

**Formal Recommendation by the
National Organic Standards Board (NOSB)
to the National Organic Program (NOP)**

Date: October 28, 2010

Subject: Reaffirmation of April 2010 NOSB sunset recommendations

Chair: Daniel G. Giacomini

The NOSB hereby recommends to the NOP the following:

Rulemaking Action

Guidance Statement

Other

Reaffirm April 2010 NOSB Sunset Recommendations
for Crops materials

Statement of the Recommendation (Including Recount of Vote):

At the Spring 2010 NOSB Meeting, the Crops Committee recommended, and the NOSB passed, a recommendation involving fifty-four (54) listings of Sunset materials on § 205.601 and seven (7) listings of Sunset materials on § 205.602 (included below). The public comment period for the spring recommendations did not close until after the meeting was completed; therefore, the Crops Committee agreed to determine if any of those comments warranted a change in our recommendation. No evidence was presented to justify changing our recommendations, and therefore, in accordance with the current Sunset process rules, the Crops Committee recommends the vote stand. The NOSB reaffirmed the April 2010 vote with 14 yes votes and 0 no votes.

Rationale Supporting Recommendation (including consistency with OFPA and NOP):

Organic Foods Production Act of 1990

NOSB Vote:

Moved: Tina Ellor		Second: Tracy Miedema		
Yes: 14	No: 0	Abstain: 0	Absent: 0	Recusal: 0

**National Organic Standards Board
Crops Committee
Reaffirmation of Spring 2010 Meeting Votes
on Sunset 2012 Recommendation**

July 14, 2010

Committee Summary

At the Spring 2010 NOSB Meeting, the Crops Committee recommended, and the NOSB passed, a recommendation involving fifty-four (54) listings of Sunset materials on § 205.601 and seven (7) listings of Sunset materials on § 205.602 (included below). The public comment period for the spring recommendations did not close until after the meeting was completed; therefore, the Crops Committee agreed to determine if any of those comments warranted a change in our recommendation. No evidence was presented to justify changing our recommendations, and therefore, in accordance with the current Sunset process rules, the Crops Committee recommends the vote stands.

Committee Recommendations

The Crops Committee recommends that the votes at the spring 2010 Meeting on Sunset Recommendations – 2012 stand as recorded.

Committee Vote:

Motion: Jeff Moyer Second: Kevin Engelbert
Yes: 6 No: 0 Abstain: 0 Absent: 1

Tina Ellor, Chair

List: § 205.601 Synthetic substances allowed for use in organic crop production.

Category Use

(a) As algicide, disinfectants, and sanitizer, including irrigation system cleaning systems.

Committee Summary

In reviewing these materials for sunset, the Crops Committee used historical information in the form of TR's, past committee and board recommendations, prior public testimony and comment, transcripts of past NOSB board meetings, and prior committee deliberations to make this recommendation. The Federal Register notice of the sunset of these materials has not been posted as of the final deadline for committee review to be included on the agenda of the April 2010 NOSB meeting. Public comments subsequent to this recommendation will be taken into consideration for the final board vote.

Committee Recommendation(s)

The Crops Committee recommends the renewal of the following materials:

- (4) Hydrogen peroxide.
- (7) Soap-based algicide/demossers.

The Crops Committee recommends deferring the vote on the following materials until updated technical information is obtained:

- (a) As algicide, disinfectants, and sanitizer, including irrigation system cleaning systems.
 - (1) Alcohols.
 - (i) Ethanol.
 - (ii) Isopropanol.
 - (2) Chlorine materials— *Except*, That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act.
 - (i) Calcium hypochlorite.
 - (ii) Chlorine dioxide.
 - (iii) Sodium hypochlorite.

Motion: Jeff Moyer Second: Kevin Engelbert
Yes: 6; No: 0 Absent: 1 Abstain: 0

List: § 205.601 Synthetic substances allowed for use in organic crop production.

Category Use

- (b) As herbicides, weed barriers, as applicable.

Committee Summary

In reviewing these materials for sunset, the Crops Committee used historical information in the form of TR's, past committee and board recommendations, prior public testimony and comment, transcripts of past NOSB board meetings, and prior committee deliberations to make this recommendation. The Federal Register notice of the sunset of these materials has not been posted as of the final deadline for committee review to be included on the agenda of the April 2010 NOSB meeting. Public comments subsequent to this recommendation will be taken into consideration for the final board vote.

Committee Recommendation

The Crops Committee recommends the renewal of the following materials in this use category:

- (1) Herbicides, soap-based—for use in farmstead maintenance (roadways, ditches, right of ways, building perimeters) and ornamental crops.

