INTERNATIONAL FRESH PRODUCE ASSOCIATION

April 24, 2025

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

RE: AMS-NOP-24-0081

Dear Ms. Arsenault:

On behalf of the International Fresh Produce Association (IFPA), we respectfully submit the following comments on the upcoming sunset review of organic materials on the National List. In addition, we have provided comments on the specific discussion documents and proposals listed in the Spring 2025 National Organic Standards Board (NOSB) Work Agenda.

IFPA represents over 2500 companies from across the global supply chain for fresh fruits and vegetables, including more than 500 companies with certified organic fresh fruit, vegetables and flowers. IFPA works with all facets of the fresh produce industry and provides numerous services to its membership including government advocacy, global engagement opportunities, food safety recommendations, the latest in fresh produce technology, supply chains, sustainability, marketing, industry relationships, and leadership. IFPA aims to increase fresh fruit and vegetable consumption, including organic produce, to improve the health and wellbeing of consumers.

The IFPA Organics Committee is made up of 20 volunteer leaders in the produce industry, who represent a wide array of organic fruits, vegetables, and other specialty crops, as well as many types of operations, in several different growing regions. The committee supports and guides IFPA's priorities in organic production and across the organic supply chain. The following comments reflect feedback from the committee on the organic proposals and discussions under consideration and the use of 18 substances on the National List.

Furthermore, additional comments are included on specific topics in the spring work agenda. The feedback provided is of particular importance to IFPA organic growers and IFPA appreciates the opportunity for NOSB to carefully consider objective and science-based evidence throughout the decision-making process regarding matters of importance to the National Organic Program.

Compliance, Accreditation, & Certification Subcommittee (CACS)

Risk-Based Certification

IFPA members are pleased that NOSB is reviewing risk-based certification in relation to the Strengthening Organic Enforcement (SOE) rules. Members support the CACS proposal that NOP and the Accredited

Certifiers Association (ACA) develop and update training materials to assist certifiers that conduct risk-based certifications and encourage updating the process to help identify potential risk.

Since the introduction of the SOE, members of the Organics Committee have noted auditors from certifying bodies have not been trained to understand the new rules, causing different and exaggerated requirements for each certifier. Rule 204, which has been postponed, has generated excessive red tape for certifying bodies trying to interpret requirements and has led to various interpretations of risk.

Classification of Risk
IFPA Organics Committee members highlighted the difficulties around defining and developing standard criteria for risk because of its regionality and because of variations of crops, growing environments, and practices. Some states have more rigorous pesticide or fertilizer reporting systems, datasets, and resources to understand fraud and risk better than others.

There was agreement within the group that a data-driven approach would be the least problematic in developing a risk level, as well as a rating scale to consider operators' previous offenses, if any. If there is a data collection mechanism to identify the crops or operation where fraud is the most prevalent, or where there are defects, then NOP can streamline investigations into areas of potential fraud and more quickly respond to red flags.

Other potential flags for risk include:

- Co-Mingling – whether a producer, processor, or broker handles both organic or non-organic products. If the operation cannot show a written plan or provide an adequate explanation about how to avoid cross contamination, that may be a sign of fraud. For example, a small or new farm without a known reputation may have a higher likelihood of fraudulent activity because it is easier to co-mingle and harder to get caught.
- Premiums – Crops with high organic premiums may be important for a risk-based inspection, since higher premiums may attract bad actors. Careful evaluation of regional prices and trends in specialty markets may assist in identifying problems. Alternatively, records could be kept on randomized product samples, and products with higher residue results may receive special attention.
- State Reporting Systems – States with rigorous reporting systems make it more difficult to cheat or commit fraud. One Committee member noted that "any state that requires growers to report pesticide applications to an authority is less risky than a state that just requires growers to hold on to records." Specific states include California, with high reporting requirements, versus Georgia, with no reporting mechanism in place.
- Climate Events – In areas with higher frequency of extreme weather events and rates of disease or pests, producers may be likely to commit fraud out of desperation. Because organic practices don't include synthetic pesticides or fertilizers, production is more difficult in certain regions.
- Regionality Challenges - Committee members noted that regional differences in organic production capacity can present challenges that affect both risk and feasibility. Certain crops are significantly more difficult to grow organically in some regions due to persistent pest pressures, disease prevalence, or other environmental conditions. For example, while organic peaches thrive in California's arid conditions, producing them organically in humid regions like Georgia, South Carolina, or New Jersey is far more difficult. These inherent regional challenges may affect compliance, increase risk, and should be considered alongside climate-related factors when assessing organic operations.
- Knowledge – Producers who have consulted with individuals who have formal training in relevant areas of organic production will pose less risk than someone who has not. Similarly, a grower with

