

April 3, 2024

Ms. Michelle Arsenault
Advisory Board Specialist
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave. SW
Room 2642-S Mail Stop 0268
Washington, DC 20250-0268

RE: AMS-NOP-23-0075

Dear Ms. Arsenault:

On behalf of International Fresh Produce Association (IFPA), we respectfully submit the following comments on the upcoming Sunset Review of organic materials on the National List, in addition to specific discussion documents and proposals, listed in the Spring 2024 National Organic Standards Board (NOSB) Work Agenda.

Established in 2022 and founded on a deep-seated history of leadership from the Produce Marketing Association and United Fresh Produce Association, our trade association represents over 2500 companies from every segment of the global fresh produce supply chain, including over five hundred companies directly involved in the organic fresh fruit, vegetable, and floral supply chain. IFPA is committed to serving all sectors of the produce industry through government advocacy, global engagement, and expertise in food safety, technology, supply chain management, sustainability, marketing, and leadership. Through these efforts, IFPA will enable the produce industry to grow and drive increased fruit and vegetable consumption, including those organically produced, which is a vital cornerstone of public health.

The IFPA Organics Committee is comprised of twenty-four passionate produce industry professionals, representing a diversity of organic produce commodity and operation types, regions, and experience, who support and guide the association's efforts and priorities in organic fruit, vegetable, and other specialty crop production and sales. Members of this committee inform our comments, IFPA members who are part of the organic produce supply chain, and other industry stakeholders on whom the NOSB's proposals and decisions have direct impact and influence.

We will be focusing our comments in support of the continued use of certain §205.601 Substances in Organic Production, including providing the NOSB with specified input from our members that attempt to answer explicit stakeholder questions posed by the Board. As always, IFPA members strive to provide data conveying that these substances are not harmful to human health or the environment; are necessary for the production of organic products; and consistent and compatible with the highest standards of organic crop production. Additionally, we are also providing commentary on specific discussion documents and proposals listed in the Work Agenda.

We offer comments on those materials and agenda items that are of particular importance to IFPA organic produce growers, as listed below. IFPA appreciates NOSB's commitment to judicious, objective, science-based decision-making when considering sunseting allowed materials.

Compliance, Accreditation, & Certification Subcommittee (CACs)

Residue Testing for a Global Supply Chain

During the Fall 2023 NOSB meeting, the Certification, Accreditation, & Compliance Subcommittee (CACs) issued a discussion document on Residue Testing for a Global Supply Chain (RTGSC) with the goal of providing recommendations to ensure testing remains an effective tool for compliance verification in the global organic supply chain. Based on the NOSB Spring 2024 guidance, CACS is seeking feedback on the importance of thorough residue testing in the organic compliance verification process. The subcommittee is also looking for input on barriers to implementing residue testing in order to update the foundational elements of the related guidance and instruction documents.

IFPA is providing feedback to the specific stakeholder questions listed below:

- NOP 2610: IFPA believes that the aforementioned document is well crafted and provides helpful information to guide with residue sampling. Generally, it is important that NOSB emphasize the need for certifiers to have adequate training in proper residue sampling and understand when it would be best to conduct the testing. For example, a certifier should be aware when an organic operation is in production of harvestable parts of the plant when testing for residue. Additionally, NOSB may consider if samplers should be trained in proper residue sampling related to the chain of custody methodology to safeguard accuracy and limit cross-contamination. Further, it is important that there is previous knowledge of laboratory sample guidelines, including recognized testing methods and the capability to conduct residue screens beforehand, because often laboratories have specific time, temperature, and quantity limits for screening.
- NOP 2611: IFPA posits that the QuEChERS methodology for extraction is effective for many analytes, including pesticides, mycotoxins, and pharmaceutical residues, in both liquid and solid forms. Regarding Sections 4.2 and 4.3, it is important that new QuEChERS methods are continually updated to a recognized AOAC lab method. It is necessary that industry and regulatory collaboration exists to ensure current methodology is approved in a timely manner. Additionally, laboratories must demonstrate required competencies and proficiencies in their verifications processes.
- NOP 2611-1: IFPA believes the list of prohibited substances provides value to certifiers because it incorporates pesticides that can be detected within a broader category of specific compounds, particularly given the extraction methods used. IFPA believes that certifiers could find value from following a decision tree to determine which tests should be used when. IFPA members utilize the following decision tree when addressing detections, which may be used as an example for certifiers:
 - Receive a notice of detection;
 - Verify lab result, methods, date of test, and authorized signature to determine how actionable the residue testing may be;
 - Review the material and brand name association products, comparing the specific crop type effected;
 - Confirm if the crop is allowed in organic production;
 - Confirm the EPA tolerance level and the amount of detected material;
 - Initiate a trace to determine the grower, ranch, lot, facility, and shipping locations;
 - Place the product on hold as applicable; and
 - Review the grower application records to determine source and whether the material is permitted in the effected crop.
- NOP 2613: IFPA members have addressed the detection of residues with no established tolerance or action levels, most often with import requirements to foreign buyers. When done, the product is

