

# Comments to the National Organic Standards Board

## **Brian Baker, OMRI's Research Director**

Thank you for the opportunity to comment. The NOSB has done an incredible job of constructing the foundation for the National Organic Program, following the OFPA. While you have accomplished much, a great deal of work remains. Carolyn Brickey offered sage advice in departing as NOSB chair to focus on where there is consensus, rather than focus on where you are faced with conflict. OMRI seeks agreement of its experts and subscribing certifiers on matters related to implementation, and hope our findings help you make sound recommendations based on impartial facts and consensus.

## **Fish and Aquatic Products**

Fish fertilizers, aquatic plant products, and humic acid derivatives all appear as allowed synthetics in § 205.601(j). These natural products stabilized or extracted by limited amounts of phosphoric acid and potassium hydroxide. Some manufacturers may use this loophole to increase phosphate and potash levels above the minimum needed. This problem becomes even more complicated by blended fertilizers that contain these ingredients. The petition to use phosphoric acid with seaweed products does not disclose the purpose or provide supporting data, and no TAP review addresses this use. Prior TAP reviews are not complete or appropriate for making this consideration.

Phosphoric acid is prohibited by OFPA for use in organic agriculture as a synthetic phosphate fertilizer (7 USC §6508(b)(2)). Fish fertilizer manufacturers provided a substantial amount of data in their 1995 petition to address the public health, worker safety, and agronomic concerns and justify stabilization of fish with phosphoric acid. No such concerns are documented with aquatic plants. In anticipation of the National List sunset, the NOSB should consider non-synthetic alternatives being developed, clarify maximum limits of potash and phosphates in aquatic plant products and humic acid derivatives based on data and science similar to that set for fish products, and prevent fortification by these synthetic fertilizers.

## **Inert Ingredients**

We are aware of the continued concern about the presence of non-approved inert ingredients in pesticide formulations historically used by organic farmers. After years of consideration, review, deliberation and public comment, your predecessors on the NOSB recommended, and the NOP adopted, a standard for inert ingredients to reduce risk to the environment, protect human health, and fulfill the promise of organic agriculture.

Since that time, formulators, certifiers, farmers, the EPA, and OMRI have worked together to implement the NOP Rule for inert ingredients. Certifiers have determined inert ingredients contained in specific products used by organic farmers, and identify those that are NOP-compliant. Companies such as MGK and Dow have voluntarily reformulated established, successful products to comply with the NOP. EPA reclassified over 30 inert ingredients contained in formulations used by organic farmers from List 3 (unknown risk) to List 4 (minimum risk) status. Several formulators have petitioned to add individual synthetic inert ingredients to the National List. While some work remains and organic farmers may not have all the tools that they desire in their toolbox, they have more NOP-compliant pesticides than they did a year ago. Both registrants and the EPA indicate that more are on the horizon.

In OMRI's experience, case-by-case review of List 3 inert ingredients is a daunting task. However, the NOSB should continue to address each of the List 3s that are petitioned for addition to the National List until the EPA special review is complete. Addition of all List 3 inerts to the National List of allowed synthetic substances is untenable based on the large number of compounds involved, the limited data available, and the lack of any support for allowing *all* inerts in two rounds of public comments on the proposed rules. Similarly, non-synthetic List 3 inert ingredients should be allowed unless individually petitioned and specifically added to the list of prohibited non-synthetic substances.

The NOSB and NOP should maintain the principle of allowing only minimum risk inert ingredients, build on the progress we are making; and give the policy time to work. Changing course at this point would only add to the confusion that now faces formulators, certifiers, inspectors, and farmers. Formulators and registrants have provided data to meet EPA's data requirements, reformulated their products to comply with the NOP, or have petitioned for specific review of their inert ingredients. Farmers have adapted their pest management strategies to take into account the NOP Rule. Above all, consumers expect and demand that pesticide products used in organic production are formulated to meet minimum risk standards.