documentation, like pesticide application licenses, certification, or a reputable, longstanding operation is unlikely to cheat due to the depth of knowledge that exists. For example, a producer who has a clean ground without weeds, but cannot explain how they've maintained it, or a producer without access to compost or animal-based fertilizers who has high-quality crops, are potential indicators of fraud.

Committee members cautioned about unintended consequences within the market, so criteria may have to be nuanced enough in order to avoid specific crops or regions accidentally being singled out or disincentivized from production. The IFPA Organics Committee recommends further evaluation of feasibility around data collection and usage to detect fraud, and for NOSB to consider the above factors, before defining what constitutes a "risky operation."

Definitions

The IFPA Organics Committee has varied opinions about the new definitions of risk. Members generally agreed with the subcommittee changes proposed in red in the meeting materials, but others want more clarity and consideration of the proposed definitions.

- In the definition of "risk-based oversight," there should be an addition to the redline assigning oversight to a qualified third party. The third-party assessment should include compliance with organic standards, and individuals within the third party should be educated on what the metrics for evaluation are.
- The IFPA Organics Committee supports the edited version of the term "risk management" as outlined in the 2025 Spring NOSB materials.
- The definition for the term "risk" should also specify that risk can be anything that compromises all "products, systems, or rules" in addition to the definition provided.
- IFPA Organics Committee members raised questions on the differentiation of "vulnerability assessments" and "risk assessments," and questioned what the difference between an "assessment and an evaluation" would be. Further clarification of the definition is needed to better understand the difference between risk versus vulnerability, and what an assessment would review versus an evaluation. The IFPA Organics Committee recommends either a merged definition of the three terms or continued discussion on clarification.

Oversight and Organic Integrity

In response to the question on standard operating procedures used for ensuring organic integrity, IFPA Organics Committee members have numerous examples of the best practices their operations' have in place to ensure organic standards and compliance are met. IFPA Organics Committee members are willing to provide examples upon request.

Other measures taken to protect organic integrity include: extensive research about land for organic production, maintenance of an internal "materials list" with substances suitable for organic production, an internal software system that flags any defects or purchases that have not been approved or appear to be problematic, an extensive composting process with testing and record keeping mechanisms and ensuring several levels of accountability. Another way to protect organic products is through third-party certifiers conducting announced maximum residue level (MRL) testing at various points in production.

Using a process to ensure organic standards are maintained and to prevent and mitigate risk is a commonsense solution that the IFPA Organics Committee supports.

Compliance Resources

The Organics Committee appreciates the proposal by CACS to have NOP and ACA develop and update training materials to support certifiers. Members noted that the Organic Integrity Learning Center (OILC) has comprehensive risk-based oversight courses that have been very helpful. Additionally, expanding the use of Organic System Plan (OSP) walkthroughs may be helpful and is recommended by the IFPA Organics Committee. OSP walkthroughs are intended to ensure certifiers learn how to comply with new risk-based certification by going through an operation and identifying potential areas of risk. Certifiers could also provide a "101 Session" for operations that are new to organics or need assistance navigating regulations. It is important to consider that certifiers are consistent and informed about compliance with new rules and updated standards, but just as important, they are able to break down regulations to farmers who may be new or unfamiliar with the National Organic Program.

Residue Testing

A few considerations were raised by the group in response to the NOSB question regarding the value of informing downstream supply chain recipients when known noncompliant products have been discovered and released into the "chain of commerce."

