

**Sunset 2018 Review Summary  
NOSB Final Review  
Crops Substances  
November 2016**

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.

**Reference: 7 CFR §205.601 Synthetic substances allowed for use in organic crop production.**

[Copper sulfate](#)

[Ozone gas](#)

[Peracetic acid](#)

[EPA List 3 - Inerts of Unknown Toxicity](#)

**Reference: 7 CFR §205.602 Nonsynthetic substances prohibited for use in organic crop production.**

[Calcium chloride](#)

## Copper sulfate

**Reference:**

205.601(a)(3) Copper sulfate—for use as an algicide in aquatic rice systems, is limited to one application per field during any 24-month period. Application rates are limited to those which do not increase baseline soil test values for copper over a timeframe agreed upon by the producer and accredited certifying agent; and,

205.601(e)(4) Copper sulfate—for use as tadpole shrimp control in aquatic rice production, is limited to one application per field during any 24-month period. Application rates are limited to levels which do not increase baseline soil test values for copper over a timeframe agreed upon by the producer and accredited certifying agent.

**Technical Report:** [1995 TAP \(Copper Sulfate and Other Coppers\)](#); [2001 TAP](#); [2011 TR](#)

**Petition(s):** [2001](#)

**Past NOSB Actions:** [10/2001 meeting minutes and vote](#); [11/2007 recommendation](#); [04/2011 recommendation](#)

**Recent Regulatory Background:** National List amended 10/31/2003 ([68 FR 61987](#)); Sunset renewal notice effective 11/03/2013 ([78 FR 61154](#))

**Sunset Date:** 11/03/2018

[Subcommittee Review](#)

### **NOSB Review**

Copper sulfate and fixed coppers used for plant disease control (§205.601(i)(2) and §205.601(i)(3)) were recently reviewed for [Sunset 2017](#). The listings currently under review, are for copper used in aquatic rice production to control algae or tadpole shrimp (§205.601(a)(3) and §205.601(e)(4), respectively). Because copper sulfate is used in aquatic systems the current annotations include specific requirements for application rates.

There was strong public support for continued use of Copper sulfate. Based on the Subcommittee review and public comment, the NOSB finds Copper sulfate compliant with OFPA criteria, and does not recommend removal from the National List.

### **Vote**

Motion to remove copper sulfate from 205.601(a) and 205.601(e) based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b) if applicable: availability of alternatives.

Motion by: Zea Sonnabend

Seconded by: Harriet Behar

Yes: 0 No: 14 Abstain: 0 Absent: 1 Recuse: 0

**Outcome:** Motion failed. NOSB completed its sunset review

## **Ozone gas**

**Reference:** 205.601(a)(5) Ozone gas—for use as an irrigation system cleaner only.

**Technical Report:** [2002 TAP](#)

**Petition(s):** [2001](#)

**Past NOSB Actions:** [09/2002 meeting minutes and vote](#); [11/2007 recommendation](#); [12/2011 recommendation](#)

**Recent Regulatory Background:** National List amended 10/31/2003 ([68 FR 61987](#)); Sunset renewal notice effective 11/03/2013 ([78 FR 61154](#))

**Sunset Date:** 11/03/2018

### **[Subcommittee Review](#)**

### **NOSB Review**

There was strong public support for continued use of ozone gas. Based on the Subcommittee review and public comment, the NOSB finds ozone gas compliant with OFPA criteria, and does not recommend removal from the National List.

### **Vote**

Motion to remove ozone from 205.601(a) based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b) if applicable: None.

Motion by: Francis Thicke

Seconded by: Harold Austin

Yes: 1 No: 12 Abstain: 1 Absent: 1 Recuse: 0

**Outcome:** Motion failed. NOSB completed its sunset review

## Peracetic acid

### Reference:

205.601(a)(6) Peracetic acid—for use in disinfecting equipment, seed, and asexually propagated planting material. Also permitted in hydrogen peroxide formulations as allowed in §205.601(a) at concentration of no more than 6% as indicated on the pesticide product label; and, 205.601(i)(8) Peracetic acid - for use to control fire blight bacteria. Also permitted in hydrogen peroxide formulations as allowed in §205.601(i) at concentration of no more than 6% as indicated on the pesticide product label.

**Technical Report:** [2000 TAP](#), [2016 TR](#)

**Petition(s):** [2008](#)

**Past NOSB Actions:** [11/2007 recommendation](#); [11/2009 annotation change](#); [12/2011 sunset recommendation](#)

**Recent Regulatory Background:** National List amended 10/31/2003 ([68 FR 61987](#)); Sunset Review 10/09/2008 [73 FR 59479](#) ; Annotation change 05/28/2013 ([78 FR 31815](#))

**Sunset Date:** 5/29/2018

### [Subcommittee Review](#)

### NOSB Review

Public comments were overwhelmingly in favor of re-listing peracetic acid for the currently allowed uses in organic crop production. A full review of public comments submitted both orally (via the webinar or at the in-person opportunities at the Spring and Fall NOSB meetings) and in writing, indicated continued support for this material and its essentiality for organic crop producers. There was no indication from public comment, information provided by the new Technical Evaluation Report (3/3/2016), or otherwise, that would lead the full committee to believe that this material is not consistent with basic organic principles or that it would not still fit into the compatibility and essentiality criteria for use in organic crop production. It should also be pointed out that reliance upon this material has grown with the loss of the two previously allowed antibiotics used to assist in fire blight control. The implementation of the Food Safety Modernization Act (FSMA) has also placed a higher need for organic stakeholders that rely on materials (sanitizers and disinfectants) used in food safety as required by law under this act.