#### **Experimental Use**

Continued innovation and development is needed in organic agriculture. Research in organic agriculture needs to be systems-, not materials-based, and must adhere to the standards and criteria. The NOP rule allows certifiers to grant variances for research. OMRI offers to collaborate with researchers, the NOSB, and accredited certifiers in the development of a consistent procedure to evaluate experiments conducted on certified organic farms.

#### **Livestock**

The NOSB should establish a clear recommendation that all nutritional requirements for organic animals must first and foremost be met from organic sources. Carriers, fillers, and other incidentals used in feed should not be allowed to serve as a loophole for non-organic feed. OMRI supports the NOSB draft recommendation of April 11, 2002 calling for a comprehensive review of vitamins and minerals and expressed preference for natural forms when available. This recommendation is supported by the restrictions set out in §205.237(a) and §205.603 of the NOP Rule. We ask that this statement be restored to the final recommendation.

Animal medications to save lives and alleviate suffering are the highest priority for organic livestock in the opinion of our expert Advisory Council. The NOSB expedited review of broadly agreed upon medications, but these did not appear in the NOP Docket published in April 16, 2003. The reason for the recommendation not being accepted needs to be communicated to the NOSB, the TAP, and the public in order to set a sound policy for the proper and humane care of organic animals.

On all of these points, OMRI offers its expertise and assistance for building consensus and working toward harmonizing organic standards.

