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April 2, 2021

Ms. Michelle Arsenault, Advisory Committee Specialist
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave. SW, Room 2642-S, Mail Stop 0268
Washington, DC 20250-0268

**RE: Docket Number AMS-NOP-20-0089
Crops Subcommittee Proposal: Paper Based Crop Planting Aids**

Dear Ms. Arsenault,

Thank you for the opportunity to provide comments to the National Organic Standards Board (NOSB) Crops Subcommittee's petition to add paper-based crop planting aids. Oregon Tilth has previously submitted comments in response to each of the previous petitions, and thanks the Crops Subcommittee for its consideration of our past submissions. In each of our submissions, including the present, Oregon Tilth has consistently supported the proposition to allow organic growers to use paper-based crop planting aids on their certified organic farms.

Regarding the subcommittee's motion in the matter of paper-based crop planting aids from January 19, 2021, Oregon Tilth respectfully submits the following comments:

Evaluating Biobased Content

The subcommittee's current motion is to amend §205.2 proposes to define a paper-based crop planting aid as, "[a] material that is comprised of at least 60% cellulose-based fiber by weight." While Oregon Tilth supports establishing minimum regulatory standards, it is important to note that this new composition requirement is a significant deviation from current industry standards and practices. Specifically, many certified manufacturers and users of paper-based crop planting aids currently would not be in compliance with this requirement inasmuch as they do not cite 3rd-party standards nor provide a breakdown of the percentage of biobased or cellulose content in the paper-based crop planting aid.

In addition, the current motion proposes that a paper-based crop planting aid must "[c]ontain 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)."

Oregon Tilth restates its previously submitted concern that imposing requirements on the percentage of biobased components would add potentially insurmountable hurdles for paper-based planting aids to be used in organic production. After a review of our current clients utilizing paper-based crop planting aids, it appears that *all of them* could potentially fail to meet the requirements as currently drafted. This unfortunate and unnecessary outcome is likely because, as the regulation currently exists, paper-based crop planting aids must contain paper, whereas the proposed language would demand that the inputs in the paper meet defined content percentages. None of Oregon Tilth's certified clients currently produce that information. What makes the proposed amendment even more difficult is that it is not clear from the proposed language what type(s) of verification will be required or who would be "qualified" to conduct the verification. The proposed amendment imposes new, complex and burdensome requirements to evaluate the exact formulation of paper products and planting aids—requiring that certifiers and manufacturers alike perform multiple calculations, which calculations have not been required of similarly allowed recycled paper materials. The detailed requirements regarding the percentage of cellulose and biobased content would demand more time and expense of certifiers and their clients without affording significant tangible benefits to organic integrity.

We request that the NOSB enumerate specific standards/methods by which biobased content is to be verified by qualified personnel other than an ASTM D6866 laboratory result. Additionally, we request that the amendment clearly set out minimum qualifications to meet the definition of "qualified personnel." If these key concepts from the proposed amendment are not made clear, the result will be inconsistent interpretation and application. Absent clearly defined definitions, individual certifiers will provide their own interpretations and applications, much as they do now regarding this issue, leading to inconsistencies, confusion and disparate applications.

Evaluating Non-Biobased Content—Pesticides

Oregon Tilth agrees with the Crops Subcommittee's interpretation that would consider any paper-based crop planting aid containing prohibited pesticides or nutrients to be prohibited. Any added pesticides or nutrients in a paper-based crop planting aid should be required to appear as an allowed input on the National List.

While the Crops Subcommittee has explained their intent in the discussion found in the Petitioned Material Proposal, the currently proposed regulatory language omits pesticide concerns. For example, fungicides are mentioned in the Technical Report as an aid to prevent the breakdown of the paper as well as an active pesticide in crop production. We recommend revising the amendment to make it clear that added active nutrients and pesticides may be allowed, specifically—205.2 Terms Defined: Paper-based crop planting aid. "Added nutrients **and pesticides** must comply with §205.105, 205.203, and 205.206."

Summary

Oregon Tilth appreciates the NOSB for its time and continued refinement of an amendment to §205.2 to address paper-based crop planting aids used in organic production. We generally support the adoption of the current proposal but would highly recommend adding the clarifications addressed above in order to facilitate a more consistent and objective application of the provision by all certifiers and to avoid the prospect of widespread exclusions of paper-based crop planting aids currently approved for use in existing Organic System Plans. The proposed annotation would likely prohibit some or all of the currently approved paper planting aids

in Oregon Tilth's certified operations due to insufficient information. We wish to thank you for your work on this issue and for your prudent consideration of our submission.

Respectfully,

Oregon Tilth

Oregon Tilth is a leading certifier, educator and advocate for organic agriculture and products since 1974. Our mission to make our food system and agriculture biologically sound and socially equitable requires us to find practical ways to tackle big challenges. We advance this mission to balance the needs of people and planet through focus on core areas of certification, conservation, policy and the marketplace.