



September 30, 2021

Ms. Michelle Arsenault, Advisory Committee Specialist
National Organic Standards Board
USDA-AMS-NOP
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Room 2642-S., Mail Stop 0268
Washington, DC 20250-0268

Submitted via [Regulations.gov](https://www.regulations.gov).

RE: Docket #AMS-NOP-21-0038

NOSB Proposal: Sodium nitrate - petitioned by NOSB

Dear NOSB Members:

Thank you for the opportunity to provide comments on the Proposal: Sodium nitrate - petitioned by NOSB. MOSA certifies approximately 2,050 organic operations throughout the United States, including approximately 1,810 crop operations. Almost all MOSA certified operations use some National List materials but very few use products with sodium nitrate.

The NOSB's motion to reinstate the listing of sodium nitrate at 7 CFR 205.602(g) - *prohibited nonsynthetic: Sodium nitrate - unless use is restricted to no more than 20 percent of the crop's total nitrogen requirement; use in spirulina production is unrestricted until October 21, 2005* - reintroduces measures for calculations that, in our experience, are not necessary. MOSA follows [NOP Notice 12-1](#), which affirmed the NOSB's statement "It can also be argued that at this time sodium nitrate should not even appear on the National List since it was never officially renewed." We agree that the listing should not appear on the National List since it was not renewed. The NOP's notice confirmed that certifiers should evaluate the use of sodium nitrate against crop production standards.

The use of any substance must comply with the USDA organic regulations. Organic producers must meet the requirements of 7 CFR 205.200 which states that production practices must maintain or improve the natural resources of the operation, including soil and water quality. Under 7 CFR 205.203(b), producers must manage crop nutrients and soil fertility through rotations, cover crops, and the application of plant and animal nutrients. Organic producers who use sodium nitrate need to ensure that the use of sodium nitrate is aligned with the requirements of 7 CFR 205.203(b).

Until October 21, 2012, organic producers must comply with the existing listing for sodium nitrate at section 205.602(g). After October 21, 2012, organic producers that use sodium nitrate will need to continue to comply with the soil fertility and crop nutrient management practice standard.

MOSA's materials database lists 19 inputs with sodium (chilean) nitrate as an ingredient, and in use by clients. Many of these 19 inputs are used by only one client. The most clients using any one input is 14.

Given that we certify over 1,800 crop farmers, we would not consider this a high level of use. Comparatively, off-farm manure is in use by almost 800 clients and on-farm manure is in use by over 1,100 clients. Almost all sodium nitrate-containing products are multi-ingredient blended products where there is no likelihood that the sodium nitrate ingredient would exceed 20% of the crop's total nitrogen needs. That said, we do have several clients using an OMRI listed 16-0-0 product as part of their multi-product fertilizer program. We have not found any clients to be out of compliance with their sodium nitrate usage.

Before October 21, 2012, we found calculations to be unnecessary for most products, and we had the internal policy that if the fertilizer were blended, we did not need to do any mathematical calculations. For those clients using a sodium nitrate fertilizer (differentiated from an sodium nitrate ingredient in a blend) we verified their usage to be below 20% of the crops nitrogen needs, based off of the 2005 Dramm Corp chart included on page 4 of the [Supplemental Technical Report \(2011\) \(PDF\)](#). We do not recall any noncompliances for use of sodium nitrate over the 20% limitation. Today, we still do not see clients using sodium nitrate in excess on crops. The main impact we see is for crops being exported to Canada. Since we often see clients shipping products to Canada, we review all inputs used by all clients against the US-Canada Organic Equivalence Arrangement requirements that "*Agricultural products produced with the use of sodium nitrate shall not be sold or marketed as organic in Canada.*" All inputs containing sodium nitrate are prohibited for use on crops intended for shipment to Canada.

While we understand that the NOSB does not intend this conversation to be about whether or not sodium nitrate should be completely prohibited, it's impossible not to recognize that a previous Board voted to remove the annotation entirely, thereby prohibiting the use of sodium nitrate. Along the way, the process has failed this material. Sodium nitrate is currently an allowed natural material.

It is not our preference to keep the listing as is printed in the National List. Verification of the requirement presented review challenges, additional time, education and resources. Natural materials are allowed unless they are prohibited; we'd rather see a defined list of prohibited natural / nonsynthetic materials. It's counterintuitive to have a "prohibited" list that includes "except when's" or "unless's," especially if the inputs are difficult to regulate. The challenge with measuring the amount of THIS type of nitrogen is that we don't measure the application rate of any other nitrogen supplying crop input, nor do we measure the nitrogen content available in other inputs. Since we don't measure other nitrogen applications, we would not calculate the producer's total nitrogen usage or know whether they have exceeded the crop's nitrogen needs through other fertility applications and the available nitrogen in the soil. Perhaps there are other means of achieving the intended result, such as a nitrogen use mass balance audit, as mentioned in the ACA's comment.

MOSA supports maintaining the status quo for now and ensuring that this material is on the NOP's current work plan. The NOP Notice 12-1 clarifies certifiers' responsibilities. Thank you for your work.

Respectfully submitted,

The MOSA Certification Team