

Beyond Pesticides Comments to the National Organic Standards Board

April 22, 2025

Terry Shistar, PhD

My name is Terry Shistar. I'm on the board of directors of Beyond Pesticides. We have submitted written comments on all the issues before the board. Today I am going to talk about alkylphenol ethoxylates and "inert" ingredients.

NPEs/APEs

Iodine is often formulated with nonylphenols and nonylphenol ethoxylates, as well as other alkylphenols and alkylphenol ethoxylates. Among the breakdown products of alkylphenol ethoxylates are alkylphenols, which are more toxic and more potent endocrine disruptors with impacts on many species, including gender changes. The original proposal has been scaled back from prohibiting alkylphenol ethoxylates to prohibiting only NPEs. We support the prohibition of alkylphenol ethoxylates and alkylphenols in organic production.

Nonylphenols belong to the larger class of alkylphenols—all of which contain an alkyl group attached to phenol. Like nonylphenols, the others may also be ethoxylated to form alkylphenol ethoxylates. Although the class of alkylphenols includes short chain molecules such as cresol, the Danish EPA finds that toxicity and estrogenicity is mostly limited to the longer chain alkylphenols—nonylphenols, octylphenols, and dodecylphenols—and the metabolites of their ethoxylates—which also differ from the shorter chain molecules regarding other properties and their technical uses. We use "alkylphenols" to refer to these longer chain molecules.

EPA summarizes fate and aquatic toxicity for NPEs and octylphenol ethoxylates as persistent and highly toxic to fish, aquatic invertebrates, and aquatic plants, with more toxic degradates.

Alkylphenol ethoxylates have low acute toxicity to humans, but alkylphenols are highly irritating and corrosive to the skin and eyes. They are potential carcinogens, hepatotoxins, genotoxins, and behavioral modulators affecting basic survival reflexes such as locomotor activity or aggression.

Most importantly, alkylphenols and alkylphenol ethoxylates are estrogenic endocrine disrupting chemicals or EDCs. NP was among the first xenoestrogens identified in the environment. Alkylphenols and alkylphenol ethoxylates bind to estrogen receptors and act as estrogen in human cells. Since sexual development and behavior depend on a delicate balance of male and female hormones, it is not surprising that xenoestrogens have been implicated in a wide range of impacts—from reduced sperm counts to changes in the size of ovaries and testes to stimulating the growth of breast cancer cells.

Although less data is available about dodecylphenol, research shows that it has similar toxic and endocrine-disrupting effects to NP and octylphenol.

The regulation of EDCs should recognize that since hormones act at low doses, and low doses sometimes have a greater effect—or the opposite effect—than higher doses, the aim should be not to reduce exposure—which may merely change the impact of the chemical without reducing it—but to eliminate exposure.

Iodine listings should not permit iodophors containing alkylphenols or alkylphenol ethoxylates. We encourage the NOSB to commission a technical review addressing all alkylphenols.

“Inerts”

List 4 includes nonylphenols and nonylphenol ethoxylates, which should remind us that the NOSB should not issue a blanket renewal for List 4.

Thank you.

Jay Feldman

I am Jay Feldman, executive director of Beyond Pesticides and a former NOSB member.

Thank you, NOSB members, for your service.

The question thematic to this NOSB meeting is whether we can grow the organic sector with the integrity, principles, and values integral to the Organic Foods Production Act (OFPA) and essential to public trust in the USDA organic food label. This is foundational to the board’s decisions at this meeting.

There is no element more central to the organic system than soil, and what we allow to be put into the soil. OFPA includes the requirement to “foster soil fertility, primarily through the management of the organic content of the soil. . .” which is fundamental to an organic systems plan. In this context, the board must concern itself with the content of the compost or the substances that are allowed in the compost. This is not new to board deliberations, going back to the original organic rule, which prohibited biosolids, expressly because of the content of the contaminants in sewage sludge. Nothing has clarified the importance of that decision, decades ago, than the findings of PFAS-contaminated soil nationwide.

With a commitment to continuous improvement, we ask NOSB members to redouble your efforts and (i) allow only synthetic materials in compost that are specifically added to the National List, (ii) integrate the work of the CS from over a decade ago to define the pathways of contaminants to organic farms and the extent to which contamination can be mitigated by composting and other practices, and (iii) reject BPI’s petition to allow “compost feedstocks” with a broad allowance of so-called “compostable polymers,” raising the plastics in organic concern.

As we note: Soil organisms and edible plants take up microplastic particles. Microplastics move through the food chain. They have a wide range of negative impacts on the soil, including a reduction in growth, reproduction, and function of soil microfauna and microflora.

Eliminate nonorganic ingredients in processed organic foods on 606 since they can be supplied in the organic form. In our written comments, we document the adverse effects of producing these product ingredients in a chemical-intensive system – and the availability of organic alternatives for virtually all agricultural ingredients. With this, you have the authority to remove these nonorganic ingredients from the National List.

To grow the organic market, we urge the NOSB to maintain the rigor of review, while **supporting the expansion of an agricultural sector that seeks to eliminate threats to health, biodiversity, and climate** by putting an end to a reliance on petrochemical inputs or ingredients in the chain of production. The NOSB can and must do this under its statutory responsibility to manage the National List.

