

Draft Policy on the National List Sunset Provision

Revision 3 – April 29, 2003

A NOTE FROM THE NATIONAL ORGANIC STANDARDS BOARD

According to OFPA Sec. 2118. (e) **Sunset Provision.** No exemptions or prohibition contained in the National List shall be valid unless the National Organic Standards Board has reviewed such exemption or prohibition as provided in this section within 5 years of such exemption or prohibition being adopted or reviewed and the Secretary has renewed such exemption or prohibition.

This provision designates the NOSB with the task of reviewing and recommending substances to be reviewed within 5 years of the publication on the National List. On October 21, 2002 the National List became final rule, which enacted that those materials be reviewed by October 21, 2007. Subsequently, federal register dockets are currently in place to amend the National List with allowed and prohibited substances that the NOSB recommended from June 6, 2000 through October 20, 2002. Technical corrections were also added to the notice to adequately reflect previous NOSB recommendations.

The following recommendation is the process by which the National Organic Standards Board shall review materials within 5 years of publication on the National List.

General Review Guidelines

- The NOSB's "Materials" committee shall be responsible for recommending reviews of materials.
- Annually, the NOSB's "Material committee shall choose for review approximately one-fifth of the National List to accommodate evaluation of all materials over a 5-year period. The materials will be randomly selected and shall be proportionate to materials in section 205.601 through 205.606 of the National List.
- Materials that have expiration dates on the National List (ie. DL Methionine, Sodium Nitrate for Spirulina Production) shall not be included in the selection process as the original NOSB recommendation was to only allow for use during a specific phase-out period.
- This is an ongoing annual process and, as such, any National List amendments/additions shall be included in the review process.
- The NOSB shall utilize existing TAP (Technical Advisory Panel) reports or request additional technical information to review substances.
- The National Organic Program shall post a federal register notice for the purpose of giving interested persons an opportunity to comment on the materials prior to final recommendation. A minimum of 60-day comment period shall be allowed for public comment.

