

March 19, 2026

MEMORANDUM TO THE NATIONAL ORGANIC STANDARDS BOARD

FROM: Jennifer Tucker, Ph.D.
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SUBJECT: Response to National Organic Standards Board Recommendations
(Rescheduled Fall 2025 Meeting – January 2026)

This memorandum responds to recommendations from the National Organic Standards Board (Board) to the U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) at its virtual meeting from January 13 - 14, 2026. The January 2026 Board meeting replaced the meeting that was originally scheduled for November 2025. This memo also provides an update on NOP's current and upcoming regulatory priorities.

Summary of Board Recommendations and AMS Responses

National List Sunset Review

Within the USDA organic regulations ([7 CFR part 205](#)) is the National List of Allowed and Prohibited Substances (or “National List”). The National List identifies the synthetic substances that may be used and the nonsynthetic (natural) substances that may not be used in organic crop and livestock production. It also identifies the nonorganic substances that may be used in, or on, processed organic products. This list provides the organic industry with tools for organic production, handling, and manufacturing.

At its January 2026 meeting, the Board completed its review of substances currently scheduled to sunset from the National List in 2027. [Table 1](#) lists the substance the Board recommended for removal from the National List. [Table 2](#) lists the substances the Board did not recommend for removal from the National List.

Table 1: Substance Recommended for Removal from the National List

Substance	National List Citation (§)	Recommendation
Handling - § 205.606 Nonorganically produced agricultural products <u>allowed</u> as ingredients in or on processed products labeled as “organic”:		
Cornstarch	§ 205.606(e)	The Board recommended removing nonorganic cornstarch from the National List. If implemented, this would remove the existing commercial availability exception for nonorganic cornstarch, requiring organic operations to source certified organic cornstarch.

Total sunset substances recommended for removal: 1

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Table 2: Substances Not Recommended for Removal from the National List

Substance	National List Citation (§)
Crops - § 205.601 Synthetic substances <u>allowed</u> for use in organic crop production:	
Potassium hypochlorite	§ 205.601(a)(2)(iv)
Soap-based algicide/demossers	§ 205.601(a)(7)
Ammonium carbonate	§ 205.601(e)(1)
Soaps, insecticidal	§ 205.601(e)(8)
Sucrose octanoate esters	§ 205.601(e)(10)
Vitamin D ₃	§ 205.601(g)
Aquatic plant extracts	§ 205.601(j)(1)
Lignin sulfonate	§ 205.601(j)(4)
Fatty alcohols	§ 205.601(k)(2)
Sodium silicate	§ 205.601(l)
EPA List 4 Inerts	§ 205.601(m)(1)
Paper-based crop planting aids	§ 205.601(o)(2)
Crops - § 205.602 Nonsynthetic substances <u>prohibited</u> for use in organic crop production:	
Arsenic	§ 205.602(b)
Strychnine	§ 205.602(i)
<i>Total crop substances: 14</i>	
Livestock - § 205.603 Synthetic substances <u>allowed</u> for use in organic livestock production:	
Butorphanol	§ 205.603(a)(5)
Flunixin	§ 205.603(a)(12)
Magnesium hydroxide	§ 205.603(a)(18)
Oxytocin	§ 205.603(a)(22)
Poloxalene	§ 205.603(a)(26)
Formic acid	§ 205.603(b)(3)
Sucrose octanoate esters	§ 205.603(b)(10)
EPA List 4 Inerts	§ 205.603(e)(1)
Excipients	§ 205.603(f)
Livestock - § 205.604 Nonsynthetic substances <u>prohibited</u> for use in organic livestock production:	
Strychnine	§ 205.604(a)
<i>Total livestock substances: 10</i>	
Handling - § 205.605 Nonagricultural (nonorganic) substances <u>allowed</u> as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s))”:	
Kaolin	§ 205.605(a)(15)
Sodium bicarbonate	§ 205.605(a)(26)
Wood rosin	§ 205.605(a)(29)
Ammonium bicarbonate	§ 205.605(b)(4)
Ammonium carbonate	§ 205.605(b)(5)
Calcium phosphates*	§ 205.605(b)(9)
Low-acyl gellan gum	§ 205.605(b)(18)