# OMRI Updated List of EPA Registered and Exempt Crop Protection Products sorted by Generic Material

<b>ADJUVANTS, NONSYNTHETIC</b>	<b>A</b>	<b>CORN GLUTEN</b>	<b>R</b>
Guardian Film (American Biodynamics)		Bio-Herb (Biofix Holding Inc)	
Organic Adhesive Adjuvant (Monterey Chemical Co)		Bio-Weed (Bioscape Inc)	
<b>ADJUVANTS, REGULATED</b>	<b>R</b>	<b>CYTOKININS</b>	<b>A</b>
Nu-Film 17 (Miller Chemical & Fertilizer Corp)		Stimplex PGR (Acadian AgriTech)	
Nu-Film P (Miller Chemical & Fertilizer Corp)		<b>DIATOMACEOUS EARTH</b>	<b>A</b>
Nu-Lure (Miller Chemical & Fertilizer Corp)		Concern Diatomaceous Earth Crawling Insect Killer (Woodstream Corporation)	
Organic BioLink B&P (Westbridge Agricultural Products)		Safer Ant & Crawling Insect Killer (Woodstream Corporation)	
Tri-Fol (Wilbur-Ellis Company)		<b>D-LIMONENE</b>	<b>R</b>
<b>AMINO ACIDS, NON-SYNTHETIC</b>	<b>A</b>	Orange TKO (Orange TKO Industries (Int'l) Inc)	
ReTain (Valent BioSciences Corp)		<b>FUNGICIDE, NONSYNTHETIC</b>	<b>A</b>
<b>BACILLUS THURINGIENSIS</b>	<b>A</b>	Contans WG (Encore Technologies LLC)	
Agree WG (Green Line) (Certis USA)		Deny/Blue Circle Liquid Biological Fungicide/Nematicide (Stine Microbial Products)	
Biobit HP (Lot # beginning with 94-313) (Valent BioSciences Corp)		Intercept WG (Encore Technologies LLC)	
Britz Bt Dust (Britz Fertilizers Inc)		Mycostop Biofungicide (Ag Bio Development Inc)	
Deliver (Green Line) (Certis USA)		Serenade (AgraQuest Inc)	
DiPel 2X (Lot # beginning with 94-313) (Valent BioSciences Corp.)		Soilgard 12G (Certis USA)	
DiPel DF (Valent BioSciences Corp)		Sporan (EcoSMART Technologies Inc)	
Gnatrol DG (Valent BioSciences Corp)		<b>GARLIC</b>	<b>A</b>
Javelin WG (Green Line) (Certis USA)		BioRepel (JH Biotech Inc)	
VectoBac WDG (Valent BioSciences Corp)		CropGuard (American Biodynamics)	
XenTari DF (Valent BioSciences Corp)		Garlic Barrier AG (Garlic Research Labs)	
XenTari WDG (Valent BioSciences Corp)		Garlic Barrier AG+ (Garlic Research Labs)	
<b>BEAUVARIA</b>	<b>A</b>	Organic BioLink Buffer & Penetrant (Westbridge Agricultural Products)	
Mycotrol O Beauveria bassiana strain GHA (Mycotech)		Organic BioLink Garlic Juice I.R. (Westbridge Agricultural Products)	
Naturalis H&G (Troy BioSciences Inc)		Organic BioLink Insect Repellent (Westbridge Agricultural Products)	
Naturalis L (Troy BioSciences Inc)		Repeller (Natural Resources Group)	
<b>BIOLOGICAL CONTROLS</b>	<b>A</b>	<b>GIBBERELIC ACID</b>	<b>A</b>
AQ-10 Biofungicide (Ecogen)		Falgro 20 SP (Fine Agrochemicals Ltd)	
Aspire Biofungicide (Ecogen)		Falgro 4L (Fine Agrochemicals Ltd)	
Bloomtime Biological (Northwest Ag Products Inc)		N-Large (Stoller Enterprise Inc)	
Bloomtime Biological Wettable Powder (Northwest Ag Products Inc)		Novagib 10L (Fine Agrochemicals Ltd)	
Cyd-X (Certis USA)		ProGibb 4% (Valent BioSciences Corp)	
DiTera DF (Valent BioSciences Corp)		ProGibb 40% (Valent BioSciences Corp)	
DiTera WDG (Valent BioSciences Corp)		RyzUp (Valent BioSciences Corp)	
VectoLex WDG (Valent BioSciences Corp)		<b>HERBICIDES, NONSYNTHETIC</b>	<b>R</b>
<b>BORIC ACID</b>	<b>A</b>	AllDown Green Chemistry Herbicide (Summerset Products)	
Safer Brand Roach & Ant Killing Powder (Woodstream Corporation)		Collego (Encore Technologies LLC)	
<b>BOTANICAL PESTICIDES, ALLOWED</b>	<b>A</b>	DeVine (Encore Technologies LLC)	
EcoExempt IC (EcoSMART Technologies Inc)		Xpress (Bio HumaNetics)	
EcoTrol (EcoSMART Technologies Inc)		<b>HYDROGEN PEROXIDE</b>	<b>A</b>
Hexacide (EcoSMART Technologies Inc)		GreenClean (BioSafe Systems)	
Huma Gro Activol (Bio HumaNetics)		StorOX (BioSafe Systems)	
Huma Gro Proud (Bio HumaNetics)		<b>LIME SULFUR</b>	<b>R</b>
Nemagard (Natural Organic Products Int Inc)		Rex Lime Sulfur Solution (OR-Cal Inc)	
Orange Guard Fire Ant Control (Orange Guard Inc)		<b>LIMONENE</b>	<b>A</b>
Organocide Organic Insecticide (Organic Laboratories Inc)		Safer Brand Fire Ant Killer (Woodstream Corporation)	
Promax (Bio HumaNetics)		<b>MINED MINERALS, UNPROCESSED</b>	<b>A</b>
Victor Poison Free Ant & Roach Killer (Woodstream Corporation)		Surround WP Crop Protectant (Engelhard Corporation)	
<b>CITRIC ACID</b>	<b>A</b>		
Flycracker (Spherix Inc)			
<b>COPPER PRODUCTS</b>	<b>R</b>		
Britz Copper Sulfur 15-25 Dust (Britz Fertilizers Inc)			
Champion WP (NuFarm Americas Inc)			
Clean Crop COCS 15 Sulfur 25 Dust (Platte Chemical Company)			