### Vote

Motion to remove peracetic acid from 205.601(a)(6) and 205.601(i)(8) based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b) if applicable: None.

Motion by: Harold V. Austin IV

Seconded by: Emily Oakley

Yes: 0 No: 14 Abstain: 0 Absent: 1 Recuse: 0

**Outcome:** Motion failed. NOSB completed its sunset review

## EPA List 3 - Inerts of Unknown Toxicity

**Reference:** 205.601(m)(2) EPA List 3—Inerts of unknown toxicity—for use only in passive pheromone dispensers.

**Technical Report:** N/A

**Petition(s):** NA

**Past NOSB Actions:** [10/2002 meeting minutes and vote \(see pheromones\)](#); [11/2007 recommendation](#); [05/2012 recommendation](#); [08/2015 recommendation to change annotation at 7 CFR 205.601\(m\)](#)

**Recent Regulatory Background:** National List amended 10/31/2003 ([68 FR 61987](#)); Sunset Review 10/09/2008 [73 FR 59479](#) Sunset Review 10/03/13 ([78 FR 61154](#))

**Sunset Date:** 11/03/2018

This listing will be superseded by the annotation change approved by the NOSB for EPA List 4 and List inerts (§205.601(m)(1)). The NOSB is continuing the sunset review process for these EPA List 3 inerts in case that change cannot be implemented through rulemaking before the 11/03/2018 sunset of EPA List 3 inerts.

### [Subcommittee Review](#)

#### **NOSB Review**

The NOSB supports the finding of the Crops Subcommittee to move the separate listing for this category into the changed annotation that will cover all inert ingredients, with the ones in pheromone twist ties mentioned as a subheading of inerts. The NOSB feels that these materials are an essential component of passive dispensers and have a history of use in organic farming, which has reduced the use of many other pest control products. There is no new information that would cause the NOSB to question the safety to human health or the environment.

Public commenters support moving quickly with the annotation change so that the List 3 Inerts, as well as the other inerts, can be systematically and thoroughly reviewed. The continued need for the pheromones was a common theme in the public comment as well.

#### **Vote**

Motion to Remove EPA List 3 - Inerts of unknown toxicity - for use only in passive pheromone dispensers, from 205.601(m)(2) based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b) if applicable: none

Motion by: Zea Sonnabend

Seconded by: Harold Austin

Yes: 0 No: 14 Abstain: 0 Absent: 1 Recuse: 0

**Outcome:** Motion failed. NOSB completed its sunset review

## Calcium chloride

**Reference:** 205.602 - Nonsynthetic substances prohibited for use in organic crop production.

(c) Calcium chloride, brine process is natural and prohibited for use except as a foliar spray to treat a physiological disorder associated with calcium uptake.

**Technical Report:** [2007 TAP](#)

**Petition(s):** [2005](#); [2015](#)

**Past NOSB Actions:** [09/1996 minutes and vote](#); [11/2006 annotation change \(failed\)](#); [11/2007 sunset recommendation](#); [12/2011 sunset recommendation](#)

**Recent Regulatory Background:** National List amended 10/31/2003 ([68 FR 61987](#)); Sunset renewal notice effective 11/03/13 ([78 FR 61154](#))

**Sunset Date:** 11/03/2018

### [Subcommittee Review](#)

#### **NOSB Review**

The NOSB originally voted to allow calcium chloride for use to control bitter pit in apples and as an emergency defoliant for cotton; the material was categorized as non-synthetic and was not included on §205.601 or §205.602. Calcium chloride was subsequently petitioned and added to National List §205.602 as a non-synthetic substance prohibited for use in organic crop production. The annotation states: “brine process is natural and prohibited for use except as a foliar spray to treat a physiological disorder associated with calcium uptake.” Calcium chloride is commonly used in organic production; there are currently 20 registered OMRI products and 10 WSDA registered products. There was strong public support for continued use of calcium chloride. Based on the Subcommittee review and public comment, the NOSB finds calcium chloride compliant with OFPA criteria, and does not recommend removal from the National List.

#### **Vote**

Motion to remove calcium chloride from 205.602 based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b) if applicable: none.

Motion by: Carmela Beck

Seconded by: Harold Austin

Yes: 0 No: 14 Abstain: 0 Absent: 1 Recuse: 0

**Outcome:** Motion failed. NOSB completed its sunset review