

**Formal Recommendation**  
**From: National Organic Standards Board (NOSB)**  
**To: the National Organic Program (NOP)**

**Date:** October 30, 2020

**Subject:** 2022 Sunset Reviews - Crops

**NOSB Chair:** Steve Ela

**The NOSB hereby recommends to the NOP the following:**

Rulemaking Action: X

The NOSB recommends the following sunset substances be renewed:

**Reference: 7 CFR §205.601 Synthetic substances allowed for use in organic crop production.**

Soap-based algicide/demossers  
Ammonium carbonate  
Soaps, insecticidal  
Vitamin D3  
Aquatic plant extracts  
Lignin sulfonate  
Sodium silicate  
EPA List 4 - Inerts of Minimal Concern

**Reference 7 CFR §205.602 Prohibited nonsynthetic substances**

Arsenic  
Strychnine

**NOSB Vote:** See below for votes and rationale supporting each recommendation

## Soap-based algicide/demossers

**Reference:** 205.601(a)(7) - As algicide, disinfectants, and sanitizer, including irrigation system cleaning systems.

**Technical Report(s):** [1996 TAP](#); [2015 TR](#)

**Petition(s):** N/A

**Past NOSB Actions: Actions:** 09/1996 NOSB recommendation; 11/2005 NOSB sunset recommendation; 04/2011 NOSB sunset recommendation; [10/2015 NOSB sunset recommendation](#)

**Recent Regulatory Background:** Sunset renewal notice published 06/06/12 ([77 FR 33290](#)); Sunset renewal notice published 03/21/2017 ([82 FR 14420](#))

**Sunset Date:** 3/15/2022

### [Subcommittee Review](#)

#### **NOSB Review:**

Based on the NOSB review, public comments indicating that the material is still being used, and lack of viable alternatives, the NOSB finds soap based algicide/demossers compliant with OFPA criteria, and does not recommend removal from the National List.

#### **NOSB Vote:**

Motion to remove soap based algicide/demossers from §205.601(a)(7) of the National List based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b): N/A

Motion by: Rick Greenwood

Seconded by: Steve Ela

Yes: 0 No: 15 Abstain: 0 Absent: 0 Recuse: 0

Motion Failed

## Ammonium carbonate

**Reference:** 205.601(e) As insecticides (including acaricides or mite control). (1) ammonium carbonate —for use as bait in insect traps only, no direct contact with crop or soil.

**Technical Report:** [1995 TAP](#) (Ammonium bicarbonate)

**Petition(s):** N/A

**Past NOSB Actions:** 10/1995 NOSB minutes and vote ; 11/2005 NOSB sunset recommendation; 10/2010 NOSB sunset recommendation; [10/2015 NOSB sunset recommendation](#)

**Recent Regulatory Background:** Sunset renewal notice published 06/06/12 ([77 FR 33290](#)); Sunset renewal notice published 03/21/2017 ([82 FR 14420](#))

**Sunset Date:** 3/15/2022

### [Subcommittee Review](#)

#### **NOSB Review:**

Based on the NOSB review and public comments indicating continued use and importance for insect trapping/monitoring, the NOSB finds ammonium carbonate compliant with OFPA criteria, and does not recommend removal from the National List.

#### **NOSB Vote:**

Motion to remove ammonium carbonate from §205.601 of the National List based on the following criteria

in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b): N/A  
Motion by: Dave Mortensen  
Seconded by: Emily Oakley  
Yes: 0 No: 15 Abstain: 0 Absent: 0 Recuse: 0

Motion Failed

## Soaps, insecticidal

**Reference:** 205.601(e)(8) - As insecticides (including acaricides or mite control).

**Technical Report:** [1994 TAP](#); [2020 TR](#)

**Petition(s):** N/A

**Past NOSB Actions:** [04/1995 NOSB minutes and vote](#); [11/2005 NOSB sunset recommendation](#); [10/2010 NOSB sunset recommendation](#); [10/2015 NOSB sunset recommendation](#)

**Recent Regulatory Background:** Sunset renewal notice published 06/06/12 ([77 FR 33290](#)); Sunset renewal notice published 03/21/2017 ([82 FR 14420](#))

**Sunset Date:** 3/15/2022

### [Subcommittee Review](#)

#### **NOSB Review:**

Based on the NOSB review and public comments indicating widespread use and lack of equivalent alternatives, the NOSB finds insecticidal soaps compliant with OFPA criteria, and does not recommend removal from the National List.