destroyed. IFPA is also working with EPA and FDA on the process for establishing and updating tolerances outside of common pesticides.

IFPA believes it is critical to take appropriate steps to ensure that organic operations are compliant with regulations, deter fraud, and to prevent contaminated products from entering the organic supply chain. However, creating more rigorous testing requirements must be done carefully so as to ensure standards can be met and not a barrier to organic production. Currently, residue testing is already conducted on organic farms through third-party certifiers. Additionally, organic certifiers are required to sample 5% of their clients. As NOSB considers this recommendation, it is essential that any enforcement updates to residue testing remain science-based and consistent with international standards. Moreover, IFPA members have expressed concern if testing gets more refined that producers will have difficulty detecting residue at increasingly low levels, which would negatively impact organic designations.

Climate-Induced Farming Risk and Crop Insurance

IFPA members believe that organic farming and resulting products promote climate resiliency and appreciates United States Department of Agriculture's (USDA) recognition of Organic farming as climate smart. As a result, it is essential that organic farmers are given opportunities to mitigate against risk. IFPA appreciates the recognition and effort that NOSB has placed on identifying barriers to farmers' transition to organic, importantly the value that crop insurance has on helping farmers mitigate the risk of both transitioning to organic and staying organic once they have been certified. However, as acknowledged by the NOSB, there remains an existing gap in insurance availability for organic products. For example, one member explained that they recently suffered from a virus outbreak within organic tomatoes across Arizona farms. Unfortunately, crop insurance was not available to those growers in the state, and as a result, have been struggling with solutions to cover their losses. Organic production is unique and brings with it unique challenges and risks. IFPA agrees with the opportunities for improvement identified by the NOSB, including quality factor consideration during loss adjustment, ensuring agents have expertise in organic markets for revenue protection, and length of time needed for in-field adjuster review.

As stated in the NOSB Spring 2024 meeting materials, "there is still work to be done to level the playing field for organic producers." IFPA agrees with this assertion and remains supportive of NOSB's efforts to conduct further research and discussion on improving access to crop insurance for organic growers.

Organic Food System Capacity and Constraints

IFPA is encouraged by NOSB's efforts to ensure that markets are stable, fair, and accessible in order to encourage more opportunity for both transitioning to organics markets and retaining organic producers once they have entered the market.

USDA has conducted research indicating that organic transitions still pose specific risks for producers, including "inadequate organic processing, storage, and handling capacity, cost barriers due to limited markets for rotational crops, a lack of certainty about market access, and insufficient supply of certain organic ingredients."¹ Additionally, according to research by USDA's Economic Research Service (ERS),

¹ <https://www.usda.gov/media/press-releases/2023/05/10/usda-announces-new-steps-enhance-organic-markets-and-support>

although total organic-certified land in the country has risen consistently over the past two decades to 4.89 million acres in 2021, “organic acreage was still less than 1 percent of U.S. farmland.”² That is not to say that the positive impacts of USDA’s support for organics has gone unnoticed.

While IFPA agrees that more effort needs to be done to promote organics capacity and access, members have indicated that USDA has been successful in retaining existing organic acres and producers. Further, multiple IFPA members noted that they are expanding their capabilities for organic production. For example, one member noted that they recently transitioned close to 2,000 acres of conventional ground to organic.

Improving Support for Organic Transition Proposal

IFPA supports the efforts of NOSB to improve assistance for organic transition programs, including maximizing the benefits of public investments and diversifying access across a wider population. These programs are essential to ensure that organic production meet the demand of consumers, but also that there are consistent markets for organic products as producers transition.

