

January 8, 2025

MEMORANDUM TO THE NATIONAL ORGANIC STANDARDS BOARD

FROM: Jennifer Tucker, Ph.D.
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SUBJECT: Response to National Organic Standards Board Recommendations
(Fall 2024 Meeting)

This memorandum responds to recommendations from the National Organic Standards Board (NOSB or “Board”) to the U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) at its meeting in Portland, Oregon from October 22 – 24, 2024. This memo also provides an update on NOP’s current and upcoming regulatory priorities.

Summary of NOSB Recommendations and AMS Responses

- **National List Petitions**

The NOSB completed its review of three petitions to amend the National List of Allowed and Prohibited Substances (National List). The National List is a section of the USDA organic regulations that lists substances that are either allowed or prohibited in organic crop and livestock production. This list provides the organic industry with tools and options for organic production, handling, and manufacturing.

Substance	National List Section	NOSB Recommendation
Carbon Dioxide	Crops § 205.601(j)	NOSB recommended adding this substance to the National List as an allowed synthetic substance.
Meloxicam	Livestock § 205.603(a)	NOSB recommended adding this substance to the National List as an allowed synthetic substance.
Potassium Phosphate	Handling § 205.605(b)	NOSB did not recommend amending the annotation for this substance on the National List.

AMS Response: AMS thanks the NOSB for its continued work reviewing petitions for the National List. NOP is initiating rulemaking to implement the recommendations for carbon dioxide and meloxicam.

- **Sunset Review**

The NOSB completed its sunset review for 54 substances currently scheduled to sunset in 2026, along with one substance (tolazoline) currently scheduled to sunset in 2029.* The Board recommended renewing the current listings for these substances for another five years. Two natural substances (ash from manure burning and sodium fluoaluminate) will continue to be prohibited, while the remaining relisted substances are allowed in organic production and handling.

Substance	National List Section	Scope
Hydrogen peroxide	§ 205.601(a) & (i)	Crops
Soaps, ammonium	§ 205.601(d)	Crops
Oils, horticultural	§ 205.601(e) & (i)	Crops
Pheromones	§ 205.601(f)	Crops
Ferric phosphate	§ 205.601(h)	Crops
Potassium bicarbonate	§ 205.601(i)	Crops
Magnesium sulfate	§ 205.601(j)	Crops
Hydrogen chloride	§ 205.601(n)	Crops
Ash from manure burning	§ 205.602	Crops
Sodium fluoaluminate (mined)	§ 205.602	Crops
Atropine	§ 205.603(a)	Livestock
Hydrogen peroxide	§ 205.603(a)	Livestock
Iodine	§ 205.603(a) & (b)	Livestock
Magnesium sulfate	§ 205.603(a)	Livestock
Fenbendazole	§ 205.603(a)	Livestock
Moxidectin	§ 205.603(a)	Livestock
Peracetic acid/ peroxyacetic acid	§ 205.603(a)	Livestock
Xylazine	§ 205.603(a)	Livestock
Tolazoline*	§ 205.603(a)	Livestock
Oxalic acid dihydrate	§ 205.603(b)	Livestock
DL-methionine	§ 205.603(d)	Livestock
Trace minerals	§ 205.603(d)	Livestock

* The Board conducted the sunset review for tolazoline early to align its review with xylazine. Tolazoline was originally scheduled to be reviewed by the NOSB in 2027.

Substance	National List Section	Scope
Vitamins	§ 205.603(d)	Livestock
Acids (citric and lactic)	§ 205.605(a)	Handling
Calcium chloride	§ 205.605(a)	Handling
Enzymes	§ 205.605(a)	Handling
L-Malic acid	§ 205.605(a)	Handling
Magnesium sulfate	§ 205.605(a)	Handling
Microorganisms	§ 205.605(a)	Handling
Perlite	§ 205.605(a)	Handling
Potassium iodide	§ 205.605(a)	Handling
Pullulan	§ 205.605(a)	Handling
Yeast	§ 205.605(a)	Handling
Activated charcoal	§ 205.605(b)	Handling
Ascorbic acid	§ 205.605(b)	Handling
Calcium citrate	§ 205.605(b)	Handling
Collagen gel	§ 205.605(b)	Handling
Ferrous sulfate	§ 205.605(b)	Handling
Hydrogen peroxide	§ 205.605(b)	Handling
Nutrient vitamins and minerals	§ 205.605(b)	Handling
Peracetic acid/ peroxyacetic acid	§ 205.605(b)	Handling
Potassium citrate	§ 205.605(b)	Handling
Potassium phosphate	§ 205.605(b)	Handling
Sodium acid pyrophosphate	§ 205.605(b)	Handling
Sodium citrate	§ 205.605(b)	Handling
Tocopherols	§ 205.605(b)	Handling
Celery powder	§ 205.606	Handling
Fish oil	§ 205.606	Handling
Gelatin	§ 205.606	Handling
Orange pulp, dried	§ 205.606	Handling
Seaweed, Pacific kombu	§ 205.606	Handling

Substance	National List Section	Scope
Wakame seaweed	§ 205.606	Handling

AMS Response: AMS thanks the NOSB for its review of these substances. AMS will prepare a Federal Register Notice to renew (*i.e.*, relist) these materials on the National List for five additional years.

