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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
Crop Subcommittee Proposal: Biodegradable Biobased Mulch Film**

Dear Ms. Arsenault,

Thank you for the opportunity to comment on biodegradable biobased mulch film (BBM). Oregon Tilth appreciates the Crop Subcommittee's continued efforts to permit this material in organic production.

Oregon Tilth supports the Crop Subcommittee's proposed changes to §205.2 and §205.601. To date, Oregon Tilth has been unable to approve any BBM for organic crop production due to our clients' inability to meet requirements under current regulations. The Crop Subcommittee's proposal now under consideration provides some hope to organic producers by establishing a more attainable standard (80%) for biobased mulch manufacturers. However, the discussion document noted and Oregon Tilth concurs that in reality, 80% biobased content is *still aspirational*. Despite this change in a positive direction, in practice, the regulation will continue to severely restrict the certification and use of BBM. Oregon Tilth suggests collaborating with BBM manufacturers to identify a proportion that is confirmidly attainable, and then adjusting the minimum percentage of biobased content required to reflect that attainable standard.

In addition to the content issue discussed above, Oregon Tilth has identified some ambiguities that will continue to make the implementation of the BBM regulation difficult for organic certifiers and the application problematic for biobased mulch manufacturers. In order to obtain a sound and sensible result, we believe that the following issues must be resolved by including language specifically to address the following:

1. How must certifiers verify biodegradable biobased mulch film criteria? For example, is a laboratory result required to verify §205.2(1-3)? Might it be appropriate also to allow certifiers to accept label claims, statements meeting applicable ASTM standards, or third-party certifications?

2. Is a commercial availability search required for 100% BBM always required, or is the requirement up to the certifier's discretion? For example, may certifiers individually waive a commercial availability search until 100% biobased mulch first appears on the market?
3. Is it adequate for the content information of a BBM to simply reference ASTM 5988, or do organic certifiers always need to verify the percentage of biodegradation?

Respectfully submitted,
Oregon Tilth

Supporting References

1. [Oregon Tilth Article](#) - Using mulches and biodegradable biobased mulch film
2. [Oregon Tilth Spring 2020 NOSB Comment](#) - Biodegradable Biobased Mulch Film

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.