Based on changes in coating and manufacturing technologies of paper and cardboard and plastic and the introduction into the market place of possible alternatives, the Crops Committee recommends deferring relisting decisions of the following until updated technical information is obtained:

- (2) Mulches.
 - (i) Newspaper or other recycled paper, without glossy or colored inks.
 - (ii) Plastic mulch and covers (petroleum-based other than polyvinyl chloride (PVC)).

Motion: Jeff Moyer Second: Kevin Engelbert
Yes: 6; No: 0 Absent: 1 Abstain: 0

List: § 205.601 Synthetic substances allowed for use in organic crop production.

Category Use

- (c) As compost feedstocks—Newspapers or other recycled paper, without glossy or colored inks.

Committee Summary and Recommendation

Based on changes in coating and manufacturing technologies of paper and cardboard and the introduction into the market place of possible alternatives, the Crops Committee recommends deferring relisting decisions of the following until updated technical information is obtained:

- (c) As compost feedstocks—Newspapers or other recycled paper, without glossy or colored inks.

List: § 205.601 Synthetic substances allowed for use in organic crop production.

Category Use

- (d) As animal repellents—Soaps, ammonium—for use as a large animal repellent only, no contact with soil or edible portion of crop.

Committee Summary

In reviewing these materials for sunset, the Crops Committee used historical information in the form of TR's, past committee and board recommendations, prior public testimony and comment, transcripts of past NOSB board meetings, and prior committee deliberations to make this recommendation. The Federal Register notice of the sunset of these materials has not been posted as of the final deadline for committee review to be included on the agenda of the April 2010 NOSB meeting. Public comments subsequent to this recommendation will be taken into consideration for the final board vote.

Committee Recommendation

The Crops Committee recommends the renewal of the following materials:

- (d) As animal repellents—Soaps, ammonium—for use as a large animal repellent only, no contact with soil or edible portion of crop.

Motion: Jeff Moyer Second: Kevin Engelbert
Yes: 6; No: 0 Absent: 1 Abstain: 0

List: § 205.601 Synthetic substances allowed for use in organic crop production.

Category Use

- (3) As insecticides (including acaricides or mite control).

Committee Summary

In reviewing these materials for sunset, the Crops Committee used historical information in the form of TR's, past committee and board recommendations, prior public testimony and comment, transcripts of past NOSB board meetings, and prior committee deliberations to make this recommendation. During committee discussions for the relisting of sulfur issues regarding the purity of sulfur used came up. At the May 2009 NOSB meeting, the Board recommended adding on farm generation of sulfurous acid to the National List using 99% purity elemental sulfur. The Crops Committee would like to see the same purity standard be extended to other sulfur use categories. In discussing Boric Acid, taking into consideration changes in the industry in terms of application technologies; the committee would like to see a change considered in the current annotation to read 'in lures and baited traps only for structural pest control, not direct contact with organic food or crops. The committee would be interested in addressing a petition to that effect and to public comment regarding this change. The Federal Register notice of the sunset of these materials has not been posted as of the final deadline for committee review to be included on the agenda of the April 2010 NOSB meeting. Public comments subsequent to this recommendation will be taken into consideration for the final board vote.

Committee Recommendation

The Crops Committee recommends the renewal of the following materials:

- (1) Ammonium carbonate—for use as bait in insect traps only, no direct contact with crop or soil.
- (2) Boric acid—structural pest control, no direct contact with organic food or crops.
- (4) Elemental sulfur.
- (5) Lime sulfur—including calcium polysulfide.
- (6) Oils, horticultural—narrow range oils as dormant, suffocating, and summer oils.
- (7) Soaps, insecticidal.
- (8) Sticky traps/barriers.
- (9) Sucrose octanoate esters (CAS #s—42922–74–7; 58064–47–4)—in accordance with approved labeling.

Motion: Jeff Moyer
Yes: 6; No: 0

Second: Kevin Engelbert
Absent: 1 Abstain: 0

List: § 205.601 Synthetic substances allowed for use in organic crop production.

Category Use

- (f) As insect management. Pheromones.

Committee Summary and Recommendation

There are many more pheromone products on the market than when pheromones last received technical review. The crops committee recommends deferring voting on this material until updated technical information on delivery systems, all chemicals used; and manufacture, use, and disposal issues is obtained.

- (f) As insect management. Pheromones.

List: § 205.601 Synthetic substances allowed for use in organic crop production.

Category Use

- (g) As rodenticides.

Committee Summary and Recommendation

The committee recommends deferring a board vote on these materials until updated technical information is obtained:

- (1) Sulfur dioxide—underground rodent control only (smoke bombs).
- (2) Vitamin D₃.

List: § 205.601 Synthetic substances allowed for use in organic crop production.