One of area of concern of IFPA members is the adjusted gross income (AGI) limitation placed on various USDA programs, which often prohibits growers from participating in organic transition programs. There is previous evidence that medium-sized and larger farms have been kept from participating in organic transition programs under USDA because their income is over a certain threshold. While recognizing the importance of improving access to these programs for small and disadvantaged farms, IFPA believes that support for a wide array of stakeholders will ensure that growers can expand the organics market for consumers nationwide.

Crops Subcommittee (CS)

Carbon Dioxide Petition Proposal

According to the NOSB meeting materials, the subcommittee has expressed hesitation to approving a petition filed in 2020 that would add carbon dioxide (CO₂) to the National List of Allowed and Prohibited Substances, for use as a plant or soil amendment at §205.601(j). The same petition requested the addition of carbon dioxide at §205.601(a) of the National List for use as an algicide, disinfectant, and sanitizer, including uses in irrigation systems, to acidify irrigation water. According to NOSB, a 2023 Technical Report (TR) only listed CO₂ use as a plant or soil amendment in indoor production. Further, the petition did not contain information on the need for the substance to be listed as a crop or soil amendment.

NOSB did not pass the motion to add the substance at §205.601(j). IFPA disagrees with this outcome as its members have found that CO₂ that comes from natural growth production is especially important for controlling production systems on farms, which results in increased yields. Additionally, the summer season is the only time that extraneous CO₂ is required for growers, indicating a limited-use methodology for the substance. The substance has proven to be an especially valuable tool for Controlled Environment Agriculture (CEA) because relying on ambient CO₂ levels is not as precise. IFPA finds it concerning that the Crops Subcommittee contacted organic greenhouse producers who found that CO₂ was not needed nor supported for use. CEA production continues to grow and provide excellent opportunities to produce more with less resources and supply fresh domestically grown organic produce year-round. However, to optimize that production CO₂ levels must be increased. IFPA encourages NOSB to evaluate the necessity and compatibility for use of CO₂ in all production, specifically in greenhouse and CEA production.

Compost Production for Organic Agriculture

² <https://www.ers.usda.gov/amber-waves/2023/november/rising-consumer-demand-reshapes-landscape-for-u-s-organic-farmers/>

According to the meeting materials, the NOSB and USDA's National Organic Program (NOP) have been discussing ways to update organic definitions and regulations regarding organic compost production. IFPA supports the continued discussion on biodegradability metrics of compost production for organic agriculture. IFPA members agree that compost should be made up of plant and animal matter, in addition to newspaper and recycled paper, which is included on the National List as indicated by NOSB. IFPA included in its Fall 2023 comments notices of support for newspaper and other recycled papers as compost material because they are used for organic crop production to control weeds, conserve soil moisture, increase soil temperature, improve crop yield and quality, and act as an alternative to plastic mulch, particularly in small operations. Additionally, newspaper and recycled paper is used as compost feedstock. IFPA maintains its position that additional annotations on acceptable uses for these products would be unduly burdensome on organic producers, could require the use of alternate sources without evidence of health and environmental impact, and may be burdensome for third-party certifiers to accurately determine the type of ink on these substances.

Moreover, as NOSB moves forward with the discussion document, IFPA cautions against any effort to try to modify the regulations on compost to require that they can only come from *organic* plants or animals. Doing so would jeopardize the availability of produced compost for the organics industry, imperiling the livelihood of growers and farms across the country.

2026 Crop Sunset Reviews

Hydrogen Peroxide

IFPA supports the continued listing of hydrogen peroxide in organic crop production under 7 CFR 205.601(a) as an algicide, disinfectant and sanitizer, and under 7 CFR 205.601(i) for plant disease control as a fungicide. The substance plays a critical role for organic growers in cleaning irrigation lines, integrated pest management (IPM) practices for plant disease control, disinfecting pruning shears, and disinfecting surfaces on orchard farms, showcasing the broad application of the substance for organic production. According to one IFPA member, by mitigating pathogens through the utilization of hydrogen peroxide, growers see an increase in the number and size of fruit on trees, reduction in fruit drop, and increase in fruit yield and quality. The substance is also an important tool in controlling fire blight in organic apples and pears.

Hydrogen peroxide supports food safety through its use as a disinfectant. Additionally, drip tape is employed when the substance is used to clean irrigation lines, which promotes water conservation efforts. IFPA's members use hydrogen peroxide because it is safer and more effective than other more problematic sanitizers. Members have also used the substance in combination with peracetic acid as a stringent cleaner for irrigation lines, which increases its effectiveness compared to use as an individual sanitizer. The substance breaks down quickly in the environment and has no residual effects.

