



## Sunset 2016 Review Meeting 2 - Subcommittee Review Crops Substances February 25, 2015

As part of the National List Sunset Review process, the NOSB has evaluated the need for the continued allowance for or prohibition of the following substances for use in organic crop production.

### Ferric phosphate

**Reference:** **7 CFR 205.601** As a synthetic substance allowed for use in organic crop production

(h) As slug or snail bait. Ferric phosphate (CAS # 10045 - 86 - 0).

**Technical Report:** [07/2004](#); [6/2010](#); [07/2012 supplemental TR](#)

**Petition(s):** [05/2003](#); [07/2009 petition to remove](#)

**Past NOSB Actions:** [03/2005](#) - NOSB review and recommendation for addition to the National List;

[04/2010](#) - Recommendation to renew; [10/2012](#) - NOSB recommendation on petition to remove.

**Recent Regulatory Background:** Added to National List effective 09/12/06 [71 FR 53299](#); Sunset renewal notice published 08/03/2011 [76 FR 46595](#)

**Sunset Date:** 9/12/2016

### Subcommittee Review

The NOSB originally proposed to add ferric phosphate to the National List in 2005. The material was recommended for renewal in 2010. The 2008 petition to remove Ferric Phosphate failed to pass at the 2012, Fall NOSB meeting that took place in Rhode Island; please refer to the [October 2012 Crops Subcommittee Proposal](#) to review detailed background information and a checklist pertinent to our deliberations. To access this please you can also visit the USDA NOP website at: <http://www.ams.usda.gov/NOSBFinalRecommendations>. The material is once again on the agenda for a 2015 sunset vote. Ferric phosphate is the active ingredient utilized in snail and slug bait.

Note that the NOSB voted against a petition to add "Sodium Ferric Hydroxyl EDTA" also known as "Ferric Sodium EDTA" in 2007 because it "is not consistent with environmental and compatibility with organic farming OFPA criteria primarily due to the behavior of EDTA in the environment and the toxic chemicals used to manufacture." Based upon this precedent, ferric phosphate was petitioned for removal in 2009 using the argument that it cannot work by itself and is always used with EDTA. A TR was requested in 2009, published in 2010 and a Supplemental TR was published in 2012, as well as a review by ARS that supported the argument that ferric phosphate requires a chelating agent like EDTA to work as a molluscicide. However, the petition to remove ferric phosphate from the National List was voted down by the Board at the Fall, 2012 meeting. The Board concluded that "*the generic active ingredient, Ferric Phosphate, needs to be considered separately from any other ingredients, either active or inert. The inerts in the formulated Ferric Phosphate product are allowed under section 205.601(m)(1). Because of this, the generic ferric phosphate substance should remain on the National List. The NOSB-NOP-EPA Working Group on Inerts (IWG) will address the topic of inerts in pesticide products.*"



In preparation for the sunset review of this material, the Subcommittee did not request an updated TR because it was determined that no additional information would be available for review. The following is a summary of the public written comment provided at Meeting #1 that took place at the NOSB Fall, 2014 meeting. There were 5 written comments in favor of relisting and 2 organizations plus 45 general public written comments in favor of delisting. Additionally, two individuals spoke in support of the material at the meeting and one citizen lobbyist spoke against relisting.

Points raised in favor of renewing substances:

- Ferric phosphate baits provide organic growers with the only effective, compliant control of a challenging agronomic pest
- Ferric phosphate is not harmful to human health or to the environment, is consistent with organic farming and is essential
- No compelling evidence that EDTA causes significant harm to earthworms

Points raised against renewing substance:

- Ferric phosphate alone is not essential because it is not effective
- Ferric phosphate in combination with EDTA poses risks to earthworms, other soil organisms and humans, uses highly toxic materials in manufacture, and is not compatible with organic agriculture
- There are cultural practices and alternative control measures

**Motion to Remove:**

This proposal to remove will be considered by the NOSB at its public meeting.