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Substance	National List Citation (§)
Ozone	§ 205.605(b)(21)
Sodium hydroxide	§ 205.605(b)(32)
Handling - § 205.606 Nonorganically produced agricultural products <u>allowed</u> as ingredients in or on processed products labeled as “organic”:	
Carnauba wax	§ 205.606(a)
Beet juice extract color	§ 205.606(d)(1)
Beta-carotene extract color	§ 205.606(d)(2)
Black/purple carrot juice color	§ 205.606(d)(3)
Chokeberry, aronia juice color	§ 205.606(d)(4)
Elderberry juice color	§ 205.606(d)(5)
Grape skin extract color	§ 205.606(d)(6)
Purple sweet potato juice color	§ 205.606(d)(7)
Red cabbage extract color	§ 205.606(d)(8)
Red radish extract color	§ 205.606(d)(9)
Saffron extract color	§ 205.606(d)(10)
Glycerin	§ 205.606(i)
Inulin-oligofructose	§ 205.606(k)
Orange shellac	§ 205.606(n)

Total handling substances: 25

**Monobasic, dibasic, and tribasic calcium phosphate are counted as 3 substances*

Total sunset substances to be renewed: 49

AMS Response: AMS thanks the Board for its continued work on sunset reviews of National List substances. AMS plans to pursue publishing a notice in the *Federal Register* to relist all sunset substances, including cornstarch, to avoid industry impact or disruption of the organic supply chain. AMS will continue to review the recommendation to remove nonorganic cornstarch from the National List.

Oxytocin Annotation Change

Oxytocin is a synthetic substance currently allowed as a medical treatment for organic livestock with an annotation that limits it only for “*use in postparturition therapeutic applications.*” The Board recommended modifying oxytocin’s annotation at § 205.603(a)(22) to read as follows:

For use in postparturition therapeutic applications within 3 days after birth. It may not be administered to increase an animal’s milk production or for milk letdown.

AMS Response: AMS thanks the Board for its recommendation. AMS is reviewing the recommendation to determine next steps.

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Synthetic L-Malic Acid

Nonagricultural nonsynthetic (natural) forms of L-malic acid are currently allowed for use as an ingredient in, or on, processed organic or “made with organic” products at § 205.605(a)(16). The Board reviewed synthetic L-malic acid in response to the 2019 technical report, which indicated that some forms of L-malic acid in use by organic operations may be considered synthetic. To support continued use of these forms, the Board recommended adding synthetic L-malic acid to the National List for use as an ingredient in or on organic or “made with organic” processed products. The Board also clarified that L-malic acid produced by fermentation and/or enzymatic conversion of carbohydrates is classified as natural.

AMS Response: AMS thanks the Board for its recommendation. AMS is reviewing the recommendation to determine next steps. Certifying agents should continue current allowances until any rulemaking efforts are finalized.

Compostable Materials (Synthetic Compostable Polymers)

The Board completed its third and final recommendation in response to NOP’s 2023 memorandum on this topic, which requested the Board’s review of the August 2023 rulemaking petition from the Biodegradable Products Institute (BPI). The petition requested the allowance of compostable plastics in organic compost. The Board reviewed a 2025 technical report on compostable materials and evaluated synthetic compost feedstocks (compostable polymers) against statutory criteria for adding synthetic substances to the National List. The Board concluded that these compostable materials are synthetic and do not meet the statutory criteria for addition to the National List.

AMS Response: AMS thanks the Board for its final recommendation on the compost work agenda topic. AMS is reviewing the Board’s recommendations and the petition for rulemaking to determine next steps. Certifying agents should continue to follow the current regulations until any rulemaking efforts are finalized.

Residue Testing for a Global Supply Chain § 205.671

The Board recommended revising the “*Exclusion from organic sale*” section of the USDA organic regulations to add a requirement that intentionally-applied prohibited substances must be excluded from organic sale. The Board’s intent is to more clearly align the regulations with existing statutory requirements in the Organic Foods Production Act (OFPA).

