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Ms. Michelle Arsenault, Special Assistant
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave. SW
Room 2648-S, Mail Stop 0268
Washington, DC 20250-0268

April 29, 2020

Re: Docket #AMS-NOP-19-0095
Crops Subcommittee Proposal: Paper (Plant pots and other crop production aids)

Dear Ms. Arsenault,

During the April 21 and 23 public comment webinars, the NOSB invited additional comments regarding proposed language for paper-based crop planting aids. These revised comments were developed collaboratively by members of the Accredited Certifiers Association (ACA) to address concerns we heard from various stakeholders including accredited certifiers. The group focused on proposed language that is enforceable and verifiable, which was difficult without a better understanding of what the NOSB wants to achieve with these proposals. We present these comments to the NOSB prior to the remainder of the spring 2020 meeting

The NOSB Crops Subcommittee proposed the following definition at §205.2:

Paper-based crop planting aid. A material that is comprised primarily of cellulose-based paper, including pots, seed tape, and collars that are placed in or on the soil and are intended to degrade into the soil. Contains no less than 85% biobased content with biobased content determined using ASTM D6866 (incorporated by reference; see §205.3).

The current language of this proposed definition suggests that certifiers will verify that a paper-based crop planting aid is >50% cellulose; the remaining <50% ingredients could be anything else, provided that together, these ingredients are at least 85% biobased content determined using ASTM D6866.

The reference to cellulose composition, as written, may allow certifiers to use their best judgement to determine whether or not the product is paper. However, it may also lead to inconsistencies in verification. A percentage of cellulose could be specified for consistent verification, or the crops subcommittee could specify that the product is “not plastic based,”



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rather than “comprised primarily of cellulose-based paper.” The ACA also still requests clarification on what is meant by “cellulose-based” as covered in our original comments.

The proposed definition limits paper-based crop planting aids to those that are “intended to degrade into the soil.” Without a standard in the definition to evaluate degradation against, certifiers may not verify degradation, they may verify against some ASTM standard, or they may accept attestations from the operators that they “don’t see it in the soil next year” or they “don’t remove it from the soil.” If degradation or biodegradation of the product is important, the listing could be clarified to include an ASTM composting standard. ASTM D5988-12 is incorporated by reference at §205.3, but this reference has been superseded. In addition, this standard only addresses aerobic biodegradation of *plastic* materials in soil, so verification to this standard should exclude cellulose, which is not plastic, and only apply to plastic resins, adhesives, and fibers, within the paper-based crop production aids. Therefore, only some ingredients would be verified to this standard, not to the entire product itself. If the intent of this part of the definition was not to focus on degradation or biodegradation but to simply exclude any materials that are not left on the soil, it may be clearer to limit paper-based crop planting aids to those that are “not removed prior to decomposition in the soil.”

Finally, the reference to ASTM D6866 is verifiable, but the ACA notes that this standard measures biobased content, and this is a shift from the subcommittee’s work on this topic thus far, which focused primarily on composition and biodegradability rather than biobased content. In addition, a product that is 85% synthetic can still be 85% biobased, according to this standard. Finally, §205.3 references the 2012 version of this standard, but this standard has been superseded by a 2020 version. ACAs are not sure whether there are significant differences between the two standards or whether verification to the 2012 standard is still possible. It is a challenge when our standards reference another set of standards that are subject to change. If the proposed definition and/or annotation include a reference to an ASTM or other standards, we request that the NOSB clearly explain the intent of that inclusion.

The NOSB Crops Subcommittee proposed the following addition at §205.601 (o) Production Aids:

Paper-based crop planting aids as defined in 205.2. Virgin or recycled paper without colored or glossy inks. If these paper-based crop planting aids are commercially available with 100% biobased fiber content, these must be used.”

The ACA is concerned that the commercial availability requirement may not be accomplishing what the subcommittee intended. The annotation requires “100% biobased *fiber* content” (emphasis added); therefore, it is not addressing the biobased content of the entire product, just the fibers, which excludes synthetic resins and adhesives. This is in contrast to the proposed definition, which addresses biobased content of the entire product. The subcommittee may have intended to refer to the entire product, rather than the individual fibers. In addition, it is unclear



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whether the annotation is referring to all fibers, which could include both strengthening fibers and cellulose, which is itself a fiber, or just the strengthening fibers. The subcommittee may have meant “non-synthetic” or “natural” fibers rather than biobased, but without a clarification that this clause only applies to strengthening fibers, it would limit the products to containing only non-synthetic fibers; no synthetic fibers, including synthetic cellulose, would be permitted.

Commercially available is defined at §205.2 as “The ability to obtain a production input in an appropriate form, quality, or quantity to fulfill an essential function in a system of organic production or handling, as determined by the certifying agent in the course of reviewing the organic plan.” The ACA suggests that a “form” argument may be made for many paper-based crop planting aids, such as paper-chain pots, which rely on proprietary technology and equipment to use. Finally, the requirement of the use of “100% biobased...” when commercially available does not seem sound and sensible when, to our knowledge, it may be impossible to produce a “100% biobased...” product. The current wording would not require the use of a “95% biobased...” product over an “85% biobased...” product, only the use of a “100% biobased...” product, and if that is not possible to produce, than this annotation is meaningless and unnecessary, given the burden it will place on the producer and the certifier to verify.

Based on the above questions, the ACA is proposing the following revisions to the definition at §205.2 and annotation at §205.601(o):

Motion to add to 205.2 Terms Defined: Paper-based crop planting aid. A material that is comprised primarily* of cellulose-based** paper, including **but not limited to** pots, seed tape, and collars that are placed in or on the soil and are ~~intended to degrade into the soil~~ **not removed**. ~~Contains no less than 85% biobased content with biobased content determined using ASTM D6866 (incorporated by reference; see §205.3).~~

Add to 205.601 (o) Production Aids: Paper-based crop planting aids as defined in 205.2. Virgin or recycled paper without colored or glossy inks. ~~If these paper-based crop planting aids are commercially available with 100% biobased fiber content, these must be used.~~

**The ACA could not agree whether the word “primarily” should remain as is, be removed, or be updated to 50%, 85%, 100%, or something else entirely, such as “comprised of cellulose-based paper and biodegradable plastics.” However, the ACA agreed that the current wording may lead to inconsistencies among certifiers. “Primarily cellulose-based” indicates to some that other ingredients, including synthetic resins, adhesives, and fibers, may be permitted in the product; percentages may indicate what amount, if any, of those synthetic ingredients are permitted. Alternatively, an annotation calling out specific allowed synthetic resins, adhesives, fibers, and any other ingredients, would be verifiable and likely lead to consistency among certifiers and material review organizations.*



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***This continued inclusion of “cellulose-based” assumes clarification from the NOSB on what forms of cellulose are permitted.*

Therefore, the ACA recommends that the NOSB take the proposal on paper-based crop planting aids back to the subcommittee to consider our proposed language for an updated proposal for the fall meeting.

Thank you for considering our additional comments on this topic.

Sincerely,

Jen Berkebile
ACA Materials Working Group Facilitator