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NOP Priorities Listening Session & NOP Proposed Rule: Amendments to the National List of Allowed and Prohibited Substances (Crops and Handling)

Dear PCO Certified Operators, Members, and Inspectors,

The National Organic Program (NOP) has announced a public listening session and a proposed rule, both of which offer opportunities to comment directly to the program.

NOP Priorities Listening Session

The NOP has announced a public listening session, with request for comment, regarding upcoming standards development activities. Specifically, the NOP is looking for comments and feedback to prioritize rulemaking. Full text of this announcement is available in hard copy by contacting the PCO office, or at the following link: <https://tinyurl.com/2p8djw36>.

Examples of appropriate comment topics include outstanding National Organic Standards Board recommendations, such as:

- Organic Apiculture Production Standards
- Organic Pet Food Product Standards
- Organic Mushroom Production Standards
- Organic Aquaculture Production Standards
- Hydroponic/Aeroponic Production and Greenhouse and Container Production Standards
- Clarification of Emergency Synthetic Parasiticide Use with Organic Livestock
- Eliminate Incentive to Convert Native Ecosystems to Organic Production
- Establish Standard Criteria for Commercial Availability Determinations—Agricultural Ingredients in Processed Products Standards
- Require Increased Use of Organic Seed
- Recommendations Related to Genetic Engineering and Excluded Methods
- Organic Personal Care Product Standards
- Restrict the Use of Livestock Vaccines Made from Excluded Methods

The NOP will not be accepting comments on current rulemaking priorities, which include Strengthening Organic Enforcement (SOE) Final Rule, Origin of Livestock (OOL) Final Rule, Organic Livestock and Poultry Standards (OLPS), and Inert Ingredients in Pesticides for Organic Production.

Instructions for Giving Public Comment – sign up for oral comments by February 28, 2022. Written comments due March 30, 2022.

The NOP wants to hear directly from organic producers and handlers on your rulemaking priorities! Sign up for oral comments by February 28, 2022. Submit your written public comments by 11:59PM EST March 30, 2022. PCO can submit written comments on your behalf, so please contact Jen Berkebille (814-422-0251, jen@paorganic.org) for questions or assistance.

- **Written Comments** - due 11:59PM EST March 30, 2022
 - Submit online via <https://www.regulations.gov/document/AMS-NOP-21-0085-0001>
 - Written comments may also be mailed to: USDA AMS National Organic Program, Stop 0268, Room 2642-S, 1400 Independence Ave SW, Washington D.C. 20250-0268
 - Please include docket number AMS-NOP-21-85, as well as the date, February 7, 2022, and page number of this issue of the Federal Register, pages 6839-6842.
- **Oral Comments (3-minute slots)** - Sign up by February 28, 2022
 - Register for webinar comments at <https://tinyurl.com/45nrfuh5>. The webinar is scheduled for Monday, March 21, 2022, from 1:00-3:00 pm Eastern time. The meeting can be accessed via the internet or phone.

NOP Proposed Rule: Amendments to the National List of Allowed and Prohibited Substances (Crops and Handling)

The NOP has published a proposed rule that would amend the organic regulations at §§205.600-205.606, The National List of Allowed and Prohibited Substances (the National List). The comment period for this draft rule is now open; comments will be accepted until April 4, 2022. Full text of this document is available in hard copy by contacting the PCO office, or at the following link: <https://tinyurl.com/mr427z94>

This proposed rule would:

- Allow **paper** for use as a planting aid in organic crop production
- Allow **low-acyl gellan gum** for use as a thickener, gelling agent, or stabilizer in organic food processing.
- Correct a spelling error on the National List to change “wood resin” to “wood rosin.”

Crops

The proposed rule amends § 205.2 by adding, in alphabetical order, the definition for “Paper-based crop planting aid”:

Paper-based crop planting aid. A material that is comprised of at least 60% cellulose-based fiber by weight, including, but not limited to, pots, seed tape, and collars that are placed in or on the soil and later incorporated into the soil, excluding biodegradable mulch film. Up to 40% of the ingredients can be nonsynthetic, other permitted synthetic ingredients at § 205.601(j), or synthetic strengthening fibers, adhesives, or resins. Contains no less than 80% biobased content as verified by a qualified third-party assessment (e.g., laboratory test using ASTM D6866 or

composition review by qualified personnel). Added nutrients must comply with §§ 205.105, 205.203, and 205.206.

The proposed rule also amends § 205.601 by revising paragraph (o) to read as follows:

§ 205.601 Synthetic substances allowed for use in organic crop production...

(o) Production aids:

...

(2) Paper-based crop planting aids as defined in § 205.2. Virgin or recycled paper without glossy paper or colored inks.

Handling

The proposed rule amends § 205.605 by revising the entry for “Waxes” in paragraph (a):

§ 205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s)).”

(a) ... Waxes—nonsynthetic (Wood rosin).

The proposed rule also amends § 205.605 by adding, in alphabetical order, an entry for “Low-acyl gellan gum” in paragraph (b):

§ 205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s)).”

(a) ... Low-acyl gellan gum

Instructions for Submitting Public Comment - comments due April 4, 2022

Written public comments must be received by 11:59PM ET April 4, 2022. Submit written comments online at <https://tinyurl.com/n6d2tbak>, or by mail to Jared Clark, Standards Division, National Organic Program, AMS, USDA; 1400 Independence Ave. SW, Room 2642-So., Ag Stop 0268, Washington, DC 20250-0268. All comments received must include the docket number AMS-NOP-21-0060; NOP-21-02, and/or Regulatory Information Number (RIN) 0581-AE11 for this rulemaking

Effective comments help others understand your perspective and how proposals will impact your organic farm or business. Clearly indicate the topic and section number of the proposed rule to which your comment refers, state your position(s), offer any recommended language change(s), and include relevant information and data to support your position(s). You can learn more about writing an effective comment at <https://tinyurl.com/as2w3rd4>.

Please reach out to Jen at the PCO office, 814-422-0251, jen@paorganic.org, with any questions or for assistance submitting your comments. Thank you.

Sincerely,
Jen Berkebile
Materials Program Manager
jen@paorganic.org