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October 1, 2020

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

**Docket # AMS-NOP-20-0041**

**Materials Subcommittee Proposal: Marine Macroalgae in Crop Fertility Inputs**

Dear Ms. Arsenault,

Thank you for the opportunity to comment on the National Organic Standards Board (NOSB) Materials Subcommittee's proposals regarding Marine Macroalgae in Crop Fertility Inputs. Oregon Tilth appreciates the Subcommittee's commitment to increased sustainability of materials used in organic crop production.

Oregon Tilth supports the proposal's direction and goals, including a revision to the annotation at §205.601(j)(1) and new listing at §205.602, to protect marine habitats, and to ensure the sustainable harvest of marine materials. The proposed amendment will bring §205.601(j)(1) into alignment with other areas of the organic standards, ensuring "ecological balance and conserve biodiversity" (§205.2). Specifically, the proposal will provide safeguards to protect the environment during the harvest of wild marine algae and simultaneously sustain growth of the wild crop (§205.207). The scientists on the Fall 2019 expert panel supported the annotation after extensive research and careful consideration of marine macroalgae harvest regulations from other countries and third-party standards. We agree with not requiring marine algae or other crop inputs to be certified organic and exempting small non-commercial harvests from the annotation.

Oregon Tilth provides the following considerations and requests regarding the proposal:

1. Consider simplifying the technical language in the annotation to promote clarity and understanding for the public and for manufacturers, or allow for an extension to the proposal to address the annotation's clarity as needed.
2. In agreement with the Accredited Certifiers Association (ACA), we recommend expanding the definition of "fish waste" in 205.2 to include waste from animal feed production. This allowance will provide assurance that native species are not harvested for the sole purpose of fertilizer production.
  - a. Example: *Fish waste* — "Waste or byproduct left over after market fish are processed for animal feed or human consumption."
3. Consider providing additional technical and scientific guidance in a supplementary guidance Handbook, as set forth in the NOP's report.



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4. Provide guidance regarding the certifier's responsibility to verify that prohibited harvest areas and prohibited methods are not used. Specifically, because inspections of commercial operations are not being proposed, we request clarification regarding whether an attestation from commercial harvesters will be sufficient to comply with the annotation.
  - a. What documentation should certifiers collect in the course of their due diligence to verify compliance with the annotation?
  - b. Should certifiers collect harvest records on timing, geography, method and compliance with local regulations? If yes, must this information be obtained directly from commercial harvest operations? To verify all of the practices specified in the proposed annotation, certifiers would need an operation's entire Standard Operation Procedure. Will operators be willing to provide this? If no, what other means could reasonably be used to collect the information?
  - c. Is a well-worded attestation sufficient to verify the requirements in ensuring sustainability of these inputs? If yes, this would be an excellent opportunity for collaboration between all ACA-accredited certifiers to determine a consistent method of verification and establish a best practice. Oregon Tilth believes a statement from the manufacturer confirming the annotation as proposed could be sufficient. If the NOSB has more specific requirements in mind for verification, we ask that this guidance be included in the final proposed rule, and that the burden to certifiers be balanced with the quantifiable benefits to sustainability and the environment.

In addition to the comments provided above, we would ask that you please refer to [Oregon Tilth's previous comments from NOSB Fall 2019 on marine plants](#).

Oregon Tilth is grateful for the opportunity to provide comment on this important and timely subject of sustainability in organic crop fertility inputs. We believe that this revision is but one of the many important steps to ensure the organic standards protect our planet's intricately linked biodiversity, marine habitats and climate.

Respectfully submitted,

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.*