IFPA aligns with NOSB's position that hydrogen peroxide is considered to be consistent with the Organic Foods Production Act (OFPA) and is not being recommended for removal from the National List.

Ammonium Soaps

IFPA members utilize ammonium soaps as crop protection across a myriad of organic produce, including specialty crops, such as tomatoes, peppers, eggplants, and leafy greens as well as citrus fruits and strawberries. As NOSB indicates, the product is used as animal repellents to protect organically produced crops from unwanted browsing. IFPA supports relisting ammonium soaps even if there are alternative methods of deterrents for large animals because many growers have already developed familiarity and routine with the use of the product. They know it is an effective tool to protecting their crops.

Additionally, NOSB noted that while ammonium soaps have a low toxicity level and are generally safe, there have been some reports of skin and eye irritation over prolonged use. IFPA's members take worker safety and training with the utmost priority and have gone to great lengths to ensure their employees are provided with proper protection and safeguards when employing any substances among their crops.

For these reasons, IFPA supports the continued listing of ammonium soaps at § 205.601(d).

Horticultural Oils

IFPA members agree that horticultural oils – both as an insecticide and for plant disease control – are essential to organic growers. As outlined in the 2019 TR, these products have different modes of action on insects, mites, and plant pathogens. They target multiple sites, rather than specific receptors, which helps to prevent resistance to their action. Further, IFPA members note that they are important for crop management and killing fungal infections and insects. Growers listed apple scabs, aphids, mites, and whiteflies as just a few of the listed pests these products help prevent and deter. IFPA also agrees with the assertion from NOSB that the oils prevent the need for higher toxicity insecticides and keep pest populations below economic thresholds.

Given the importance of horticultural oils as an essential tool for organic crop production, IFPA supports their continued listing at both § 205.601(e) and § 205.601(i).

Pheromones

Pheromones are essential for IFPA members as a mating disrupter across a variety of products, including berries, tree fruits, and squash. They have proven particularly effective at disrupting coddling moths and oriental fruit moths. Additionally, IFPA agrees with public comments that the substances are used widely across growers, benign in nature, and effective at targeting specific insects. Moreover, IFPA concurs with the Technical Report's assertion that "no risk to human health is expected from the use of synthetic and non-synthetic insect pheromones."

IFPA supports NOSB's position that pheromones are compliant with OFPA criteria and the recommendation to maintain its listing on the National List.

Ferric Phosphate

IFPA members have used ferric phosphate effectively to control against snails and slugs for vegetable and berry products. While IFPA is encouraged that progress has been made on alternative products using sulfur as the active ingredient, those solutions are not readily available and ferric phosphate remains the primary methodology for controlling snails and slugs on organic farms.

Separately, IFPA is not aware of information about the effects of ethylenediaminetetraacetic acid (EDTA) or other chelating agents on the toxicity of ferric phosphate to non-target organisms. IFPA remains supportive of efforts by NOSB to research the impacts of chelating agents within ferric pheromones but supports the continued listing of the substance given its effectiveness in treating snails and slugs.

Potassium Bicarbonate

Potassium bicarbonate remains an essential disease management tool for IFPA's members, regardless of the availability of alternatives. In concurrence with the TR, IFPA believes the substance to be safer, more environmentally friendly, and more effective than other solutions. It has been used consistently as a control within organic berries, vegetables, and tree fruit for a variety of diseases and methods, included not limited to:

- Powdery mildew;
- Anthracnose;

- Fire blight;
- CEA maintenance; and
- Cleaning surfaces and gutters.

Regarding the stakeholder questions posed by NOSB, IFPA maintains that potassium bicarbonate remains a “necessary” tool for organic growers and supports its continued listing. The substance has proven to be both effective and affordable, including when it is used in rotation with biologics to limit resistances. According to an IFPA member, it is less likely to cause russetting to the fruit and damage to the foliage than other available tools when it is used in dry season. The substance is considered a valuable tool by organic tree fruit growers, a majority of whom use this product.

Further, although IFPA members have utilized alternative materials for disease control on mildews and fungus, potassium bicarbonate remains the most effective tool for achieving the desired result for disease management and thus is still needed in our farming operations.