Category Use

- (i) As plant disease control.

Committee Summary: In reviewing these materials for sunset, the Crops Committee used historical information in the form of TR's, past committee and board recommendations, prior public testimony and comment, transcripts of past NOSB board meetings, and prior committee deliberations to make this recommendation. During committee discussions for the relisting of sulfur issues regarding the purity of sulfur used came up. At the May 2009 NOSB meeting, the Board recommended adding on farm generation of sulfurous acid to the National List using 99% purity elemental sulfur. The Crops Committee would like to see the same purity standard be extended to other sulfur use categories. The Federal Register notice of the sunset of these materials has not been posted as of the final deadline for committee review to be included on the agenda of the April 2010 NOSB meeting. Public comments subsequent to this recommendation will be taken into consideration for the final board vote.

Committee Recommendation: The Crops Committee recommends the renewal of the following materials:

- (3) Hydrated lime.
- (4) Hydrogen peroxide.
- (5) Lime sulfur.
- (6) Oils, horticultural, narrow range oils as dormant, suffocating, and summer oils.
- (8) Potassium bicarbonate.

(9) Elemental sulfur.

The EPA has recently reviewed copper containing compounds and the Crops Committee wanted to review that information before further deliberating on the relisting of Fixed Coppers and Copper Sulfate. There have been advances in development of alternatives for antibiotic use in control of fire blight and the crops committee felt it necessary to have updated technical information on alternative treatments to Streptomycin before completing the review of this material for sunset. The committee recommends deferring board vote on the following materials until updated technical information can be obtained:

- (1) Coppers, fixed—copper hydroxide, copper oxide, copper oxychloride, includes products exempted from EPA tolerance, *Provided*, That, copper-based materials must be used in a manner that minimizes accumulation in the soil and shall not be used as herbicides.
- (2) Copper sulfate—Substance must be used in a manner that minimizes accumulation of copper in the soil.

(10) Streptomycin, for fire blight control in apples and pears only.

Motion: Jeff Moyer Second: Kevin Engelbert
Yes: 6; No: 0 Absent: 1 Abstain: 0

List: § 205.601 Synthetic substances allowed for use in organic crop production.

Category Use

- (j) As plant or soil amendments.

Committee Summary

In reviewing these materials for sunset, the Crops Committee used historical information in the form of TR's, past committee and board recommendations, prior public testimony and comment, transcripts of past NOSB board meetings, and prior committee deliberations to make this recommendation. During committee discussions for the relisting of sulfur issues regarding the purity of sulfur used came up. At the May 2009 NOSB meeting, the Board recommended adding on farm generation of sulfurous acid to the National List using 99% purity elemental sulfur. The Crops Committee would like to see the same purity standard be extended to other sulfur use categories. In discussing micronutrients, taking into consideration their large use, the committee would like to see the adoption of an annotation to ensure full assessments and analysis to establish the specific need for these materials, with attention to the site's existing soil fertility program, natural fertilization practices, and alternative nonsynthetic materials. The Federal Register notice of the sunset of these materials has not been posted as of the final deadline for committee review to be included on the agenda of the

April 2010 NOSB meeting. Public comments subsequent to this recommendation will be taken into consideration for the final board vote.

Committee Recommendation

The Crops Committee recommends the renewal of the following materials:

- (1) Aquatic plant extracts (other than hydrolyzed)—Extraction process is limited to the use of potassium hydroxide or sodium hydroxide; solvent amount used is limited to that amount necessary for extraction.
- (2) Elemental sulfur.
- (3) Humic acids—naturally occurring deposits, water and alkali extracts only.
- (6) Micronutrients—not to be used as a defoliant, herbicide, or desiccant. Those made from nitrates or chlorides are not allowed. Soil deficiency must be documented by testing.
 - (i) Soluble boron products.
 - (ii) Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt.
- (7) Liquid fish products—can be pH adjusted with sulfuric, citric or phosphoric acid. The amount of acid used shall not exceed the minimum needed to lower the pH to 3.5.
- (8) Vitamins, B₁, C, and E.

The Crops Committee recommends deferring voting on the following materials pending updated technical information:

- (4) Lignin sulfonate—chelating agent, dust suppressant, floatation agent.
- (5) Magnesium sulfate—allowed with a documented soil deficiency.

Motion: Jeff Moyer
Yes: 6; No: 0

Second: Kevin Engelbert
Absent: 1 Abstain: 0

List: § 205.601 Synthetic substances allowed for use in organic crop production.

Category Use

(k) As plant growth regulators. Ethylene gas—for regulation of pineapple flowering.

