

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

Date: April 29, 2011

Subject: Sunset review- Chlorine materials on § 205.601(a)

Chair: Tracy Miedema

The NOSB hereby recommends to the NOP the following:

Rulemaking Action **X**
Guidance Statement
Other

Statement of the Recommendation (Including Recount of Vote):

In December 2010, the NOP issued draft guidance clarifying the use restrictions of chlorine materials in organic production and handling (the background of which is provided with the attached recommendation). On review and consideration of this draft guidance, informed by public comment and review of a new TR provided by the NOP (supplied for Crops Committee sunset review), the Crops Committee recommended a change to the annotation to chlorine materials. The change of language was intended to clarify the use allowances for chlorine compounds, bring them into alignment with NOP's intended guidance at that time, and provide a regulatory basis for ACA's ensuring compliance with historic and appropriate uses of the materials in organic farming operations. The Crops Committee voted in favor of a recommendation revising the annotation in March of 2011 and revised them in April 28, 2011 as a function of public comments received. Minor revisions were again made on April 29, 2011 NOSB meeting as a function of written and oral public comment and recommended language provided by the NOP.

A motion was made and seconded to relist chlorine compounds on the National List § 205.601(a) with a revised annotation:

Chlorine materials (calcium hypochlorite; chlorine dioxide; and sodium hypochlorite)--**For pre-harvest use**, residual chlorine levels in the water in direct crop contact or as water from cleaning irrigation systems applied to soil **must** not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act. For disinfecting or sanitizing equipment or tools **or in edible sprout production**, chlorine products may be used up to maximum labeled rates.

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

See attached.

NOSB Vote

Moved: John Foster		Second: Steve Demuri		
Yes: 14	No: 0	Abstain: 0	Absent: 0	Recusal: 0

Per the NOSB's policy on annotation change during Sunset review, the NOSB also voted unanimously to relist chlorine materials with their current annotation if there is a delay in the rulemaking process.

**National Organic Standards Board
Crops Committee
Sunset Recommendation
Chlorine Materials**

April 29, 2011

Current National List Citation

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

- (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

Committee Summary

On March 7, 2011 the Crops Committee made a recommendation regarding this material. Please refer to that recommendation for a summary of discussion and consideration at that time. The Crops Committee considered new public comment and input from NOP staff, making the following recommendation, intending that the annotation be consistent and aligned with guidance provided by the NOP regarding the use of this material.

Committee Recommendation(s)

The Crops Committee recommends relisting chlorine compounds with a change to the annotation of the following substance in this use category as published in the final rule:

Chlorine materials (calcium hypochlorite; chlorine dioxide; and sodium hypochlorite)—
For pre-harvest use, residual chlorine levels in the water in direct crop contact or as water from cleaning irrigation systems applied to soil must not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act. For disinfecting or sanitizing equipment or tools or in edible sprout production, chlorine products may be used up to maximum labeled rates.

Committee Vote

Motion: John Foster
Yes: 7 No: 0

Second: Steve Demuri
Abstain: 0 Recuse: 0 Absent: 0