



Sunset Review and Renewal Process

What is “Sunset”?

The USDA organic regulations allow most natural substances in organic farming, and prohibit most synthetic substances. The National List, part of these regulations, lists the exceptions to this basic rule and includes:

- Synthetic substances that are allowed in organic agriculture (examples: boric acid, newspaper)
- Natural substances that are not allowed in organic agriculture (examples: arsenic, strychnine)
- All non-organic substances allowed in processed organic products

Once a substance has been added to the National List, the National Organic Standards Board (NOSB), a citizen advisory committee appointed by the Secretary of Agriculture, must review the substance every 5 years. This is called the “sunset review process.” Through this process, the NOSB can recommend to USDA that it remove substances from the National List based on adverse impact on human health or the environment, or other criteria in the Organic Foods Production Act.

After the NOSB completes its sunset review, the USDA must renew or remove the substances on the National List to complete the sunset process.

The Need for Improvement

Sunset review and renewal cycles have occurred since 2005. Over time, drawbacks to the process became clear:

- Substance reviews were only discussed in a single public meeting.
- Synthetic substances in use by organic businesses could be removed from the list with only 2/5 of NOSB votes cast, fewer than required for a “decisive” vote under the Organic Foods Production Act.
- Each sunset required three separate rulemaking actions.

Improving the Process

Given these drawbacks, in September 2013, the USDA published a revised sunset review and renewal process:

- There are now two public comment opportunities before the NOSB completes its sunset review of each substance.
- Any change to the National List, either through a petition or through sunset, must be supported by a 2/3 majority of the NOSB (a “decisive vote” in the Organic Foods Production Act) to be recommended to the USDA.
- The change allows USDA to more effectively renew and remove substances from the National List.

Responding to Questions from the Public

In developing this revised process, the USDA reviewed past sunset evaluations. In the past, when the NOSB has voted to remove substances from the National List based on new evidence or new alternative substances, it has always voted with a 2/3 vote majority to recommend the removal. Examples include sulfur dioxide for rodent control; forms of pectin, lecithin, and silicon dioxide; and hops.

Recommendations to the USDA are never made by subcommittees. Recommendations only come to the USDA after the full NOSB has voted in a public meeting, and only when the NOSB passes an item with a 2/3 majority vote.

USDA strongly supports organic agriculture, and is responsible for establishing a level playing field that protects all organic farms and businesses. Public participation and comments are vital to USDA’s work in organics, and we encourage all members of the public to take part in formal comment opportunities.

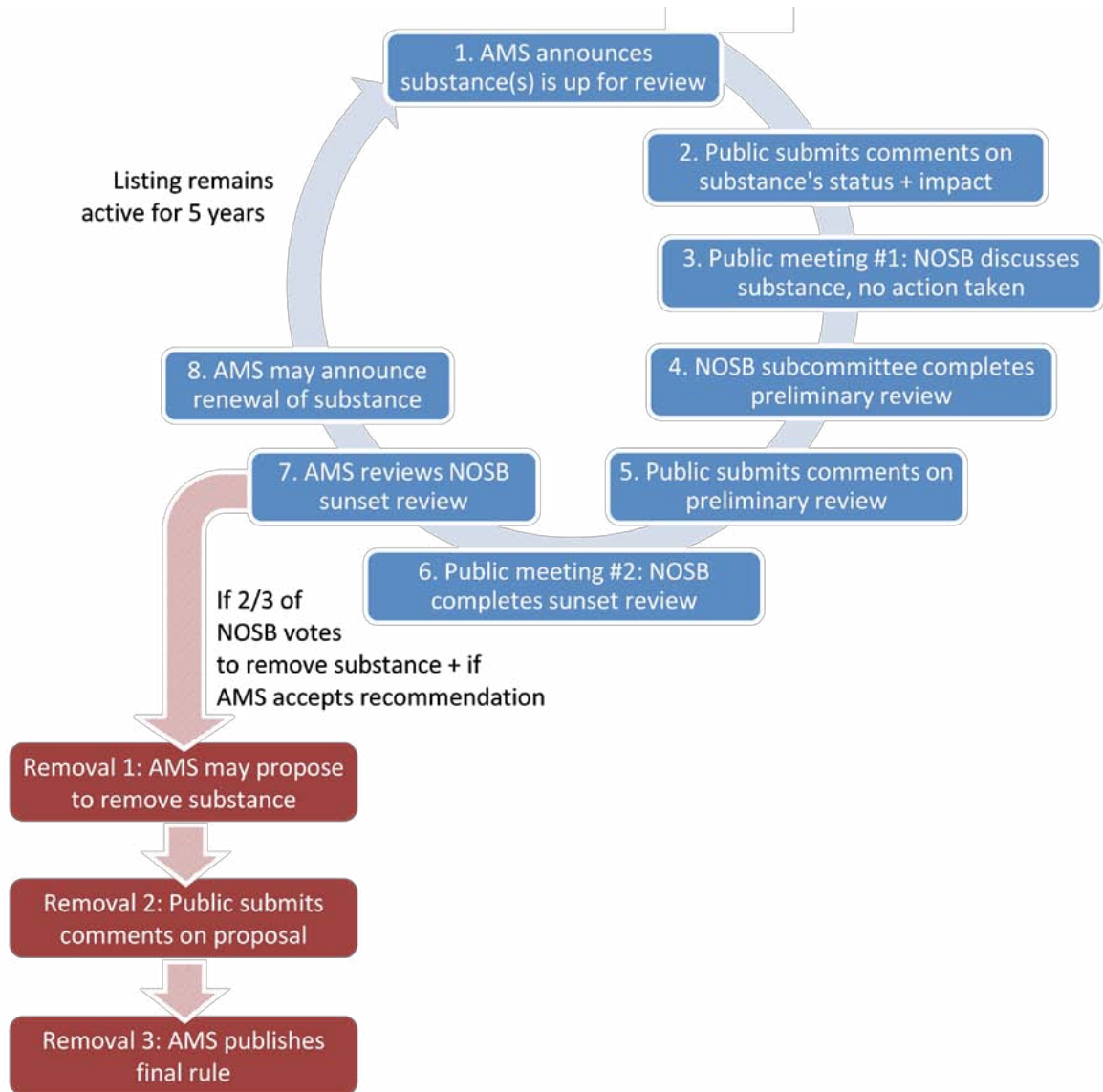
Sunset Review and Renewal Process (continued)

Picturing the Revised Sunset Process

The following graphic shows the revised sunset review and renewal process. The process is managed by the USDA Agricultural Marketing Service (AMS) and the National Organic Program, and was published in a September 2013 Federal Register Notice.

What Happens Next

At the Spring 2014 NOSB meeting, the NOSB used this process to discuss substances coming up for sunset review. The cycle will continue with subcommittee review of sunset materials in advance of public comments before the Fall 2014 NOSB public meeting.



For More Information

<http://www.ams.usda.gov/AMSV1.0/NOPStreamlinedSunsetReview>

