

July 11, 2024

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 2024 Meeting)

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 Milwaukee, Wisconsin from April 29 – May 1, 2024. This memo also provides an update on NOP’s current and upcoming regulatory priorities.

Summary of NOSB Recommendations and AMS Responses

- **Petitioned Substances**

The NOSB completed its review of three substances petitioned for inclusion on the National List of Allowed and Prohibited Substances (National List). The National List is a section of the USDA organic regulations that lists synthetic substances allowed, and nonsynthetic substances prohibited, in organic crop and livestock production. The National List also includes non-organic substances allowed in organic handling. The NOSB did not recommend any amendments to the National List.

Substance	Section of Organic Regulations	NOSB Recommendation
Magnesium Carbonate	Handling § 205.605(b)	Classified as nonagricultural synthetic; the NOSB did not recommend adding this substance to the National List.
Magnesium Carbonate Hydroxide	Handling § 205.605(b)	Classified as nonagricultural synthetic; the NOSB did not recommend adding this substance to the National List.
Rye Pollen Extract	Handling § 205.606	Classified as agricultural; the NOSB did not recommend adding this substance to the National List.

AMS Response: AMS thanks the NOSB for its continued work reviewing petitions.

- **Opportunities in Organic – Improving Support for Organic Transition**

The NOSB recommended that USDA agencies work closely together to provide flexible and coordinated support to organic and transitioning producers in four main areas: 1) supporting economically viable opportunities in organic, 2) reducing cost of certification by offsetting

costs that organic producers bear, 3) investing in relationship and trust building, and 4) diversifying and expanding the organic community. These recommended efforts would build on USDA's Organic Transition Initiative (OTI) to maximize the benefits of public investments in organic transition, and ensure that organic is relevant to a more diverse population as an environmental stewardship strategy, a career path, and a source of sustenance.

AMS Response: AMS thanks the Board for its recommendation.

- **Policy & Procedures Manual Update**

The NOSB recommended an update to their Policy and Procedures Manual to implement minor revisions that the Board identified since the last time the manual was updated in April 2022.

AMS Response: AMS will update the Policy and Procedures Manual to implement this recommendation. We encourage the Board to continue inviting public comments as part of the process for updating the Policy and Procedures Manual.

- **Technical Report Template Update**

The NOSB recommended updates to the Handling scope and Crops/Livestock scope Technical Report (TR) templates to: clarify information requests to the TR authors; reduce redundancy; and align the template's included questions with those in the separate petition template.

AMS Response: AMS will share the updated TR templates with future TR authors.

NOP Regulatory Priorities Summary

NOP has continued to advance key rulemaking actions. Since the Fall 2023 NOSB Meeting, NOP has published a proposed practice standard and a final rule:

- The [Organic Livestock and Poultry Standards \(OLPS\) final rule](#) was published on November 2, 2023. This final rule sets animal welfare requirements for organic livestock and requires outdoor access as well as stocking density limits for organic poultry.
- The [Market Development for Mushrooms and Pet Food proposed rule](#) was published on March 11, 2024. This proposed rule would create organic standards for mushrooms production and pet food handling.

In addition to the two rules, NOP also published the following resources:

- [Frequently Asked Questions](#) about the Strengthening Organic Enforcement (SOE) final rule. This resource is designed for businesses, customs brokers, certifiers, and others working in organic trade.
- An updated version of the [NOP Handbook](#). The changes reflect updates to align with recent regulations: some documents that are no longer relevant were archived, and some references were updated. Other documents, which serve as educational resources, were relocated to the NOP website and online learning center. View the 2024 NOP Handbook Update [Reference document](#).

- A [Retailer Toolkit](#) of consumer-facing displays that retailers can download and use in their stores or online platforms to increase consumer understanding of the organic label. The graphics and messaging focus on NOP's process of regulating, enforcing, and tracing organic products across the supply chain.
- The [Climate-Smart Agriculture Microlearning](#) that explains how organic farming practices sequester carbon and reduce greenhouse gas emissions based on scientific research. The crosswalk also links organic practices with conservation practices recognized by the National Resource Conservation Service (NRCS) to support producers who wish to apply to NRCS resources. This resource was informed by the NOSB's Spring 2023 recommendation.

NOP's current regulatory priorities include:

- Analyzing public comments and drafting final organic regulations for the Market Development Rule (mushrooms and pet food).
- Developing educational resources to support the implementation of published rules. An online training on the OLPS final rule will soon be available in the Organic Integrity Learning Center, and NOP continues to work with certifiers and trade to support the implementation of both the OLPS and the SOE final rules. NOP is investing significant resources to update its control systems to effectively implement SOE.
- Reinitiating regulatory activity 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 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.
- Beginning 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.

Additional Priorities Anticipated in Late 2024/Early 2025:

- Determining future rulemaking options on Inert Ingredients in Pesticides for Organic Production. In a [June 23, 2023 memo](#), the NOP asked the NOSB to finalize a recommendation for rulemaking by the Fall 2024 meeting.
- Determining future rulemaking options for Compost used in Organic Production. In a [October 11, 2023 memo](#), the NOP asked the NOSB to develop a recommendation that addresses a petition for rulemaking and other issues related to compost.

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

- Organic Seeds: Stakeholders have raised concerns that organic seeds are not being adequately sourced by producers. NOP is researching and discussing 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 rule writing 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](#);
- Sending memorandums 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 Wisconsin Department of Agriculture, Trade and Consumer Protection's Secretary Randy Romanski, who provided welcoming remarks in Milwaukee. AMS thanks the panel of experts on compost, including Doug Currier, Dr. Pat Millner, Matthew Cotton, and Tim Dewey-Mattia. AMS also thanks the Transition to Organic Partnership Program (TOPP) participants that presented information about organic agriculture in the Midwest region of the United States, including Cori Skolaski, Allison Walent, Roz Lehman, Jacquelyn Evers, Lori Stern, Kenya Abraham, Harriet Behar, Nic Staples, and Vickie Renick.