<b>NEEM EXTRACT</b>	<b>R</b>	<b>SOAP</b>	<b>R</b>
Agroneem (Agro Logistic Systems Inc)		Deccosol 102 Fruit and Vegetable Cleaner (Decco Cerexagri Inc)	
AZA-Direct (Gowan Company)		Green Valley Natural Plant Wash (WTB Technology)	
Ecosense (Agro Logistic Systems Inc)		Safer Brand Fruit & Vegetable Insect Killer (Woodstream Corporation)	
EcoSide (Agro Logistic Systems Inc)		Safer Brand Houseplant Insect Killing Soap (Woodstream Corporation)	
Neemix 0.25 Botanical Agricultural Insecticide / Insect Growth Regulator (Green Line) (Certis USA)		Safer Brand Houseplant Insecticidal Soap (Woodstream Corporation)	
Neemix 4.5 Botanical Agricultural Insecticide / Insect Growth Regulator (Green Line) (Certis USA)		Safer Brand Houseplant Insecticidal Soap Concentrate (Woodstream Corporation)	
Triact 70 EC (Green Line) (Certis USA)		Safer Brand Insect Killing Soap (Woodstream Corporation)	
Trilogy Broad Spectrum Fungicide/Miticide (Green Line) (Certis USA)		Safer Brand Insecticidal Soap Concentrate (Woodstream Corporation)	
<b>OILS, NARROW RANGE</b>	<b>R</b>	Safer Brand Insecticidal Soap Multi-purpose Insect Killer (Woodstream Corporation)	
Organic JMS Stylet-Oil (JMS Flower Farms Inc)		Safer Brand Insecticidal Soap Multi-purpose Insect Killer Concentrate (Woodstream Corporation)	
Spray Oil 653-0055 (Petro Canada)		Safer Brand Moss & Algae Killer & Surface Cleaner Ready to Spray (lot # H23000 or higher) (Woodstream Corporation)	
<b>OILS, NONSYNTHETIC</b>	<b>A</b>	Safer Brand Moss & Algae Killer & Surface Cleaner Ready to Use (lot # H23000 or higher) (Woodstream Corporation)	
Carrier (Stoller Enterprise Inc)		Safer Brand Rose & Flower Insect Killer (Woodstream Corporation)	
GC-3 (JH Biotech Inc)		<b>SPINOSAD</b>	<b>A</b>
GC-Mite (JH Biotech Inc)		Conserve* Fire Ant Bait (Dow AgroSciences)	
Golden Pest Spray Oil (Stoller Enterprise Inc)		Conserve* Professional Fire Ant Bait (Dow AgroSciences)	
Natur'l Oil (Stoller Enterprise Inc)		Entrust* (Dow AgroSciences)	
SeaCide (Omega Protein Inc)		GF-120 NF Naturalyte* Fruit Fly Bait (Dow AgroSciences)	
Vegol (W Neudorff GmbH KG)		Justice* Fire Ant Bait (Dow AgroSciences)	
<b>PHEROMONES</b>	<b>A</b>	<b>STICKY TRAPS AND BARRIERS</b>	<b>A</b>
CheckMate OFM Dispenser (Suterra LLC)		Stickem Special (Seabright Laboratories)	
CheckMate OLR (Suterra LLC)		Tangle-Trap Insect Trap Coating (Tanglefoot Co)	
CheckMate PTB-XL Dispenser (Suterra LLC)		Tree Tanglefoot Pest Barrier (Tanglefoot Co)	
CheckMate SF Dispenser (Suterra LLC)		<b>SULFUR, ELEMENTAL</b>	<b>R</b>
CheckMate TPW (Suterra LLC)		Ben-Sul 60 Dust (Wilbur-Ellis Company)	
MSTRS OFM (MSTRS Technologies Inc)		Britz Bt Sulfur Dust (Britz Fertilizers Inc)	
MSTRS-BHFW (MSTRS Technologies Inc)		Britz Magic Sulfur Dust (Britz Fertilizers Inc)	
MSTRS-ECB-2 (MSTRS Technologies Inc)		BT 320 Sulfur 25 Dust (Wilbur-Ellis Company)	
MSTRS-SS (MSTRS Technologies Inc)		CSC Dusting Sulfur (Continental Sulfur Company LLC)	
<b>PLANT EXTRACTS</b>	<b>A</b>	Kumulus DF (Micro Flo Company)	
Concern Citrus Home Pest Control (Woodstream Corporation)		Micro Sulf (NuFarm Americas Inc)	
E-RASE - ECO (IJO Products LLC)		Micros Flowable Sulfur (California Organic Fertilizers)	
<b>PLANT PROTECTANTS, NONSYNTHETIC</b>	<b>A</b>	Special Electric (Wilbur-Ellis Company)	
Vapor Gard (Miller Chemical & Fertilizer Corp)		THAT Flowable Sulfur (Stoller Enterprise Inc)	
<b>POTASSIUM BICARBONATE</b>	<b>A</b>	Wilbur-Ellis Dusting Sulfur (Wilbur-Ellis Company)	
Kaligreen (Nichimen America)		<b>TRICHODERMA</b>	<b>A</b>
<b>PSEUDOMONAS</b>	<b>A</b>	Plant Shield HC Biological and Root Fungicide (BioWorks Inc)	
Bio-Save 10 LP (Village Farms LP--Bio-Save Division)		RootShield Granules (BioWorks Inc)	
Bio-Save 1000 Psuedomonas syringae, ESC 10 (Village Farms LP--Bio-Save Division)		T-22 Planter Box (BioWorks Inc)	
Blight Ban A506 (Plant Health Technologies)		<b>VIRUS SPRAYS</b>	<b>A</b>
<b>PYRETHRUM</b>	<b>R</b>	GemStar LC (Certis USA)	
Diatect V w/ green OMRI-Listed sticker (Diatect International Inc)		Spod-X LC (Certis USA)	
PyGanic Crop Protection EC 1.4 (reformulation) (MGK Company)		Virosoft CP (Biotepp Inc)	
PyGanic Crop Protection EC 1.4 II (MGK Company)		<b>WETTING AGENTS</b>	<b>A</b>
PyGanic Crop Protection EC 1.4 II (MGK Company)		Foliar Friend Surfactant (Baicor LC)	
PyGanic Crop Protection EC 5.0 II (MGK Company)		Natural Wet (JH Biotech Inc)	
PyGanic Crop Protection EC 5.0 II (MGK Company)		RainGrow Superflow (Bioz Agri Products Inc)	
<b>REPELLENTS, VERTEBRATE ANIMAL</b>	<b>A</b>	Therm X-70 (American Extracts)	
Deer Stopper (Big Bucks Enterprises)		ThermX-15M (American Extracts)	
Deer Stopper Ready-to-Use (Big Bucks Enterprises)		ThermX-15P (American Extracts)	
Plantskydd Animal Repellent Soluble Powder (Tree World)			

