



National Organic Program
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July 6, 2023

MEMORANDUM TO THE NATIONAL ORGANIC STANDARDS BOARD

FROM: Jennifer Tucker, Ph.D.
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SUBJECT: Response to National Organic Standards Board Recommendations
(Spring 2023 Meeting)

Background

This memorandum responds to recommendations from the National Organic Standards Board (NOSB) to the U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) at its meeting in Atlanta, Georgia from April 25-27, 2023. This memo also provides an update on NOP's current and upcoming regulatory priorities.

Summary of Recommendations and AMS Responses

- **Ion Exchange Filtration – Resins**

The NOSB recommended that the ion exchange resins used in the ion exchange filtration process do not need to be on the National List. The NOSB also recommended that NOP provide feedback to certifiers that they need to evaluate the compliance of resins with the prohibited substance prevention requirements at 7 CFR 205.272.

AMS Response: AMS thanks the NOSB for completing its work on ion exchange technology. NOP is currently finalizing a Memo for Certifiers to close this topic and to address the NOSB's feedback.

- **Organic Is Climate-Smart Agriculture**

The NOSB voted to support a memo describing why certified organic producers should automatically qualify for climate-smart grant programs administered by USDA.

AMS Response: AMS is sharing the NOSB's recommendation with other programs in USDA and plans to finalize a draft cross-walk that maps organic requirements against climate-smart practices and USDA conservation programs.

NOP Regulatory Priorities Summary

NOP has continued to advance key rulemaking actions. Since the Fall 2022 NOSB Meeting, NOP has published the following rules:

- Final rule on Strengthening Organic Enforcement (SOE), January 19, 2023
- Final rule to implement the NOSB's recommendations to add paper pots and low-acyl gellan gum to the National List, November 14, 2022.
- Final rule on 2023 and 2024 Sunset Review and Renewal, April 14, 2023.
- Information request on Origin of Livestock (OOL), April 26, 2023.

NOP's current regulatory priorities for 2023 include:

- Publishing the Organic Livestock and Poultry Standards (OLPS) final rule.
- Drafting the Market Development proposed rule to create organic standards for mushrooms and pet food.
- Continuing work on a proposed rule to address the NOSB's Fall 2021 and Spring 2022 Recommendations related to nitrogen fertilizers in crop production. NOP is awaiting EPA's input, per OFPA, in order to move forward with this rule.
- Working with NOSB to determine future rulemaking options on Inert Ingredients in Pesticides for Organic Production. This topic has been returned to the Board in the form of a Work Agenda Item.
- Developing external-facing communications and training materials related to implementation of recently-published rules. Standards is also working with other parts of NOP to advise on the implementation of the Origin of Livestock rule and is working with the Trade Systems Team to implement new recommendations related to acreage reporting and other provisions in Strengthening Organic Enforcement.

In addition to these rules, the NOP Standards staff is continuing to research and discuss the following topics raised by the community as priorities of interest:

- Containers/Hydroponics: This topic continues to be voiced as a priority for many stakeholders, who note that inconsistent certification and enforcement has caused confusion among the certifier and producer communities. Now that the litigation related to this topic has closed, AMS is discussing possible next steps on this topic.
- NOP Program Handbook: Some commenters noted that parts of the Program Handbook require updates. NOP Standards staff is reviewing the Handbook to identify which sections require updates, including documents that may overlap or conflict with new regulations in the SOE final rule.

Native Ecosystems, Organic Seeds, and work on Excluded Methods also continue to be mentioned by stakeholders as priorities. First, NOP does not plan to implement the Native Ecosystem recommendation at this time due to statutory authority challenges. Second, NOP believes the organic seed issue does not require additional rulemaking at this time; however, is committed to taking steps to both evaluate and advance increased monitoring and enforcement of the existing regulations through its certifier oversight program. Third, NOP continues to discuss the excluded methods topic with stakeholders in USDA.

Other rules currently listed on the Office of Management and Budget (OMB) Spring 2023 Unified Regulatory Agenda are apiculture and aquaculture (long-term action). The NOP does not currently have a timeline for initiating these rules.

NOP will continue to keep the community updated on regulatory progress in four key ways:

- Regular program updates to NOSB presented during meetings and posted in the [Organic Integrity Learning Center](#).
- Response Memos to the Board after each Board meeting (like this memo), which are posted on the [NOP web site](#).
- Regular updates to the existing [NOSB Recommendations Index/Library](#) on the AMS website, with explanations of changes where appropriate.
- The OMB [Unified Regulatory Agenda](#), issued twice a year, lists rules that the Administration plans to advance.

NOP thanks the community, the Board, and stakeholders for their valuable input into our work and priorities, and we look forward to our continued collaboration to develop new standards and protect the integrity of the organic seal.

Summary

AMS acknowledges and sincerely appreciates the many hours NOSB provided in developing its recommendations. AMS supports NOSB's vital role in representing the diversity of the organic community and ensuring organic integrity.

AMS thanks Tony Dorn (USDA National Agricultural Statistics Service) for presenting results of the 2021 Organics Survey and thanks the panel of local experts for presenting information about organic agriculture in Georgia, including: Billy Mitchell, Donn Cooper, Dr. Shandrea Stallworth, Roland McReynolds, Michael Wall, and Paul Sorah. AMS also thanks Nate Powell-Palm for his continued service as NOSB Chair and Mindee Jeffery and Amy Bruch for their service as part of the NOSB leadership team.

AMS welcomes two new NOSB members: Dr. Franklin Quarcoo and Mr. Nathaniel (Nate) Lewis. The program appreciates their commitment and congratulates them on completing their first meeting as NOSB members.