Magnesium Sulfate

IFPA agrees with the evidence indicated by NOSB that magnesium sulfate is important for supplying essential elements of magnesium and sulfur across a wide array of organic products. IFPA members note that the substance is crucial to maintaining the health of berries and vegetables on organic farms, including its utilization as a plant and soil amendment. It has also proven effective in CEA management and tree fruit production.

Given that there are not readily available non-synthetic alternatives or treatments, IFPA supports the continued listing of magnesium sulfate at § 205.601(j).

Handling Subcommittee (HS):

Peracetic Acid/Peroxyacetic Acid

IFPA cannot overstate Peracetic Acid/Peroxyacetic Acid’s (PAA) essentialness for the sanitizing of equipment and tools in fresh produce handling environments, including packinghouses, warehouses, and fresh-cut facilities. It is one of the most common antimicrobials used by organic operations for this purpose. Additionally, PAA used is used by organic growers as an antimicrobial agent in produce wash water – its primary purpose is to prevent cross-contamination of produce in washing tanks. To provide NOSB with an example, if a previously contaminated produce item enters the washing tank, the pathogens could rinse off from that contaminated apple and potentially spread to other uncontaminated product. Maintaining PAA at sufficient concentrations in the wash water ensures that any pathogens in the water are killed and are unable to contaminate other product. Any produce operation that that reuses or recirculated water in a wash bin/flume must use antimicrobials for this purpose. Wash water management, including the use of antimicrobials, is a fundamental food safety prevention measure used in the fresh produce industry.

Additionally, IFPA members noted that PAA is necessary for disinfecting irrigation pipes and as a solution for cleaning organic equipment. Members noted that if PAA was not available, the safe production of fresh produce would be substantially impacted.

IFPA members go through significant effort to prevent microbial contamination of product before it reaches the consumer, including by sanitizing all food contact surfaces and managing and monitoring wash water to reduce the potential for cross-contamination. PAA provides a vital role in this process. Further, there is substantial evidence certifying that PAA, when used according to the label instructions, is considered highly effective for these purposes.

Additionally, as noted by Northwest Horticultural Council (an IFPA member) in their Spring 2023 NOSB comments, PAA and other sanitizers “are needed for growers and packers to comply with the requirements of the Food Safety Modernization Act’s Produce Safety Rule and Preventive Controls for Human Food Rule.”

For these reasons, IFPA strongly supports the continued listing of Peracetic Acid/Peroxyacetic Acid.

Materials Subcommittee (MS):

Inert Ingredients in Pesticide Products

NOSB is looking to advise the NOP on its intention to move forward with rulemaking related to inert ingredients. NOP is looking at four options for its rulemaking: allow inert ingredients in EPA-registered pesticides without further review; reference a subset of EPA regulations for allowed inert ingredients; develop a single, external list of allowed inert ingredients; and list allowed inert ingredients individually on the National List in the organic regulations.

IFPA cautions against listing all inert ingredients individually on the National List. Doing so would dramatically increase the number of substances subject to sunset review, creating unnecessary risk in the ability of NOSB to conduct sunset reviews in a timely manner. As it now stands, the NOP-recognized Lists 3 & 4 are comprehensive and no longer actively managed; therefore, requiring NOP to review each material individually under regulations that require 5-year sunset reviews would be unduly burdensome and time intensive. IFPA recommends that NOSB consider an analysis of what inert ingredients have been approved and actively in use on Lists 3 & 4 and then work towards refining a list that can be approved as a whole, rather than individually.

IFPA encourages NOSB to prioritize this complex issue, including reliance on EPA staff and specialists, in order to facilitate actionable discussions on inert ingredients before the Fall meeting. Additionally, NOSB should utilize EPA analysis to determine the accuracy of Appendix A.

Conclusion

In conclusion, IFPA supports the continued use of objective, science-based decision making as NOSB considers proposed changes to the National List. We urge the NOSB to approach consideration of recommendations to the NOP with specific attention to the need for adequate tools for fresh produce growers, for objective scientific review and with an understanding of the diverse needs for the many crops, growing regions, and production methods in the organic industry. With a limited toolset already, it is imperative that organic growers can continue to access these critical listed substances to combat pests and nurture plants in a variety of scenarios.

We appreciate your consideration of these comments in support of the fresh produce industry.

Sincerely,

Emily Moyer
VP, Regulatory Compliance & Global Food Safety Standards

Sara L. Neagu-Reed
Director, Production & Environmental Policy