# Inert Ingredients and Organic Agriculture

## *Chronology of Events*

Compiled by Brian Baker and Emily Brown Rosen

*Organic Materials Review Institute*

### **1979**

California establishes the California Organic Foods Act, prohibiting synthetic substances in pesticides. The Act does not distinguish between active and non-active ingredients.

### **1987**

April 22—US EPA publishes a policy statement on inert ingredients in 52 *Fed. Reg.* 13305 *et seq.* This statement establishes List 1 (inerts of toxicological concern), List 2 (Potentially Toxic Inerts/High Priority for Testing), List 3 (inerts of unknown toxicity), and List 4 (inerts of minimal concern).

May—*National Gardening* publishes an article that points out that xylene (a List 2) and other toxic synthetic substances are used in formulations of bio-pesticides.

### **1988**

February—CCOF prohibits pesticide formulations that contain xylene, ammonium sulfate, and other inert ingredients identified as not allowed under the California Organic Foods Act.

### **1989**

May 16—California Department of Food and Agriculture informs CCOF that synthetic inert ingredients are prohibited under the California Organic Foods Act.

June 2—California Department of Pesticide Regulation sends a letter to the California Table Grape Commission informing them that various registered pesticides used in table grape production contain synthetic inert ingredients that they believe are prohibited under the California Organic Foods Act.

June 9—California Table Grape Growers informs its members of the DPR's opinion.

August 11—The California Department of Health Services clarifies that detergents are allowed as inert ingredients under the California Organic Foods Act.

