

August 18, 2025

MEMORANDUM TO THE NATIONAL ORGANIC STANDARDS BOARD

FROM: Jennifer Tucker, Ph.D.
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SUBJECT: Response to National Organic Standards Board Recommendations
(Spring 2025 Meeting)

This memorandum responds to recommendations from the National Organic Standards Board (NOSB or “Board”) to the U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), National Organic Program (NOP) at its virtual meeting from April 29 – May 1, 2025.

Summary of NOSB Recommendations and AMS Responses

National List Petitions

The NOSB completed its review of one petition to amend the National List of Allowed and Prohibited Substances (National List). The National List is a section of the USDA organic regulations that lists substances that are either allowed or prohibited in organic crop and livestock production, and non-organic substances allowed in organic handling. This list provides the organic industry with tools and options for organic production, handling, and manufacturing.

Table 1: National List Petitions

Substance	Scope and National List Section (§)	NOSB Recommendation
Ethylene	Handling § 205.605(b)	NOSB recommended amending the annotation for this substance on the National List to allow for use in post-harvest sprouting inhibition of potatoes and onions.

AMS Response: AMS thanks the Board for its continued work reviewing petitions to change the National List. We are reviewing the recommendation to determine next steps.

Iodine Annotation Change

The NOSB recommended amending the annotation for iodine on the National List at § 205.603(a)(16) and § 205.603(b)(4). Iodine is allowed on livestock operations for use as a disinfectant, sanitizer, and medical treatment under § 205.603(a), and as a topical treatment, external parasiticide, or local anesthetic under § 205.603(b). The Board recommended amending the annotation to prohibit iodine formulations made with nonylphenol ethoxylates (NPEs). NPEs are surfactants used in some iodine product formulations. Surfactants allow liquids to mix that otherwise would not, like oil and water. Part of the rationale used to support the recommendation is that NPEs are highly toxic to aquatic life and can easily travel to aquatic ecosystems through

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field applications of livestock manure. The recommendation is supported by a 2024 technical report that evaluated the availability of NPE-free iodine products and their suitability.

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

Fish Oil Annotation Change

The NOSB recommended amending the annotation for fish oil on the National List at § 205.606(f). Fish oil is allowed for use in or on processed products as a nonorganically produced agricultural ingredient under § 205.606 when organic forms are not commercially available. The Board recommended amending the annotation to remove incorrect Chemical Abstracts Service (CAS) Registry Numbers as a technical correction. The rationale used to support the recommendation includes that the CAS numbers currently in the annotation are for components of fish oil, not fish oil itself. The Board stated that CAS numbers do exist for certain fish oils, but it is unclear if all relevant CAS numbers could be identified to replace the incorrect CAS numbers. Therefore, the Board proposed amending the fish oil annotation to only remove the existing, incorrect CAS numbers as the clearest path to eliminate potential confusion.

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

Residue Testing Guidance Updates

Testing is an important and effective tool for verifying compliance in organic supply chains. The Board has been working on topics related to residue testing for prohibited substances and methods since April 2023. The Board has completed one recommendation and plans to continue discussion at the next NOSB meeting.

The NOSB recommended amending several guidance and/or instruction documents that are in the NOP Handbook (see [Table 2](#)) and asked NOP to consider creating new guidance on various topics related to residue testing. The Board stated that updates to agency guidance on residue testing are needed to reflect organic market changes that have occurred since the Handbook documents were published and to support organic inspectors and certifying agents.

The recommendation included four main themes and goals identified by the Board:

1. Expand agency guidance on residue testing for prohibited substances other than pesticides on raw agricultural commodities and enable certifying agents to better select samples to take and tests to order.
2. Clarify how certifying agents should respond to test results of substances with no established EPA tolerances or FDA action levels and address unintentional/unavoidable contamination scenarios.
3. Apply a risk-based approach to residue sampling guidance and procedures.
4. Identify ways to keep fraudulent products out of the organic marketplace.

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Table 2: Summary of existing Handbook documents affected by the NOSB recommendation

Document ID	Document Title	Summary of Recommended Updates
NOP 2610	Instruction: Sample Procedures for Residue Testing	Incorporate information from OILC course NOP-190 (Sampling and Testing) such as including a list of minimum equipment needed for sampling and procedural guidelines related to sample collection, risk-based sample selection, and protecting sample integrity.
NOP 2611	Instruction: Laboratory Selection Criteria for Pesticide Residue Testing	Expand the scope of the guidance to address laboratory procedures for residue analysis of substances other than pesticides (<i>e.g.</i> , synthetic herbicides, fertilizers, solvents, antibiotics), and types of samples other than raw agricultural commodities.
NOP 2611-1	Prohibited Pesticides for NOP Residue Testing	Expand the scope to describe a broader range of prohibited substances other than pesticides and include other considerations for certifiers when determining which test and target substance is appropriate for certain scenarios.
NOP 2613	Instruction: Responding to Results from Pesticide Residue Testing	Expand the scope to address prohibited substances other than pesticides and clarify the instructions to address positive detection scenarios such as: residues that do not have an EPA tolerance level and residues on products that have been dehydrated (concentrated).
NOP 5012	Guidance: Approval of Liquid Fertilizer for Use in Organic Production	Include an instruction to conduct a fertilizer authenticity test if an approved testing methodology is developed and available for this purpose.

