



## What's Up with Organic Standards? USDA institutes procedural changes that weaken National Organic Standards Board

Farmers protest outside of the Fall 2015 NOSB meeting in Stowe, VT in response to the policy allowing certifying hydroponic operations as organic. Photo by Mark Kastel, Cornucopia.

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Beyond Pesticides engages its members and network in the twice-a-year public comment period on organic standards in an effort to ensure compliance with organic law and uphold public trust in the integrity of the organic seal. We track the work of the standard setting board, National Organic Standards Board (NOSB), through our *Keeping Organic Strong* webpage (<http://bit.ly/KeepingOrganicStrong>) and contribute to a process of continuous improvement by evaluating new science and practices. Since organic standards and the label they support are unique in being created and updated in a transparent and public review process, we seek through our participation to ensure a meaningful and respected alternative to harmful chemical-intensive practices in food production. This is especially important as the organic regulatory agency, the U.S. Department of Agriculture (USDA), and parts of the food industry force changes undermining the procedures that have contributed to a thriving organic sector. In the spirit of growing organic on a strong legal foundation that embraces the protection of health and the environment, we report on the Fall 2015 meeting of the NOSB that was held in November in Stowe, Vermont.

### Key issues:

#### Sunset

Coming into the meeting, subcommittees had done a much more thorough job than past boards—though it was still in need of improvement—of reviewing the 129 materials up for sunset review. Many technical reviews were requested for materials whose previous reviews needed updating. Subcommittees proposed removing a large number of materials from the National List, particularly

those used in processed food. However, NOSB subcommittees no longer summarize their evaluations using the evaluation checklist, which has historically helped to focus discussion at the public meeting. Some subcommittee members did not do a thorough job of reviewing public comment and/or misrepresented comments. In the end, most of the materials that had been proposed for delisting were relisted.

#### Reversal of the two-thirds majority.

The primary change made by the NOP in its sunset announcement of September 16, 2013 was a reversal of the voting requirement to keep a material on the National List during sunset review. In the past, the review was truly a sunset—materials on the National List were removed unless a two-thirds majority voted to relist them. USDA policy now requires a two-thirds majority to remove a material from the National List. This change creates a weaker standard that no longer requires near consensus among stakeholders to keep a material on the list after the sunset period—as is required to initially get on the list with a petition. Twenty-three materials that would have come off the list under original sunset voting rules were relisted.

#### Restricting an allowed material (annotation) during the sunset process.

Beyond Pesticides and others supported the current annotation for the use of synthetic micronutrients only with clear site-specific documentation. Despite prohibiting the procedure, USDA allowed during the sunset review an annotation change for micronutrients that removed the requirement (weakened the standard, which normally would require a petition) that soil deficiency must be documented by testing, replacing it with a much more vague requirement that “deficiency must be documented,” which was

explained in the narrative to include recommendations of extension agents and crop advisors based on regional soils. The NOSB approved the annotation change.

### **“Inerts”**

The NOSB backpedaled on previous 2010 and 2012 recommendations to evaluate the so-called inert ingredients (ingredients that are often toxic but not disclosed on the product label) to the standard in the organic law. On the original National List, the board allowed categories of inerts that EPA had classified as “ingredients believed to present minimal risk” and those for which EPA has “sufficient information to conclude that their current use patterns will not adversely affect public health and the environment”—categories that EPA is no longer using—so a new review assessment was developed in accordance with the *Organic Foods Production Act* (OFPA). USDA failed to move ahead with the review and the Crops and Livestock Subcommittees proposed instead that any chemical on the EPA Design for the Environment (DfE) “Safer Chemical Ingredients List” (SCIL) would be allowed as an “inert” in organic production. However, the SCIL contains active substances like sanitizers as well as materials with different ratings relative to DfE criteria that do not meet OFPA criteria. The plan was adopted as a new listing for allowed synthetic materials in organic production.

### **New Materials**

Beyond Pesticides commented that laminarin and brown seaweed both are synthetic, and that neither should be allowed on the National List because of unexamined hazards associated with their mode of action. However, the board voted that laminarin is nonsynthetic and thus allowed it for use in organic production without restriction. Unlike laminarin, which is extracted through a process resulting in a net addition of sodium sulfate, brown seaweed extracts are extracted through a similar process resulting in a net addition of potassium sulfate. Because brown seaweed extract products are also labeled as 0-0-1 fertilizers, the petition was denied. (Synthetic fertilizers are not permitted under OFPA.) The discussion on these two petitioned materials raise questions about guidance that has never been codified on the classification of materials—determining what extracted materials are synthetic or not synthetic depending on residuals of synthetic extractants, whether they have a “functional or technical effect” or whether their presence at any level defines a synthetic material. The NOSB also voted in favor of a petition to remove lignin sulfonate for floating pears post-harvest because it is no longer used. It also voted against a petition to allow sulfuric acid to solubilize micronutrients because feeding highly soluble nutrients to plants is inconsistent with the OFPA.

### **Handling**

Because sodium and potassium lactate are synthetic preserva-

tives, Beyond Pesticides said they were not compatible with organic and opposed adding them to the National List. The NOSB sent the issue back to the Handling Subcommittee for further work. However, the materials continue to be in use.



Beyond Pesticides opposed the subcommittee’s proposal to allow a large number of materials in several functional classes as additives in ingredients of ingredients, known as ancillary substances. Our position was based on the ancillary substances not having been reviewed according to OFPA criteria, as required by NOSB policy and OFPA, the allowance of totally unreviewed substances in the future, and the carcinogenicity of some of the materials. The proposals were sent back to subcommittee for more work.

### **Livestock**

The Livestock Subcommittee did not produce any proposals outside of sunset materials, but did produce discussion documents on parasiticides and anesthetics lidocaine and procaine.

### **Materials/GMO**

Every fall, the Materials/GMO Subcommittee produces a list of proposed research priorities to be sent to “national laboratories, foundations, organizations, federal agencies, land-grant institutions, non-land-grant colleges, individuals, organic farmers, and the organic community in carrying out research, education, and training activities related to facilitating the development of organic agriculture, handling, processing, and organic foods.” Research priorities supported by the board at this meeting were: evaluation of the effectiveness of methods to prevent contamination by genetically engineered organisms, prevention and management of parasites, herd and flock health, evaluation of methionine in the context of a systems approach in organic poultry production, impacts of and alternatives to chlorine materials, and alternatives to copper for control of disease and algae. Many suggestions were made in public comments, and the subcommittee promised to consider them in the future.

The NOSB passed, with one abstention, recommended guidance on prevention of contamination with genetically engineered (GE) organisms. Many people commented that most organic farmers already do the suggested actions, and that actions to control the spread of GE organisms needs to be taken by those who grow them and profit from them.

### **Policy Development**

The Policy Development Subcommittee brought forth “updates” to the Policy and Procedures Manual. It was universally criticized for not presenting a transparent format so that changes are apparent and reasons for the changes given. The document was not up for vote at this meeting and will be considered further in the spring.