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Update NOSB-NOP-EPA Working Group on Inert Ingredients

National Organic Standards Board Meeting

April 11, 2013

Portland, Oregon



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Working Group on Inert Ingredients

- **NOSB:** Jay Feldman, Zea Sonnabend
- **NOP:** Emily Brown Rosen, Lisa M. Brines
- **EPA:** Chris Pfeifer (BPPD), Kerry Leifer
(Registration Division, Inerts)



Background

- The Organic Foods Production Act of 1990 indicates that the National List may provide for the use of inerts in pesticides that are not classified by EPA as “inerts of toxicological concern”
- NOP definition of “inert ingredient” follows from FIFRA definitions (i.e., not necessarily chemically/biologically “inert”)



NOP Rule - National List

- List 4 – Inerts of Minimal Concern
 - Synthetic inert ingredients classified as List 4a and 4b by EPA are allowed in pesticides for organic use (§ 205.601(m) and § 205.603(e))
- List 3 inerts are allowed in passive pheromone dispensers only (§ 205.601(m)(2))



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Issue

- EPA put inerts into lists according to toxicology and use pattern
- EPA revised system of assessment in 2006 and no longer uses or maintains Lists 1-4
- NOP is operating with obsolete list of inerts, last updated August 2004
- Manufacturers are petitioning for use of inerts that do not appear on the old lists



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Recent Work

- In October 2012, NOSB issued a recommendation on policy and procedure for review of inerts in pesticide formulations
- In February 2013, NOP responded to the NOSB fall recommendations



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Fall 2012 NOSB Recommendation

- NOSB recommended a series of steps to use for preparing for inerts review, screening guidelines, a tentative list of proposed groups, and a timeline for review
- NOSB requested that NOP identify a mechanism to notify manufacturers and the public regarding the inerts review process
- Mechanism should include a list of which inerts are under review and how to inform the working group of inerts that are in use, but not on the list



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Process to determine inerts for review

- FIFRA provides that inert ingredients used in pesticides do not need to be disclosed on product labels
- In previous work, the inerts working group identified and grouped a number of inert ingredients that are used in organic products
- NOP intends to publish the list of inerts and groups for public comment



Next Step for NOP: Notification and Public Comment

- Notification to the public of inert ingredients known to be in use in organic production
- Notification to the public of the NOSB's review plan, including the groupings of inert ingredients for which NOSB will conduct its review; and
- A request for public comments regarding other inert ingredients currently in organic production that are not identified in the list
- Federal Register notice is under legal review



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After public notification:

- Comments will be used to finalize groups and initiate technical reports
- One technical report will be developed per group of inerts
- NOSB will review inerts by group according to the criteria in OFPA



Additional Progress since Fall 2012

- Groups finalized (pre-public notice and comment)
 - The IWG has finalized a list of groups of inerts based on chemistry, using feedback from EPA
- Technical Reports
 - Group has identified updates for the technical report template for review of a group of inerts, rather than individual substances
- Trial run (pre-technical report)
 - IWG has run a test group through the NOSB checklist and screen provided in the NOSB Fall 2012 recommendation checklist



Timeline – Fall 2012 NOSB Recommendation

- Review 4-6 groups per year during four year period beginning in 2013
- Complete most reviews by Spring 2015
- Timeline is intended to allow for rulemaking by October 2017 (Sunset date for List 4 inerts)
- Implementation period will be needed, taking into account public comment, the need for additional reviews, and time for reformulation and compliance
- The NOSB will assess the viability of the timeline after it completes the recommendation on the first few groups of inerts



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Questions?