- **Methionine Annotation Change**

The NOSB recommended amending the annotation for methionine on the National List at § 205.603(d)(1) to allow this essential amino acid in poultry feed as needed without limitations on quantity. The rationale used to support the recommendation includes health impacts resulting from limited amounts of methionine in feed and a lack of natural alternatives. The recommendation is also intended to better align with major international trading partners (Europe and Canada), which do not limit the amount of methionine used in organic livestock feed.

AMS Response: AMS thanks the Board for its recommendation. NOP is initiating rulemaking to implement this recommendation.

- **Inert Ingredients in Pesticide Products**

The NOSB provided a recommendation that identifies two options for updating the outdated references on the National List for allowed, synthetic inert ingredients in pesticide products. One option is to list inert ingredients individually on the National List, starting with the substances that are currently in use in organic pesticide formulas. The second option is to allow all inert ingredients that are determined by the U.S. Environmental Protection Agency (EPA) to be exempt from tolerance. The Board’s recommendation also clarifies that alkylphenol ethoxylates and per- and polyfluoroalkyl substances (PFAS) should be prohibited as inert ingredients.

AMS Response: AMS thanks the Board for its recommendation and looks forward to the continuing discussion. NOP is reviewing the recommendation to determine future rulemaking steps for inert ingredients.

- **Compost Production for Organic Agriculture**

The Biodegradable Products Institute (BPI) sent NOP a petition for rulemaking in August 2023 that requested that compostable plastics be allowed in organic compost. The petition states this is needed to meet the requirements of a California law, which requires any compostable packaging ingredients be listed as “allowed” on the National List by January 2026 to be accepted by State compost facilities. Specifically, the petition requests that NOP add a definition for “compost feedstock” to the USDA organic regulations. NOP asked the Board to discuss the issue first to allow for public comment before proposing any changes to the regulations. The Board recommended minor changes to the definition of compost (such as cross-referencing the National List for synthetic compost feedstocks). The Board also recommended changing the production standards for compost to better align with current industry practices. Future work by the Board will address the potential for including

compostable packaging materials on the National List for use as a compost feedstock. The Board has requested a Technical Report to support its review.

AMS Response: AMS thanks the Board for its recommendation and appreciates the Board's work on this topic. Consistent with the October 2023 work agenda item on this topic, we ask the Board to specifically evaluate the petition for rulemaking as part of its work. NOP looks forward to the Board's continued work to evaluate the synthetic compost feedstocks described in the petition for rulemaking.

- **2024 Research Priorities**

Each year, the Board identifies research priorities as they relate to the organic industry's needs and questions that arise at the Board meetings. The Fall 2024 recommendation identifies top priorities for research in crop production (*e.g.*, compiling data on impact of agricultural plastic on soil health), livestock production (*e.g.*, identifying the barriers to increasing organic pork production), food handling and processing (*e.g.*, identifying organic alternatives for curing organic meat), and other general topics. The Board requests that integrated research be undertaken with consideration of the whole farm system, recognizing the interplay of agroecology, the surrounding environment, and both native and farmed species of plants and animals.

AMS Response: AMS will share the NOSB's recommendation with USDA's National Institute of Food and Agriculture (NIFA) and the Agricultural Research Service (ARS) program leaders. Both agencies incorporate NOSB's research priorities into their existing research and funding opportunities.

- **Climate-Induced Farming Risk and Crop Insurance**

The NOSB has been working to identify challenges for organic farmers in accessing crop insurance, with the goal of continuously improving access to and the quality of crop insurance tools for certified organic producers. The NOSB's recommendation highlights actions that it believes would narrow the gap between conventional and organic crop insurance options. The recommended actions include updating the loss adjusting manual with organic-specific standards, improving the actuarial assignments of t-yields, and identifying crop insurance agents who are knowledgeable about organic practices.

AMS Response: Crop insurance is managed by the Risk Management Agency (RMA), which is a separate agency from AMS. AMS will share the NOSB's recommendation with RMA program leaders, who presented at the October 2023 meeting.

NOP Regulatory Priorities Summary

NOP continues to advance key rulemaking actions. Since the Spring 2024 NOSB Meeting, NOP published a practice standard final rule and a National List rule:

- The Market Development for Mushrooms and Pet Food final rule was published on December 23, 2024. This rule is designed to facilitate market growth for organic mushrooms, organic slaughter byproducts, and organic pet food by clarifying regulations for organic mushrooms and pet food handling.

- The 2025 Sunset renewal notice was published on August 8, 2024, and allows the continued use of 47 substances in organic production and handling through 2030.