November 22—US EPA amends List 4, creating List 4A from the previously established List 4 and adding substances to that list and to the newly established List 4B. (54 *Fed. Reg.* 48314 *et seq.*)

### **1990**

January—*Journal of Pesticide Reform* publishes a special edition on inert ingredients including the article "What if Organic Farmers Can't Find Out What they're spraying?" by Zea Sonnabend, CCOF.

March 22—The US Senate Agriculture Committee receives testimony on S. 2108, including requests that inert ingredients used in pesticide formulations be subject to review.

June 29—US EPA amends and corrects inerts List 2 in 55 *Fed. Reg.* 26753.

October—Organic Foods Production Act signed into law. The OFPA states:

6517(c)(1) Exemption for Prohibited Substances. The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this chapter only if  
(B) the substance

(ii) is used in production and contains synthetic inert ingredients that are not classified by the Administrator of the Environmental Protection Agency as inerts of toxicological concern;

6518 (k)(l) Requirements. In establishing the proposed National List or proposed amendments to the National List, the Board shall

## *Inerts in Organic Chronology*

(2) work with manufacturers of substances considered for inclusion in the proposed National List to obtain a complete list of ingredients and determine whether such substances contain inert materials that are synthetically produced;

July 6—Senate report on S.2830 directs the NOSB to work with EPA to obtain information on inert ingredients in pesticides used in organic production (p. 298).

October 22—Conference report on the Farm Bill published. OFPA is contained as Title 21 of the 1990 Farm Bill. The Senate and House versions differed in their treatment of inert ingredients. The Senate version allowed for all inert ingredients, directing the NOSB to obtain information from EPA. House version did not contain a provision that allowed for synthetic inert ingredients, essentially prohibiting them. The Conference substitute adopted the House version with an amendment that allows for formulations that have active ingredients and to contain inert ingredients not of toxicological concern (H. 11360-11361).

December—*Agrichemical Age* publishes “the Inert Issue” and points out that impurities found in some formulations may prohibit the use of some actives allowed in organic production.

### **1991**

April 3—CCOF drafts its Inerts Disclosure and Confidentiality Policy and publicizes it to CCOF members and other stakeholders identified by the Certification Committee.

April 8—NCAP and NCAMP file a Freedom of Information Act (FOIA) request with EPA requesting Confidential Statements of Formula (CSFs) for six pesticides.

May 4—Northwest Coalition for Alternatives to Pesticides (NCAP) responds to CCOF’s policy.

June—CCOF requires CSFs for all EPA registered pesticides on the CCOF Brand Names List.

### **1992**

January—NOSB first appointed.

July 20—EPA publishes a notice for Incentives for Development and Registration of Reduced Risk Pesticides (57 *Fed.Reg.* 32140 *et seq.*)

September 18—Comment period on reduced risk pesticides end, with many comments identifying that inert ingredients and whole formulations need to be considered.

### **1993**

April 14—NOSB Materials Committee draft Materials Review and Disclosure Policy includes a procedure to gain access to inert ingredients.

### **1994**

June 5—The NOSB creates the Inerts Task Force at a meeting in Santa Fe, NM.

September 1—CCOF provides EPA documents regarding pesticide product review.

September 14—EPA publishes a notice to exempt certain pesticides from registration under section 25(b).

September 26—NOP publishes “Resolution of Focus” and circulates it at the NOSB meeting held in Rohnert Park. This contains a suggested procedure for the NOP to evaluate inert ingredients.

September 28—US EPA adds all substances commonly consumed foods and are Generally Recognized as Safe to inerts List 4A (59 *Fed. Reg.* 49401).

October 13—NOSB Inerts Task Force meets for the first time and passes an inerts resolution to require synthetic inert ingredients allowed in organic production to be on the National List; to give the priority to active ingredients; to accept all inert ingredients on List 4; to require NOSB access to

inert ingredients used in formulations with active ingredients allowed in organic production; to work with USDA, EPA, and FDA as well as with pesticide manufacturers to identify inert ingredients and to give manufacturers a chance to have their inert ingredients reviewed by the NOSB or reformulate. The Inerts Task Force consists of Nancy Taylor, Michael Sligh, Tom Stoneback, Gary Osweiler, Merrill Clark (absent), Zea Sonnabend, John Brown, Eric Ardapple Kindberg, Brian Baker, and Bill Wolf. Michael Johnson participates as NOP staff at the first meeting.  
December 28—CCOF provides EPA with a list of registered pesticides that have actives allowed under the California Organic Foods Act and requests a list of inert ingredients contained in those formulations. NOSB is copied on this letter.