First, informing supply chain recipients of a product with residue under the 5% threshold could pose the same complications as a food safety recall, including damage to brand reputation, decreasing consumer confidence in organic integrity. In addition, organic growers are already required to report when a product is over 5% of the EPA tolerance levels for residues, and proper procedures must be followed to mitigate the contamination or risk of further contamination. Different inspectors have different abilities and tools to identify environmental contaminants, some of whom have been able to detect different levels of residues in various regions or locations under the 5% threshold. As these lower threshold detections occur, communication with the operator is important to reduce risk but shouldn't compromise the product under the 5% threshold.

A zero-tolerance rule around residues, especially on fresh produce, could backfire on producers and significantly limit supply for consumers. Due to environmental contamination, it may not be entirely feasible to have a 0ppm residue on any products. Additionally, the law already states that residue levels under 5% of the EPA tolerance levels are acceptable, so new standards would have to be developed with a lower threshold, which could cause a major disruption to organic produce production and the availability of organic produce in the market. The cost of these new standards and tests would likely be put on the certifiers, unless otherwise specified to be paid for by the producer, which could create complication. In the event of drift where a product is contaminated with an off-label substance, IFPA Organics Committee members noted that it would fall under the jurisdiction of the Environmental Protection Agency and not the NOSB. The Committee recommends maintaining the 5% threshold for contaminants and to include this in the proposal. Growers already have measures in place to avoid cross contamination and keep any substances under the 5% threshold. IFPA Organics Committee members remain committed to minimizing potential contaminants to the maximum extent practicable but encourage continued discussion about reducing any presence of residue and whether producing specialty crops without any residues is possible.

IFPA Organics Committee members find that the new proposal to change the definition of Unavoidable Residue Environmental Contamination (UREC) needs further clarification. The proposed language to replace the term "naturally occurring or synthetic chemicals" with "prohibited substances and excluded methods" is subjective and difficult to interpret. The revised definition changes the meaning of UREC entirely, noting that one definition is based on established, evidence-based standards, while the other is subject to interpretation. Because of its clarity and scientific verification, the IFPA Organics Committee members recommend keeping the original definition, until NOSB can more precisely define the term "excluded method."

Crops Subcommittee (CS)

Pear Ester

The IFPA Organics Committee members strongly support the expanded use of pear ester in organic production of fruit trees and management of pests.

The substance works by disrupting the mating process of moths. Pheromone dispensers and lures containing pear ester provide the only products that help growers to assess and manage both male and female codling moth. The use of pear ester products also gives growers the ability to understand codling moth locations and population density. This allows for less use of companion pesticide sprays and insecticides. Without pear ester tools, organic growers will have fewer and less effective options for determining when and where to spray insecticides, thereby increasing the number of sprays to manage pests.

The only other kairomone in use for insect pest monitoring in organic production is acetic acid. Both are essential in organic production. There are no documented risks of harm to the environment or human health pertaining to pear ester. The IFPA Organics Committee underscores that pear ester tools are absolutely critical as a safe pest management tool for growers.

Compost Production

The IFPA Organics Committee maintains the stance from the 2024 Fall NOSB comments it submitted on compost production, continuing support for biodegradability metrics of compost production for organic agriculture. As written in the Fall 2024 comment, compost should be made up of plant and animal matter, in addition to newspaper and recycled paper, which is included on the National List as indicated by NOSB.

IFPA maintains that compost production should be evaluated until there is a consensus on the best decision and applauds NOSB's continued consideration of the topic. Additional annotations on uses for these products could create more barriers to approval by certifiers, as third-party certification would have to verify the ink on these substances and would need evidence of health and environmental impact. IFPA also underscores that there is more agreement needed in biodegradability percentages in organic compost, and the percentage must be achievable for producers. IFPA members reiterate and caution against any effort to try to modify the regulations on compost to require that they can only come from *organic* plants or animals. Doing so would jeopardize the availability of produced compost for the organics industry.

