



Accredited Certifiers Association
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October 1, 2020

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

Re: Docket Number: AMS-NOP-20-0041
Crops Subcommittee Proposal: Paper (Plant pots and other crop production aids) - petitioned

Dear Ms. Arsenault:

Thank you for the opportunity to provide comments to the National Organic Standards Board (NOSB) Crops Subcommittee (CS) on the most recent proposal to allow Paper (Plant pots and other crop production aids). The Accredited Certifiers Association (ACA) is a 501(c)(3) nonprofit educational organization created to benefit the organic certifier community and the organic industry. The ACA strives to ensure consistent implementation of the USDA Organic Regulations through collaboration and education of accredited certification agencies. We are committed to upholding organic integrity and maintaining stakeholder trust to facilitate the growth of the organic industry. Our organization is made up of 63 USDA NOP accredited certifying agencies worldwide, which includes all 47 accredited certifiers headquartered in the United States. We are the frontline decision-makers for the effective implementation of the National Organic Program.

We appreciate the Crop Subcommittee's work on paper pots and other paper crop production aids. The ACA has submitted comments previously in favor of the allowance of paper pots as a crop production aid. Many certifier members had been allowing paper pots prior to NOP clarification that the use of paper pots was not permitted under current listings of paper on the National List. In addition, as the subcommittee stated, paper pots, in conjunction with transplanting equipment, are being used by small producers to increase efficiency.

The ACA continues to support the allowance of paper pots and other paper crop production aids. We appreciate the subcommittee's proposal to allow this material, which includes a definition of "paper-based crop planting aid" at §205.2 and a listing for this material at §205.601(o), with annotation. We agree that, based on the proposed language, evaluation could vary between certifiers; some certifiers may ask for complete ingredients and determine percentages of cellulose-based fiber themselves, for example, while others may ask manufacturers to sign affidavits. However, the ACA can take up this topic at our Materials



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Working group to develop best practices for consistent verification of paper-based crop planting aids.

The ACA appreciates the correction in the use of the phrase “glossy paper or colored ink” at §205.601(o), as well as the removal of the previously proposed commercial availability requirement. It is our understanding that the proposed language at §205.2 and §205.601(o) will allow for products that are on the market, which we have advocated for in our support of an allowance for paper-based crop planting aids. We also appreciate that the subcommittee has clarified the specific percentage of cellulose-based fiber required in a paper-based crop planting aid.

The ACA is concerned that the definition for paper-based crop planting aids, as proposed, may unintentionally include biodegradable biobased mulch film. This would be confusing for certification agencies and material review organizations when reviewing this type of material, and may unintentionally allow for biodegradable biobased film products that are available currently but do not meet the current requirements at §205.2 and §205.601(b)(2)(iii). For this reason, we propose language specifically excluding biodegradable biobased mulch film from the definition of paper-based crop planting aids.

The ACA supports the requirement for 80% biobased content, but offers a warning that many things qualify as “biobased.” This requirement, in addition to the 60% cellulose-based fiber requirement, leaves room in a product for 40% other ingredients, and we are concerned about these other unknown ingredients. The ACA agrees that the proposed definition should address other ingredients. Lack of specificity in this area may open the door for other concerning ingredients that have not yet been considered, such as microplastics or biodegradable biobased plastic, the same as used to make mulch, which has some amount of biobased content but is not manufactured to meet NOP requirements for biobased mulch film; regardless, it could be allowed as an ingredient in paper-based crop planting aids, according to the proposed definition. We suggest limiting the 40% other ingredients to allowed non-synthetic ingredients, allowed synthetic nutrients, and synthetic strengtheners, reinforcement fibers, adhesives and binders

The ACA supports the verification of 80% biobased content by laboratory test using ASTM D6866. Verification by a qualified third party assessment may be trickier; certifiers and material review organizations may not be qualified to verify this type of information, because it may be beyond our scope of knowledge. However, we do support the inclusion of this language, as it may be possible for certifiers to verify biobased content for simple materials, if they are 100% biobased, for example.

The ACA also offers a comment on the subcommittee’s proposed language at §205.601(o) that “Added pesticides or nutrients must comply with §205.105, 205.203, and 205.206.” It is the



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ACA's understanding that to allow a pesticide as an ingredient in a paper-based crop planting aid, the product itself would need to be EPA registered and labeled as a pesticide, as clarified in NOP [Policy Memo 13-3](#), which seems unlikely. For this reason, we suggest removing language referencing synthetic pesticidal ingredients and §205.206. We also suggest the reference to synthetic nutrients be removed from the annotation for paper-based crop planting aids at §205.601(o) and added to the definition for this material at §205.2.

Based on our comments above, we propose the following revisions to the definition at §205.2 and the listing at §205.601(o) (proposed language in blue):

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, **but excluding biodegradable biobased mulch film. Up to 40% of the ingredients can be nonsynthetic substances not prohibited at §205.602, permitted synthetic nutrients at §205.601, or synthetic strengtheners, reinforcement fibers, adhesives and binders. Added nutrients must comply with §205.105 and §205.203.** 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).

Production Aids: Paper-based crop planting aids as defined in §205.2. Virgin or recycled paper without glossy paper or colored inks. **Added pesticides or nutrients must comply with §205.105, 205.203, and 205.206.**

Finally, the introductory paragraph to §205.601 states, "Substances allowed by this section, except disinfectants and sanitizers in paragraph (a) and those substances in paragraphs (c), (j), (k), and (l) of this section, may only be used when the provisions set forth in §205.206(a) through (d) prove insufficient to prevent or control the target pest." This indicates that all production aids at (o), including paper-based crop planting aids, are required to meet the provisions at §205.206. Since a crop production aid is not functioning as a pesticide, we request that the NOSB add a proposed revision to this language including section (o), as well as section (n), which is not related to this proposal but also appears to have been unintentionally excluded from the introductory paragraph:

In accordance with restrictions specified in this section, the following synthetic substances may be used in organic crop production: *Provided*, That, use of such substances do not contribute to contamination of crops, soil, or water. Substances allowed by this section, except disinfectants and sanitizers in paragraph (a) and those substances in paragraphs (c), (j), (k), ~~and (l)~~, **(o), and (n)** of this section, may only be used when the provisions set forth in §205.206(a) through (d) prove insufficient to prevent or control the target pest.



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Thank you for your continued work on this topic and for the ability to offer comments.

Sincerely,

Jennifer L Berkebile

Jennifer Berkebile

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