The Board plans to continue its work on this topic, addressing potential updates to residue testing regulatory language.

AMS Response: AMS thanks the Board for its recommendation.

Compost Production for Organic Agriculture

The Board has been working on the topic of compost in organic production since 2023. This work agenda item was initiated to respond to a petition for rulemaking and to address topics raised by the Board. The Board has completed two recommendations and plans to continue discussion on the topic at the Fall 2025 NOSB meeting.

NOP received a petition for rulemaking from the Biodegradable Products Institute (BPI) in August 2023. BPI's petition requests the NOP conduct rulemaking to allow compostable plastics in organic compost. The petitioner's rationale references California Assembly Bill 1201 (2021), the Compostable Product Standards Act, which requires any packaging making a "compostable" claim to be an allowed organic input per the USDA organic regulations by January 2026. The BPI petition specifically requests the NOP add a new definition for "compost feedstock" to the USDA organic regulations. In October 2023, NOP shared the BPI petition with the Board and asked the NOSB to discuss the issue raised by the petition, collect public comment, and develop a recommendation on the topic to inform potential rulemaking.

In the same October 2023 memo that transmitted the BPI petition to the NOSB, the NOP approved a work agenda request submitted by the Board. The Board requested approval to work on a recommendation to refine existing definitions related to compost, to add a new definition for "compost feedstock," and to update compost production standards in the USDA organic regulations. In formulating their request, several NOSB subcommittees discussed how compost

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technology has advanced since the development of the existing USDA organic regulations on compost, specifically regarding what is considered healthy carbon-to-nitrogen ratios and recommended turning of compost windrows.

At the Fall 2024 NOSB meeting, the Board recommended changes to the definition of compost to confirm that synthetic compost feedstocks used in organic compost must be on the National List. They also recommended other changes to the compost production standards to better align with current industry practices.

The Board has now provided an additional recommendation that further clarifies its position that any synthetic material added to compost must be on the National List. This recommendation states that each synthetic compost feedstock must be evaluated by the NOSB, recommended for addition to the National List by a two-thirds vote of the Board, and added individually to the National List through the rulemaking process.

To complete this work agenda item, the Board plans to review each of the inputs used in compostable packaging to determine their allowance or prohibition as compost feedstock. This final work agenda item responds to the main topic of BPI's petition and if completed, would complete the Board's review and response to BPI's requested changes. The Board received a technical report in 2025 to support its review.

AMS Response: AMS thanks the Board for its recommendations. We continue to analyze the Petition for Rulemaking and are monitoring the Board's work on this topic.

NOP Regulatory Priorities

NOP's current and upcoming regulatory priorities include:

- Rulemaking to update the National List in response to several NOSB recommendations, including adding meloxicam for pain management; expanding the allowance for methionine in organic livestock production; adding synthetic carbon dioxide; and reaffirming the allowance of natural sodium nitrate in organic crop production.
- Initiating the rulemaking process for Inert Ingredients in Pesticides for Organic Production in response to the Fall 2024 NOSB recommendation.
- Working with the Administration to analyze comments on the proposed rescission of the Market Development Rule. The Market Development Rule became effective March 21, 2025, and clarifies standards for organic mushroom and pet food production.
- 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 Strengthening Organic Enforcement.

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

- Regular program updates to NOSB presented during the biannual, public meetings;

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- [Organic Insider](#) emails to announce the publication of proposed or final rules and notices in the Federal Register;
- NOP response memorandums to the NOSB (like this one), following each public Board meeting. These are also posted on the [AMS web site](#);
- Regular updates to the existing [NOSB Recommendations Library](#) document that is 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 NOSB recommendations, technical reports, and rulemaking activities.

Acknowledgements

AMS acknowledges and appreciates the many hours the Board devoted to developing its recommendations. AMS welcomes the new board members whose terms on the NOSB started in January 2025, and congratulates them on their first meeting: **Kathryn Deschenes, Amanda Felder, Andrea Hatziyannis, Dr. Cathleen McCluskey, and Corie Pierce.**

AMS thanks **Christopher Purdy**, who provided welcoming remarks for the Spring 2025 NOSB meeting while he was Acting Deputy Administrator of the NOP. In June 2025, Mr. Purdy started a new role as the Chief Innovation Officer for AMS.

AMS thanks the Transition to Organic Partnership Program (TOPP) participants that presented information about their experiences in organic agriculture and TOPP, including **Jessy Beckett Parr, Jack Geiger, Chris Barnett, Bob Whitney, Marguerite McClintock, and Michael Levine.**