Synthetic Compostable Polymers

NOSB is considering a proposal that would allow synthetic compost feedstocks to be added to the National List through a two-third majority vote of the Board. When looking at the impact of the percentage of biodegradable organic compost changing in California, growers have difficulty keeping up with increased regulations and difficulty maintaining the ratio. If NOP is going to consider this proposal, it must make sure to have a clear definition of materials, a set percentage of what materials are able to be used for biodegradability, and ensure the next steps are thoroughly researched and the outcome is science-based.

IFPA Organics Committee members believe it is too premature at the moment to weigh in on the unintended consequences of not being able to use single-use plastics, since the proposal has not been put into practice. The IFPA Organics Committee recommends this topic be included in the 2025 Fall and 2026 Spring agendas for further discussions.

National List Sunset Review 2027 Crops Subcommittee

Members of the IFPA Organics Committee support the streamlined process of sunset reviews, especially for materials that have been unanimously relisted multiple times. As with current practice, IFPA maintains that there should be a mechanism that allows members to call for a vote if concerns are raised about a substance or practice as new research is released.

Potassium Hypochlorite
IFPA continues its support for keeping potassium hypochlorite on the §205.601 sunset list. It is used by a majority of growers of tree fruits, tree nuts, and other organic cropping systems with irrigation lines. Potassium hypochlorite helps to ensure irrigation water meets an acceptable microbial water quality profile as required under the Food Safety Modernization Act (FSMA); to keep micro-sprinklers and fogging systems functioning properly and to prevent clogging within the irrigation system; and it provides a hypochlorite product that does not contain sodium content, which, as the working committee noted, helps to avoid the salinization of soils associated with sodium hypochlorite.

Soap-Based Algicide/ Demossers
IFPA continues its support for keeping soap-based algicides and demossers on the §205.601 sunset list. These products are used as algicides, disinfectants, and sanitizers for tools in organic orchards, including irrigation systems, to combat food-borne pathogens.

Ammonium Carbonate
Ammonium carbonate is critical to small producers who farm fruits and vegetables. IFPA continues its support for keeping soap-based algicide and demossers on the §205.601 sunset list. Used by many organic tree fruit growers as an attractant in insect traps, it is also used by small fruit and nut growers. Ammonium carbonate is especially effective in orchard traps used to monitor various types of flies, such as apple maggot and cherry fruit fly.

Soaps, Insecticidal
The IFPA Organics Committee members emphatically underscore the importance of insecticidal soaps to ensure vegetables can grow by providing nutrients and for other uses in crop production. In both 2015 and 2020, NOSB received overwhelming support for the continuation of its use, which IFPA maintains. If this designation changes, it would be catastrophic for the entire organic vegetable industry.

Insecticidal soaps are an essential tool for organic tree fruit production and used by the majority of Pacific Northwest growers. These soaps are key to many IPM programs for controlling soft-bodied insect pests, such as aphids, mealybugs, and spider mites.

Vitamin D3
Vitamin D3 is absolutely critical for pest control in organic crop production. This is one of the only pest control materials allowed for rodent control and is therefore used by a wide range of growers. If this product were to be removed, there would be virtually no other way to prevent pests and rodents from destroying organic crops. Vitamin D3 is especially important when an organic farmer is facing a high rodent population coupled with environmental factors, such as heavy winter snow. For tree fruit, it is primarily used around bins and in confined spaces around buildings.

Aquatic Plant Extracts
All organic vegetable and fruit producers heavily rely on aquatic plant extracts, such as seaweed or algae, to provide nutrients and assist in organic crop production. IFPA Organics Committee members continue their support for the use of aquatic plant extracts on the §205.601 sunset list.

These materials are used by a majority of organic tree fruit producers and are critical for perennial crop fertility programs. Soil- and foliar-applied products are used to enhance soil and plant health, particularly when a nutrient deficiency is identified.

Lignin Sulfonate
Lingin Sulfonate is used by many growers for dust abatement in select areas, such as dirt roads along the borders of farms – which can be habitats for pest mites – and on driveways and loading areas. It is still used by growers as a chelating compound for foliar-applied nutrients, which improves uptake / absorption of important nutrients through foliage. Chelating makes applications more efficient and effective, therefore helping to reduce overall sprays.