The Crops Subcommittee believes that the full Board should have the opportunity to complete the review of each sunset material by voting. The NOP has stated that to do this a motion to remove should be brought from the Subcommittee for each substance. If the Subcommittee motion to remove fails to receive a majority, the motion will still be put forward to the full board for review. The motion to remove is voted by the full Board and needs to receive a 2/3 majority to recommend removal.

Based on the review, the Subcommittee proposes removal of this substance from the National List based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b) if applicable: OFPA criteria at 7 U.S.C. 6158(m), (7) its compatibility with a system of sustainable agriculture.

**The subcommittee found no concerns regarding the continued listing of Ferric Phosphate. The justification for this motion is that the whole NOSB needs to consider and vote on each material, rather than just a subcommittee.**

Motion to remove Ferric Phosphate (CAS # 10045–86–0) from 205.601(h)

Motion by: Carmela Beck

Seconded by: Colehour Bondera

Yes: 2 No: 3 Abstain: 0 Recuse: 0 Absent: 2



## Hydrogen chloride

**Reference:** **7 CFR 205.601** As a synthetic substance allowed for use in organic crop production (n) Seed preparations. Hydrogen chloride (CAS # 7647 – 01 - 0) - for delinting cotton seed for planting.

**Technical Report:** [2003 TAP](#); [5/2014 Limited Scope TR](#)

**Petition(s):** [10/2002](#)

**Past NOSB Actions:** [05/2004](#) - NOSB review and recommendation for addition to the National List; [11/2009](#) - Recommendation to renew

**Regulatory Background:** Added to National List effective 09/12/06 [71 FR 53299](#); Sunset renewal notice published 08/03/2011 [76 FR 46595](#)

**Sunset Date:** 9/12/2016

### Subcommittee Review

Hydrogen Chloride for delinting cottonseed was recommended by the NOSB to be added to the National List in April 2004, and was recommended for relisting in November 2009. A TAP review was completed in August 2003 and a limited-scope TR was completed May, 2014. The TR indicated that there are alternative, nonsynthetic delinting processes under development but not yet commercially available. Based on the lack of commercially available cottonseed which is not acid delinted, the Crops Subcommittee recommends relisting Hydrogen Chloride for cottonseed delinting, with hopes that mechanical or other delinting processes are available to organic cotton growers by the next sunset review, so this very corrosive acid can be removed from the National List.

For the first round of public comments in this sunset review, the Crops Subcommittee solicited some specific input: "The Crops Subcommittee is interested in hearing from the organic community as to the relative efficacy of mechanical delinting techniques and whether these techniques are feasible and/or available in commercial scale organic cotton production. The Crops Subcommittee is also interested in hearing whether the NOSB can encourage safer methods of delinting seeds."

There were five written comments, all in favor of relisting HCl for delinting cotton seed. Several commented that there are no cotton seeds commercially available that are delinted with something other than acid, although there is a promising research project being conducted by the USDA-Agricultural Research Service to develop mechanical delinting equipment for cotton seeds. Several commenters mentioned the extreme corrosive nature of HCl and the need to develop an alternative delinting method as soon as possible.

### Supplemental review Information

#### **Motion to Remove:**

This proposal to remove will be considered by the NOSB at its public meeting.

The Crops Subcommittee believes that the full board should have the opportunity to complete the review of each sunset material by voting. The NOP has stated that to do this a motion to remove should be brought from the Subcommittee for each substance. If the Subcommittee motion to remove fails to



receive a majority, the motion will still be put forward to the full board for review. The motion to remove is voted by the full board and needs to receive a 2/3 majority to recommend removal.

Based on the review, the Subcommittee proposes removal of this substance from the National List based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b): Consistency with Organic Production.

**The subcommittee found no concerns regarding the continued listing of Hydrogen Chloride. The justification for this motion is that the whole NOSB needs to consider and vote on each material, rather than just a subcommittee.**

Motion to remove Hydrogen Chloride, CAS # 7647-01-0, from §205.601(n)

Motion by: Francis Thicke

Seconded by: Harold Austin

Yes: 0 No: 5 Abstain: 0 Recuse: 0 Absent: 3

**Approved by Zea Sonnabend, Subcommittee Chair, to transmit to NOSB February 25, 2015**