## **1995**

January 5—NOSB Inerts Task Force meets and gets the NOP's response to the Task Force recommendations. Michael Hankin asserts that inert ingredients do not need to be on the National List in order to be allowed. The Inerts Task Force does not share this opinion and affirms the role of the NOSB in making materials decisions under OFPA, based in part on input from attorney Tim Sullivan.

February 2—NOSB Inerts Task Force meets.

April 19—NOP staff provides NOSB with the 1988 EPA policy regarding access to confidential business information (CBI) under FIFRA.

July 7—US EPA adds 146 inert ingredients to List 4B. (60 *Fed. Reg.* 35396-35399).

July 28—NOSB inerts task force meets a second time.

September 6—NOSB inerts task force meets; members send out a request for names of registered pesticides used by organic farmers.

October 31—NOSB is presented a list of 144 registered pesticides commonly used by organic farmers compiled by Brian Baker, Kate Burroughs, Amigo Cantisano, Eric Sideman, Bill Wolf, and Gregg Young, with a request to obtain inert ingredient information.

November 1—NOSB reviews and recommends listing narrow-range petroleum distillates as inert ingredients.

## **1996**

July 16—OMRI founded as a non-profit organization to consolidate materials review for 17 certification agencies.

August 3—Food Quality Protection Act (FQPA) signed by President Clinton. The statute required EPA to conduct a toxicological reassessment of all inert ingredients in pesticide formulations under a streamlined process. All new inert ingredients exempt from tolerance are to be classified as List 4.

October 16—Judge's ruling in *NCAP v. Browner* establishes the public's right to know inert ingredients in pesticide formulations (941 *F. Supp.* 197 et seq.)

December 30—CCOF files a FOIA request for the inert ingredients contained in 52 formulations that are used by CCOF members but that CCOF does not have on file.

## **1997**

April 1—CDFA and Humboldt County agricultural commissioner cites a farmer for violating the California Organic Foods Act for using a pesticide that contains a synthetic inert ingredient.

August 13—COFAB sent a letter to consider the use of the OFPA criteria to review inert ingredients.

December 16—First proposed NOP Rule published (62 *Fed. Reg.* 65850). USDA proposes allowing all inert ingredients except for List 1, and this extends to all products, not just EPA registered pesticides.

June 1—Brand Name Files for 51 registered pesticides are transferred from CCOF to OMRI by consent of the registrants. These files include Confidential Statements of Formulas (CSFs).

### **1998**

January—NCAP and WELC petition US EPA for full disclosure of inert ingredients. February—OMRI re-reviews CCOF / Oregon Tilth / OCIA listed products, and reviews List 3 inert ingredients on a case-by-case basis.

April 30—Comment period closes on first proposed NOP Rule. Inert ingredients are one of the top ten issues receiving comment, with all—or nearly all—specific comments in opposition to the NOP's proposal.

July 17—Brian Baker meets with Calvin Furlow of EPA to discuss the FOIA and access to information.

October 21—The NOSB presents NOP a revised and updated list of formulated pesticide products based on the October 1995 list.

December 18—NOSB Chair Robert Anderson sends Jim Jones of EPA the NOSB's suggested steps to obtain and evaluate information on inert ingredients in pesticides used in organic production.

### **1999**

February 11—NOSB makes a unanimous recommendation to prohibit all List 1 and List 2 inert ingredients, to prohibit List 3 inert ingredients unless they are specifically recommended to be allowed, and to allow all List 4 inert ingredients unless the NOSB specifically recommends them to be prohibited. A phase-out clause was deleted from the motion because NOP staff and NOSB members considered such a clause to be inadequate to induce cooperation from registrants and unworkable from the NOP's regulatory point of view. The NOSB also approves a draft of a letter to be mailed to registrants of pesticides used by organic farmers.