Sodium Silicate
still used as a floating agent in post-harvest for fruit packing and is incredibly important for small- and medium-sized pear packers. There are no alternative methods available that are suitable for small pear packer usage – whether costly equipment upgrades or alternate substances that can cause damage to the fruit – so eliminating the use of sodium silicate would have a devastating impact on small and medium pear producers who do not have the ability to switch to a "dry" system.

EPA List 4 Inerts
for continued listing as an interim rule, and then relisted through the rulemaking process, to avoid confusion within the industry, including amongst producers, handlers, manufacturers, and distributors.

There is complete agreement with the subcommittee that List 4 inerts must remain listed during the rulemaking process to maintain continuity in pesticide formulations used by organic growers. Inerts listed in both EPA List 3 and List 4 are critical to organic production and IFPA looks forward to the opportunity to provide comment to the NOP during rulemaking.

Paper
Paper has been used for a long time, and is still important, as a weed control method in small gardens. Paper pots are very important in composting and are an effective way to reduce plastics. Biodegradability standards must be maintained in paper materials. Paper is used by orchard operations of all sizes, as well as by fruit tree nurseries.

Strychnine
The IFPA Organics Committee supports continued prohibition of the use of strychnine under the §205.602 Sunsets.

Arsenic
The IFPA Organics Committee supports continued prohibition of the use of arsenic under the §205.602 Sunsets.

Vitamin D3
Vitamin D3 is absolutely critical in pest control in organic crop production. This is one of the only pest control materials allowed and is used for a wide range of rodent control. If this product were to be removed, there would be virtually no other ways to prevent pests and rodents from destroying organic crops. Vitamin D3 is especially important when an organic farmer is facing a high rodent population coupled with environmental factors, such as a heavy winter snow. For tree fruit, it is primarily used around bins and in confined spaces around buildings.

Handling Subcommittee (HS)

Ethylene
The IFPA Organics Committee strongly supports the proposal to amend the listing of ethylene at § 205.605(b)(14) to expand the allowed use in organic handling to include preventing sprouting in stored potatoes and onions. It is particularly important to potatoes due to limited materials that can be used to inhibit potato sprouts and therefore help to prevent spoilage. Ethylene could also be a useful tool for other organic produce that needs to be pre-ripened – such as tomatoes, bananas, and pears – similar to its use for pineapples.

Kaolin
IFPA supports the continued listing of kaolin as a filtration component in the manufacture of organic fruit juices. The material is particularly effective as a filtering aid in apple and grape juice processing.

Ozone
Ozone is widely used as a disinfectant and sanitizer in produce packinghouses and storage facilities. It is a highly effective disinfectant and an important tool for organic handlers in controlling potential cross contamination of microbial pathogens that pose a food safety risk in water or on food contact surfaces.

Waxes
Carnauba: Carnauba wax is used by apple and pear handlers on an as-needed basis to protect against decay with certain varieties and to help reduce scuffing on pears during the packing process. It is a naturally occurring substance and does not pose a safety concern for human health or the environment.

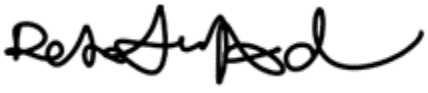
Orange shellac: It is used as needed on vegetables and fruit, in particular berries and citrus. It is an important tool for those handlers who use it in rotation with other fruit coatings on the commodities that necessitate and/or benefit from such coating.

Conclusion
As IFPA continues to represent a broad range of the organic fresh produce supply chain, we appreciate the opportunity to comment and strongly encourage the NOSB to consider fresh produce growers when considering their votes on the continued use of certain §205.601 substances in organic production. IFPA growers continue to rely on these substances for various crops, growing regions, and production methods in organics.

We urge the NOSB to consider these recommendations to the NOP with an understanding of the unique needs of organic production, the variety of crops, the differences in geographical regions, and the challenges faced by growers all over the U.S. We appreciate your consideration of these comments in support of the fresh produce industry.

Sincerely,

Rebeckah F. Adcock
Vice President, U.S. Government Relations



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