegradable black mulch. While that specific product may not comply with non-GMO composition requirements, it does seem like being "fully biodegradable" is possible. Further clarification is needed. The intention at 205.206(c)(1) is not to allow fully biodegradable *synthetic* materials.

In addition, we see that this material's use is identified as a research priority in the document: [Proposal: Research Priorities 2021](#). We encourage the NOSB to ensure that there are viable products available for organic use before pursuing further research.

Thank you for your continued work on this topic.

Respectfully submitted,

The MOSA Certification Team