Committee Summary

In reviewing these materials for sunset, the Crops Committee used historical information in the form of TR's, past committee and board recommendations, prior public testimony and comment, transcripts of past NOSB board meetings, and prior committee deliberations to make this recommendation. The Federal Register notice of the sunset of these materials has not been posted as of the final deadline for committee review to be included on the agenda of the April 2010 NOSB meeting. Public comments subsequent to this recommendation will be taken into consideration for the final board vote.

Committee Recommendation

The Crops Committee recommends the deferral of the following materials pending updated technical review on alternatives:

(k) As plant growth regulators. Ethylene gas—for regulation of pineapple flowering.

List: § 205.601 Synthetic substances allowed for use in organic crop production.

Category Use

(l) As floating agents in postharvest handling.

Committee Summary

In reviewing these materials for sunset, the Crops Committee used historical information in the form of TR's, past committee and board recommendations, prior public testimony and comment, transcripts of past NOSB board meetings, and prior committee deliberations to make this recommendation. The Federal Register notice of the sunset of these materials has not been posted as of the final deadline for committee review to be included on the agenda of the April 2010 NOSB meeting. Public comments subsequent to this recommendation will be taken into consideration for the final board vote. There was a lot of discussion about these materials during the last sunset cycle and the current Crops Committee felt that updated technical information on use, alternatives, and disposal issues would be helpful in informing the decision whether to relist these materials.

- (1) Lignin sulfonate.
- (2) Sodium silicate—for tree fruit and fiber processing.

List: § 205.601 Synthetic substances allowed for use in organic crop production.

Category Use

- (m) As synthetic inert ingredients as classified by the Environmental Protection Agency (EPA), for use with nonsynthetic substances or synthetic substances listed in this section and used as an active pesticide ingredient in accordance with any limitations on the use of such substances.

Committee Summary

The NOP currently maintains an outdated classification listing for inerts used in pesticides under the old EPA list 4 and list 3 classifications. As of 2006 this EPA classification no longer exists and has been replaced by the new EPA classification lists 40CFR 180. The NOP issued the following statement on September 6, 2007 documenting the position of the program regarding the changes made by EPA to their List 3 and 4 inerts

The National Organic Program (NOP) regulations currently allow inert ingredients which appear on the Environmental Protection Agency (EPA) List 4A – Minimal Risk Inert Ingredients and List 4B – Other ingredients for which EPA has sufficient information to reasonably conclude that the current use pattern in pesticide products will not adversely affect the public health or the environment – as ingredients in pesticides allowed in organic production operations. These lists were maintained and managed by EPA.

EPA has been reassessing exemptions from tolerances for inert ingredients in pesticide products to ensure that they meet the safety standard established by the Food Quality Protection Act (FQPA). FQPA requires the reassessment of inert ingredient tolerances and tolerance exemptions that were in place prior to August 3, 1996. EPA completed their reassessments in 2006.

Committee Recommendation

Pending further guidance development by the this committee specifically in a document before the board at the April 2010 meeting titled 'Guidance Recommendation on Inerts in Pesticides Allowed for use in Organic Agriculture', the Board, and the NOP, the Crops Committee recommends deferring this material.

- (1) EPA List 4—Inerts of Minimal Concern.

List: § 205.602 Nonsynthetic substances prohibited for use in organic crop production.

Category Use

The following nonsynthetic substances may not be used in organic crop production:

Committee Summary

In reviewing these materials for sunset, the Crops Committee used historical information in the form of TR's, past committee and board recommendations, prior public testimony and comment, transcripts of past NOSB board meetings, and prior committee deliberations to make this recommendation. The consensus of this committee was that we could find no compelling evidence that taking these materials off of the prohibited list would be beneficial for organic production or viewed at all favorably by organic consumers. The Federal Register notice of the sunset of these materials has not been posted as of the final deadline for committee review to be included on the agenda of the April 2010 NOSB meeting. Public comments subsequent to this recommendation will be taken into consideration for the final board vote.

Committee Recommendation

The committee recommends renewal of the following materials:

- (a) Ash from manure burning.
- (b) Arsenic.
- (d) Lead salts.
- (e) Potassium chloride—unless derived from a mined source and applied in a manner that minimizes chloride accumulation in the soil.
- (f) Sodium fluoaluminate (mined).
- (h) Strychnine.
- (i) Tobacco dust (nicotine sulfate).

Based on the controversial nature of Sodium Nitrate and the lack of international harmonization of standards regarding this material, the committee recommends deferring the following pending more up to date technical information:

- (g) Sodium nitrate—unless use is restricted to no more than 20% of the crop's total nitrogen requirement; use in spirulina production is unrestricted until October 21, 2005.

Motion: Jeff Moyer

Second: Kevin Engelbert

Yes: 6; No: 0

Absent: 1

Abstain: 0