NOP also published the following resources and information:

- NOP published an online training on the Organic Livestock and Poultry Standards (OLPS) final rule in the Organic Integrity Learning Center on August 22, 2024. The OLPS final rule, published in November 2023, clarified organic livestock health care and living conditions standards, added new standards specific to avian species, and added details for transportation and slaughter of organic livestock. The compliance date for the OLPS final rule is January 2, 2025; however, certain poultry operations have extended compliance timelines for certain provisions.
- NOP completed the process of renewing the NOSB Charter in July 2024, allowing the Board to continue its work. The new version of the Charter is available on the [AMS website](#).
- NOP solicited nominations to fill five vacant seats on the NOSB, including: One farmer seat, two handler seats, one retailer seat, and one environmental protection and resource conservation seat. The 5-year terms for the new Board members begin in January 2025.

NOP's current and upcoming regulatory priorities include:

- Developing educational resources to support consistent regulatory compliance. For example, NOP continues to work with certifiers and trade to support the implementation of the Strengthening Organic Enforcement (SOE) final rule.
- Initiating National List rulemaking activities to update the National List in response to Fall 2024 NOSB Recommendations.
- Determining future rulemaking options for Inert Ingredients in Pesticides for Organic Production in response to the Fall 2024 NOSB Recommendation.
- Determining future rulemaking options for compost used in Organic Production. In a [October 11, 2023, Work Agenda memo](#), the NOP asked the NOSB to develop a recommendation that addresses a petition for rulemaking and other issues related to compost. NOSB provided a recommendation at the Fall 2024 NOSB Meeting that addresses parts of the work agenda request and anticipates ongoing work to address the potential for allowing compostable packaging materials as compost feedstocks for organic production.
- Continuing to work on additional updates to the NOP Handbook, with a focus on residue testing instructions and other updates that support consistent and effective implementation of SOE related to accreditation, reinstatement, and organic certificates.
- Determining options to address the NOSB recommendations related to nitrogen fertilizers in crop production. In accordance with section 6517(c)(2) of the Organic Foods Production Act (OFPA), the NOP must consult with the Department of Health and Human Services and the Environmental Protection Agency (EPA) to prohibit a natural substance from organic production. NOP received [EPA's response](#) to NOP's request for consultation on May 16, 2024, and is considering next steps for a nitrogen fertilizers proposed rule.

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

- Organic Seeds: Stakeholders continue to raise concerns about inconsistent enforcement of the commercial availability clause, which allows nonorganic seed varieties to be used if an organic variety cannot be sourced. This may occur when buyers mandate their contracted producers to use specific seed varieties that are not organic. The Board continues to analyze the topic of organic seed use, barriers to organic seed availability, and potential solutions. NOP continues to research and discuss options for implementing past NOSB recommendations on this topic and other possible next steps.
- Containers/Hydroponics: This topic continues to be a priority for many stakeholders, who note that inconsistent certification and enforcement has caused confusion among the certifier and producer communities. Now that litigation related to this topic has closed, USDA is considering possible next steps on this topic.

NOP will continue to keep the community updated with advances in rulemaking using the following methods:

- Regular program updates to NOSB presented during the biannual, public meetings. These updates are also posted in the [Organic Integrity Learning Center](#);
- Email notification when rules publish through the [Organic Insider](#).
- Sending memorandums, like this one, to the NOSB following each public Board meeting. These are also posted on the [NOP web site](#);
- Regular updates to the existing [NOSB Recommendations Library](#) document that is posted on the AMS website, with explanations of changes where appropriate; and
- 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 its work and priorities. NOP looks forward to continued collaboration to develop new standards and protect the integrity of the organic seal.

Acknowledgements

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

AMS thanks Marketing and Regulatory Programs Under Secretary **Jenny Lester Moffitt** and Oregon Department of Agriculture Director **Lisa Charpilloz Hanson**, who both provided welcoming remarks for the Fall 2024 NOSB meeting. AMS also thanks **Amanda Moore**, Director of Natural Resources Conservation Service (NRCS) West National Technology Support Center, who provided an overview of NRCS programs available to organic farmers and answered questions from the Board.

AMS thanks the Transition to Organic Partnership Program (TOPP) participants that presented information about organic agriculture in the Northwest region of the United States, including **Chris Schreiner, Ben Bowell, Grace Lemley, Griffin Lehman, Mary Ellis, Britta Janssen, Erica Thompson, and Evie Witten**.

AMS congratulates and thanks the outgoing board members whose terms on the NOSB end in January 2025: **Jerry D'Amore, Kim Huseman, Mindee Jeffery, Nate Powell-Palm, and Wood Turner**. The program appreciates their dedication and hard work over the past five years and wishes them well in their future.

AMS thanks **Kyla Smith** for her service as NOSB Chair for the past year. AMS thanks **Amy Bruch** (former Vice Chair and current Chair) and **Nate Lewis** (Secretary) for their continued service as part of the NOSB Leadership Team and welcomes **Allison Johnson** (Vice Chair) to the NOSB Leadership Team.