Thank you.

Max Sano

My name is Max Sano and I am the senior policy & coalitions associate at Beyond Pesticides. I want to thank the NOSB for facilitating this Spring 2025 meeting to continue strengthening organic standards. Specifically, I would like to discuss the proposals on the docket for the CACS subcommittee for risk-based certification and residue testing.

On the issue of risk-based certification, we would like to give kudos to the Board for recognizing that balance between adaptability and transparency is key to preserving integrity and leaning into the belief that organic certification is not meaningless. Ensuring strict definitions and standards while recognizing the need for some flexibility is necessary to increase consumer confidence in the organic label. Given the flexibility and prioritization in a risk-based approach, we would urge that guidance on this be periodically revisited by mandating an expiration date under which the Board would make an affirmative decision to retain or adjust the certification process. The implementation of new policy for the organic supply chain, especially for a multifaceted addition to an already nuanced system, should be reevaluated no later than five years after the risk-based certification system goes into effect.

On the issue of residue testing, we would also like to thank the NOSB for moving forward with providing certifiers additional tools to ensure compliance with organic standards. In doing so, we would like to emphasize that this proposed new element would improve, rather than take the place of, organic systems plans on which the certification system is built. That being said, we would recommend that the National Organic Program is required to report to EPA's Office of Enforcement and Compliance Assurance residue violations that disqualify an organic crop from certification—as a result of pesticide drift or runoff. Organic farmers should not have to bear the brunt, on a continuing basis, of pesticide use violations that threaten organic certification and the farmer's economic viability.

Pertaining to the response to NOP 2613 on page 20 of the guidance document regarding multi-residue pesticide screens, we also urge the Board to only refer to minor crops with a clear definition that rejects EPA's allowance based on the chemical industry's "economic incentive to

support [a pesticide's] registration" — given that USDA identifies 11 million combined acres of minor crops grown annually in the U.S. including commonly consumed fruits and vegetables, which represent 42 of national crop sales but is a higher proportion in certain states.

Thank you again for the opportunity to participate in the public comment process. The participatory process for national organic standards serves as a reminder the consequential role of the National Organic Program in boosting trust in the U.S. food system and imagining a different form of agriculture that feeds the soil and the people.

Thank you for the opportunity to speak today.

Colehour Bondera
Beyond Pesticides Board Member

Aloha, my name is Colehour Bondera and my testimony is as an organic farmer of Kanalani Ohana Farm in Honaunau, Hawaii. FYI, I hold two masters degrees from UC Davis.

As a former NOSB member (2011-2016), my primary thoughts are to share what would help improve things for those involved. Thank all of you NOSB members for your service, and to NOP for making this meeting happen, given the circumstances. Also, Happy Earth Day to all of us.

Let me say that since the 1980's I have appreciated the leadership and efforts of Beyond Pesticides, and since 2016 it has been an honor to serve as a Board member of said non-profit, who has been looking out for organics since before they helped put together OFPA. I would like to personally thank Dr. Terry Shistar and Jay Feldman, both of whom testified earlier today, along with Max Sano. The support and work of the NOC and the Real Organic Project have been critical as well.

We are currently experiencing a process of governmental control and change which is not what I am referring to in terms of improvement, since it is about taking things apart more than bringing them together -- so I ask that you do not presume that all change is positive.

In fact, as a small-scale ethical driven long-time certified organic farmer, it is programs such as the cost-share which allow us to pay our certification costs, which are significantly affected by continual inflation-exceeding increases in the certification fee, the inspection fee and more recently add-on fees which are newly charged each year. Please help save the cost share – this is a problematic change...

The NOSB and more broadly the organic community overall is like a large family. Having grown up with 10 siblings, I understand hierarchy and differential roles, as well as a massive range of perspectives and opinions on a topic, and decision making. Priorities and how to compromise are what a group with shared interests must engage in, to be effective.

However the NOSB and the organic community should not, and cannot ignore or eliminate those members who do not lead the financial or power-in-industry aspects of our family.

We can and should interact as if we are all equal adult family members and not exclude those who we do not like, and not act as if we want others to leave the family. That does not work, and while there is an important difference in those who are money- and salary-driven versus those of us who are integrity and concept driven, we nonetheless can and should treat and be treated with equity and not by trying to “buy out” the voices that we do not agree with... The NOP and the NOSB must not play favorites, or give unequal recognition.

In closing, I remind you that a decade ago I was the Chair of the PDS. In my opinion the concept of Sunset as put forth in the Discussion Document has some purpose. At my first NOSB meeting I led Sunset of Ethylene Gas used on pineapples for the Crops Subcommittee. As perhaps the first and only NOSB member who has commercially produced and sold organic pineapples, it was an opportunity for me to see differing perspectives. Sunset means that un-needed inputs go off the list. Relisting requires a super-majority vote and should not happen automatically, which is my concern about how said proposal is drafted. For improvement, the period of no objection should be double what is proposed, IMHO, so 10 years instead of 5, for the sake of varying perceptions. Let us not keep synthetics on the list in perpetuity; that does not keep our family at peace or operating together.