May 19—NOSB Crops Committee Chair Eric Sideman provides Keith Jones of the NOP and Kerry Leifer of the EPA a list of over 100 pesticide formulations historically used in organic production. This was an updated version of the list presented to the NOSB in October 1995.

June 21—Keith Jones sends a letter to pesticide registrants identified asking for cooperation in identifying inert ingredients in order to facilitate TAP reviews.

October—OMRI adopts the NOSB's recommended policy on inert ingredients in pesticide formulations, as published in the December 1999 Operating Manual. At this point, OMRI continued to review List 3 inerts on a case-by-case basis, but notified that this would be discontinued by Jan 2002.

Dec. 21, 1999 – NOSB crops Chair, Eric Sideman sent a memo to Keith Jones to ask to send another letter to manufacturers, due to poor response.

### **2000**

January 6—OMRI ends case-by-case review of List 3 inert ingredients.

March 13—Second National Organic Program proposed rule (65 *Fed. Reg.* 13561-13658).

June 12—Comment period on first proposed rule ends, with comments on inert ingredients policy all either supporting the proposal or wanting case-by-case review of synthetic List 4s. No comments received in support of allowing all List 3 inert ingredients. NOSB comments suggest that NOP involve EPA Pesticide Program staff in the effort to obtain disclosure of inert ingredients.

July —OMRI informs listed suppliers that it intends to petition EPA to reclassify the List 3 inert ingredients in their products to List 4, provided that they consent.

September—Deadline for consent to petition the EPA.

November —OMRI presents EPA a list of 44 List 3 inert ingredients found in OMRI reviewed and listed products to request that these be considered for reclassification. OMRI operating policy is modified to require all OMRI listed products to contain only inerts on List 4 or the National List by Jan 1 2002.

December 21—NOP Final Rule published (65 *Fed. Reg.*80548). This allows List 4 inert ingredients in pesticides.

## **2001**

January 19—EPA circulates PR notice on labeling pesticide products that comply with the NOP. This requires inerts to be on List 4 or on the National List.

January— Suppliers with OMRI-listed products that contain List 3's changed to 'conditionally allowed' status and are informed that they will need to either reformulate, petition EPA to reclassify the status of the inert, or petition the NOSB to add the inert ingredients to the National List.

April 10—OMRI Inerts Working Group meets to approve going ahead with informing suppliers with List 3s of their options and to petition EPA to reclassify List 3 ingredients in OMRI Listed products to List 4.

May 14—OMRI revises its petition to EPA to reclassify 47 List 3 inert ingredients to List 4.

October – EPA provides a ranking of 50 inerts that OMRI and WSDA had requested, and publicly provides this list to the NOSB at the DC meeting.

## **2002**

January- OMRI notifies suppliers again of options regarding reformulating, petitioning inerts, or waiting for EPA reclassification process for List 3 inerts.

April – July – OMRI has two meetings with EPA inerts staff to discuss progress on inerts reclassification and inform of OMRI listed products that have reformulated.

April 20—OMRI removes 25 registered pesticides from the *Brand Names List* because they do not comply with the NOP Final Rule.

July 12—EPA provides NOP with a list of candidate pesticide active ingredients.

August – EPA completes tolerance reassessment for a large number of inert as well as active ingredients. EPA List 4 is updated in October 2 on the EPA website.

October 31—OMRI restores 15 of the 25 registered pesticides removed from the *Brand Name Products List* in April because they were either reformulated or the EPA reclassified the List 3 inerts that they contained as List 4.

December 12—NOSB Inerts Task Force Conference Call.

December 20—NOSB Inerts Task Force Conference Call.

## **2003**

March—OMRI publishes the 2003 *Brand Name Products List* containing over 163 crop protection materials, including EPA registered pesticides, 25b exempt products, and adjuvants that are NOP compliant for both active and inert ingredients.

May 5—NOSB Inerts Task Force Conference Call.