AMS Response: AMS thanks the Board for its recommendation. We continue to analyze the Board’s recommendations related to residue testing and will determine next steps after the Board concludes its work on this topic (anticipated for Spring 2026 meeting).

Risk-Based Certification

The Board recommended additional guidance and training materials regarding risk-based certification for certification agencies and inspectors. The Board recommendation includes the following topics:

- Developing a common set of definitions for the following terms: risk-based oversight; risk management; risk; vulnerability; risk assessment.
- Establishing a baseline of common risk criteria and identifying a common objective/goal of performing risk assessments on organic operations.
- Establishing a framework to help certifiers determine the level of oversight needed for an operation based on their risk level.
- Communicating acute risk and providing ongoing training on risk-based certification.

AMS Response: AMS thanks the Board for its recommendation. AMS is reviewing the recommendation to determine next steps.

NOP Regulatory Priorities

NOP's current and upcoming regulatory priorities include:

- Rulemaking to update the National List. AMS has submitted a proposed rule into clearance that would implement Board recommendations from the Fall 2021, Fall 2022, and Fall 2024 meetings, including: adding meloxicam for organic livestock pain management; expanding the allowance for methionine in organic poultry production; adding synthetic carbon dioxide for use in organic crop production; and reaffirming the allowance of natural sodium nitrate in organic crop production. Any proposed rule will include an opportunity for public comment and be announced in an Organic Insider email.
- Rulemaking in response to 2024 Board recommendations for Inert Ingredients in Pesticides for Organic Production. NOP is developing a proposed rule to implement the recommendation to replace obsolete listings for inert ingredients on the National List. Any proposed rule will include an opportunity for public comment and be announced in an Organic Insider email.
- AMS is considering rulemaking to implement Board recommendations from the Spring 2025 and Fall 2025 meetings.
- Continuing analysis on the topic of compost. A petition for rulemaking was submitted to AMS in 2023 asking that synthetic compost feedstocks be allowed in organic compost. As part of AMS's evaluation of the petition, AMS asked the Board to discuss the petition, collect public comment, and develop a recommendation on the topic to inform potential rulemaking. The Board has completed its work on this topic. AMS will review the Board's recommendations and continue its analysis to determine next steps.

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- Continuing to work on updates to the NOP Handbook, with a focus on technical residue testing instructions and other updates that support consistent and effective implementation of the Strengthening Organic Enforcement rule.
- Continuing to work with the Administration to determine and implement its priorities.

NOP will continue to keep the community updated with advances in NOP activities and priorities using the following methods:

- Regular program updates presented during the Board's public meetings;
- [Organic Insider](#) emails to announce the publication of proposed or final rules and notices in the *Federal Register*;
- NOP response memorandums to recommendations (like this one), following each public Board meeting. These are also posted on the [AMS website](#);
- Regular updates to the existing [Recommendations Library](#) document posted on the AMS website, with explanations of changes where appropriate;
- The Office of Management and Budget (OMB) [Unified Regulatory Agenda](#), issued twice a year, lists rules that the Administration plans to advance; and
- The [Petitioned Substances Index](#) on the AMS website links key documents for substances, including Board recommendations, technical reports, and rulemaking activities.

Acknowledgements

AMS acknowledges and appreciates the many hours the Board devoted to developing its recommendations.

AMS thanks **Amy Bruch** (former Board Chair) and **Nate Lewis** (former Secretary) for their service as Board officers for the past year. AMS also thanks **Allison Johnson** (former Vice Chair and current Chair) for her continued service as an officer and welcomes **Amanda Felder** (Vice Chair) and **Andrea Hatziyannis** (Secretary) to the Board's leadership team.

AMS congratulates and extends thanks to the outgoing board members whose terms on the Board ended in January 2026: **Amy Bruch**, **Brian Caldwell**, **Dr. Carolyn Dimitri**, **Logan Petrey Linkenhoger**, and **Kyla Smith**. The program appreciates their dedication and hard work over the past 5 years.