

be the reason for rejection since organic requires full disclosure of ingredients and processes.

4. Provision I in Possible Recommendation 2 is about using an affidavit to supplement a CBI petition. Comment on whether this is valuable.

An affidavit such as this assumes a good understanding of the review criteria, and even OFPA and the breadth of the entire regulation. This is a difficult task to those who are experts in organic, but is extremely hard for a manufacturer who may have never entered the organic world before. A misunderstanding of the criteria could lead to an improper attestation, even from a well-meaning petitioner. For instance, an affidavit that claims that the information contained in CBI complies with all applicable federal regulations, that actually complies with EPA or FDA regulations, but not with specific organic standards. That said, any petitioner claiming CBI should be encouraged to provide any additional information that clarifies the missing information contained in CBI.

We are unconvinced of the value of such an instrument, but not opposed.

5. Should procedures, such as a Confidentiality Agreement, be developed that would allow the NOSB, but not the public, to see any CBI?

No. Given the intended interplay of the NOSB and the public, it appears that this option might be a set up for failure: 1) the NOSB would have an additional responsibility to clearly understand (and remember at all times) the boundaries of each specific CBI information amongst the mountain of all other information that comes at them; 2) the temptation increases for the public to demand such information since it is in the hands of this quasi-public board (i.e., via FOIA, etc.).

### **Definition of Production Aids**

We are happy to see that the NOSB is addressing the meaning of the term “production aids.” Considering only one item on the National List is actually identified as a production aid, we believe that the term, as described in §6517(c)(1)(B)(i), is designed to describe a limited universe of synthetic materials that might be used in organic production. It does not list “pesticides,” “growth regulators,” “solvents,” or others under so-called “production aids.” We believe that the term should be strictly limited to physical items with minimal direct interaction with crops and livestock, as well as chemical substances that are used on equipment, but not directly on crops or livestock.

### **GMO ad hoc SUBCOMMITTEE**

#### **GMOs and seed purity**

We agree with the subcommittee that preventing contamination of organic crops by genetically engineered (GE) organisms is important to maintaining organic integrity. We also agree about the importance of GE-free seeds as a basic requirement for organic production. It is a tremendous challenge to maintain high quality organic seeds free from

GE contamination while not burdening organic growers, who are the victims of contamination of their seed stock. NOC encourages creative approaches that take into account that organic growers need seeds that are not contaminated by GE genes, are diverse and regionally-adapted to their growing conditions, and that costs to prevent contamination should be borne by the GE seed patent holders, who should be held accountable for the costs associated with their products.

## **POLICY DEVELOPMENT SUBCOMMITTEE**

### **Public Communications**

NOC has previously commented in detail in at least our last 2 comments to the Board (September and May 2012) that we fully support the direction of more communication with the Board. We specifically like the proposed *Policy for Public Communication between NOSB Meeting* voted by the Policy Development Subcommittee. NOC has recently been writing letters to the Board outside of Board biannual meetings and public comment periods directly through personal emails of those Board members who have agreed to receive this information. We think that a year-round public communication mechanism sponsored by the Board is preferable and more transparent. We appreciate this Recommendation.

### **Material Review Initiation Policy**

We agree with the subcommittee that the initiation of materials review requires further discussion. Currently there are established policies for NOSB review of petitioned materials. However, there needs to be established procedures if a material comes to the NOSB by a process outside of the normal public petition process. NOC urges the NOSB to promote transparency and public participation in this process. In particular, technical reviews should be accessible to public so that they can provide comments of substance for the board.

## **CROPS SUBCOMMITTEE**

**OxyTetracycline – See separate submission by NOC for this petition**

### **Polyoxin D Zinc Salt**

NOC agrees with the subcommittee's recommendation to deny the petition to add Polyoxin D zinc salt to the National List. Polyoxin D is a broad spectrum fungicide, and as such is inherently incompatible with the basic principles of organic production. There are significant concerns about the capacity of this material to negatively affect non-target organisms, including beneficial fungi, insects, and aquatic species. Moreover, there are effective alternatives available control fungal pathogens--several currently allowed substances on the National List, crop rotation, crop nutrient management practices, sanitation to remove disease vectors, selection of resistant species and varieties (where applicable), beneficial antagonistic bacteria, and monitoring are listed in the TR as effective alternatives.