October 8, 2025

Via Federal eRulemaking Portal: http://www.regulations.gov

National Organic Standards Board (NOSB)
National Organic Program (NOP)
Agricultural Marketing Service (AMS)
US Department of Agriculture
1400 Independence Avenue SW
Room 2646-S, Mail Stop 0268
Washington DC 20250-0268

ATTN: **Michelle Arsenault, Advisory Committee Specialist, NOSB**

SUBJECT: **Meeting of the National Organic Standards Board**
***Federal Register* Notice 90 FR 40319, August 19, 2025**
Docket ID AMS–NOP–25–0034
Submission of Comments

Dear Ms. Arsenault and NOSB Members:

Thank you for the opportunity to comment in advance of the 2025 Fall Meeting of the National Organic Standards Board concerning USDA-AMS-NOP-NOSB's agenda for discussion. The Biological Products Industry Alliance (BPIA) submits herewith these comments.

Representing more than 175 member companies, BPIA champions safe, effective, and environmentally responsible biological solutions—including biopesticides, biostimulants, and biofertilizers—used by both conventional and organic growers in the US and globally. Our diverse membership includes manufacturers, distributors, suppliers, consultants, research organizations, and regulatory experts committed to advancing sustainable agriculture. BPIA members rely on USDA for regulatory clarity, research support, and collaboration to bring innovative tools to growers. BPIA also supports public health through education, outreach, and advocacy activities at the state, federal and international levels. BPIA's membership includes both large and small manufacturers of biological products used extensively by conventional and organic growers in the USA and globally, as well as manufacturers of adjuvants and inert ingredients.

EXECUTIVE SUMMARY

BPIA appreciates the opportunity to respond and comment on NOSB's proposed recommendations.

LIVESTOCK

2027 LIVESTOCK SUNSET REVIEWS

EPA LIST 4 INERTS

BPIA supports the continued listing of EPA List 4 inerts under 7 CFR §205.603(e) for use in products intended for use in organic livestock production. Continuation of this listing is necessary to bridge the gap until the new proposal for inert ingredients based on the recommendation by the NOSB at its Fall 2024 meeting in Portland, Oregon is implemented. Relisting will ensure that there is no disruption in the marketplace and maintain the *status quo*. The

Livestock Subcommittee mentions this as well in its Sunset Review proposal document when it states "*the Livestock Subcommittee (LS) expects this listing to be fully replaced before its next sunset review*." Further, the LS explicitly mentions that "*[k]eeping List 4 Inerts on the National List will not hinder or interfere with a new NOP rule*." Moreover, the LS concluded that "*[t]he Subcommittee finds EPA List 4 Inerts compliant with the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600 and is not proposing removal*," voting unanimously against removing EPA List 4 Inerts from the National List.

CROPS

PROPOSALS

PEAR ESTER

BPIA supports the approval of the petition for synthetically-produced pear ester as a kairomone for use in organic crop production without restriction as to formulation and use case (*e.g.*, direct application to crops). While there has been widespread support for pear ester on the Crops Subcommittee and in the public comments previously submitted, some have sought to limit the use pattern to only when used in semiochemical dispensers. BPIA has reviewed the previous position papers and comments from the public concerning the proposed microencapsulated formulation containing polyamide resins (CAS No. 63428-83-1) and while we take no position on the appropriateness of the inert ingredient in question, we are troubled that the listing is being proposed with a use limitation.

First, the petition to the NOSB is for listing the active ingredient, pear ester, not for any particular formulation. The petitioner requested to add the synthetic substance—*2,4-decadienoic acid, ethyl ester, (E,Z) ("pear ester")*—at **7 CFR §205.601** for use in monitoring, mating disruption, and control products. While the petition included a list of several EPA-registered products that contain this active ingredient, the fact remains that the listing is sought for the active ingredient, not any particular formulation or use method that may now or in the future be approved for use.

Second, polyamide resins are listed on EPA List 4 and, as such, the material is allowed under **7 CFR §205.601(m)(1)**. As it stands right now, any product intended for use in organic crop production with any other permissible active ingredient could be approved solely on the basis that the ingredient(s) is (are) allowed under **7 CFR Part 205** and used without being subject to this extra scrutiny pertaining to this one particular inert ingredient.

BPIA believes the pear ester active ingredient listing should be agnostic as to application method similar to the way pheromones (to which this is related) are listed. Pheromones are not categorically listed/restricted by application method. The listing in **7 CFR §205.601(f)** simply states "as insect management. Pheromones." There are no additional limitations to type of use, formulation type, or particular formulation ingredients.

If the Board has an issue with a particular inert ingredient, such as polyamine resins, that is allowed for use by the current in-force regulations in any crop protection product, it should focus on that ingredient as a stand-alone priority, independent of its tangential linkage to a particular new ingredient petition that it is reviewing. Approaching it that way would allow for direct on-crop applications of pear ester formulated with currently allowed ingredients (which may or may not include the aforementioned polyamide resins) without having to re-petition to have the restriction removed. It would also ensure consistency with the listing of the related semiochemicals, namely pheromones.

2027 CROPS SUNSET REVIEWS

EPA LIST 4 INERTS

Similarly to the discussion under Livestock Sunset Reviews, BPIA supports the continued listing of EPA List 4 inerts under **7 CFR §205.601(m)(1)** for use in products intended for use in organic crop production. The Crops Subcommittee also is recommending continuing the listing stating, "*the Subcommittee expects an improved listing to be implemented by the NOP in the next two years, replacing the reference to List 4. Keeping List 4 Inerts on the*

National List will not hinder or interfere with a new NOP rule. In the meantime, in order to maintain continuity in pesticide formulations used by organic farmers, we recommend that List 4 Inerts be relisted in this review at 205.601(m) on the National list." The Subcommittee vote was unanimous not to remove EPA List 4 Inerts from the National List.

OTHER CHEMICALS SUBJECT TO SUNSET

BPIA supports the continued allowance of the following synthetic substances under **7 CFR §205.601**:

- Potassium hypochlorite
- Soap-based algicide/demossers
- Ammonium carbonate
- Soaps, insecticidal
- Sucrose octanoate esters[1]
- Vitamin D_3 (cholecalciferol)
- Aquatic plant extracts (seaweed)
- Lignin sulfonate
- Fatty alcohols (C_6, C_8, C_{10}, and/or C_{12})
- Sodium silicate
- Paper-based crop planting aids

BPIA supports the continued prohibition of the following natural substances under **7 CFR §205.602**:

- Arsenic
- Strychnine

BPIA appreciates the opportunity to comment and offer support to NOSB and AMS. Should you have any questions about these comments, please feel free to contact me.

Sincerely,

BIOLOGICAL PRODUCTS INDUSTRY ALLIANCE

Keith J. Jones
Executive Director

[1] In response to the first "Questions to our Stakeholders," BPIA can confirm that there is a currently EPA-registered product containing sucrose octanoate esters under EPA Reg. No. 94424-1.