#### **NOSB Vote:**

Motion to remove insecticidal soaps from §205.601(E)(8) of the National List based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b): N/A

Motion by: Rick Greenwood

Seconded by: Dave Mortensen

Yes: 0 No: 15 Abstain: 0 Absent: 0 Recuse: 0

Motion Failed

## Vitamin D3

**Reference:** 205.601(g) - as rodenticides.

**Technical Report:** [1995 TAP](#); [2011 TR](#)

**Petition(s):** N/A

**Past NOSB Actions:** 10/1995 NOSB minutes and vote; [11/2005 NOSB sunset recommendation](#); [04/2011 NOSB sunset recommendation](#); [10/2015 NOSB sunset recommendation](#)

**Recent Regulatory Background:** Sunset renewal notice published 06/06/12 ([77 FR 33290](#)); Sunset renewal notice published 03/21/2017 ([82 FR 14420](#))

**Sunset Date:** 3/15/2022

### [Subcommittee Review](#)

**NOSB Review:**

Based on the NOSB review and public comments indicating widespread use and lack of suitable alternatives, the NOSB finds vitamin D3 compliant with OFPA criteria, and does not recommend removal from the National List.

**NOSB Vote:**

Motion to remove vitamin D3 from §205.601 of the National List based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b): N/A

Motion by: Wood Turner

Seconded by: Jerry D'Amore

Yes: 0 No: 15 Abstain: 0 Absent: 0 Recuse: 0

Motion Failed

### Aquatic plant extracts

**Reference:** 205.601 (j) As plant or soil amendments. (1) Aquatic plant extracts (other than hydrolyzed) – Extraction process is limited to the use of potassium hydroxide or sodium hydroxide; solvent amount is limited to that amount necessary for extraction.

**Technical Report:** [2006 TR](#); [2016 TR](#)

**Petition(s):** N/A

**Past NOSB Actions:** 10/1995 NOSB minutes and vote; [04/2006 sunset recommendation](#); [10/2010 NOSB sunset recommendation](#); [10/2015 NOSB sunset recommendation](#)

**Recent Regulatory Background:** Sunset renewal notice published 06/06/12 ([77 FR 33290](#)); Sunset renewal notice published 03/21/2017 ([82 FR 14420](#))

**Sunset Date:** 3/15/2022

### [Subcommittee Review](#)

**NOSB Review:**

The NOSB received numerous comments in favor of relisting aquatic plant extracts, and some against relisting. Several harvesters stated that nonsynthetic forms require more seaweed biomass to achieve the same benefit. One commenter noted that natural extracts are available and expressed concern over environmental impacts of harvesting. A broad range of stakeholders affirmed their support for this material, noting that growers have long experience with aquatic plant extract as part of organic fertility management plans. Certifiers reported a very high number of farmers who list this material on their OSPs, and the board heard directly from growers who rely on this material.

The board considered the potential negative environmental impacts of marine macroalgae harvesting. Board members who had earlier reservations about relisting expressed a greater confidence in relisting given the Board's vote during the same meeting to pass a proposal in the Materials Subcommittee recommending an annotation outlining harvest parameters for this material. Based on the NOSB review, public comments, and the Board's vote in support of the harvest parameters annotation, the NOSB finds aquatic plant extracts compliant with OFPA criteria, and does not recommend removal from the National List.

**NOSB Vote:**

Motion to remove aquatic plant extracts from §205.601 (j) based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b) if applicable: N/A

Motion by: Emily Oakley

Seconded by: Wood Turner

Yes: 0 No: 12 Abstain: 3 Absent: 0 Recuse: 0

Motion Failed

### Lignin sulfonate

**Reference:** 205.601(j) As plant or soil amendments. (4) Lignin sulfonate —chelating agent, dust suppressant.

**Technical Report:** [1995 TAP](#); [2011 TR](#)

**Petition(s):** [2014 Petition to remove as floating agent](#)

**Past NOSB Actions:** 10/1995 NOSB Minutes and vote; 04/2006 Sunset Rec; [04/2011 NOSB Rec to amend](#), [04/2011 NOSB Sunset Rec](#); [10/2015 NOSB sunset recommendation](#)

**Recent Regulatory Background:** Sunset renewal notice published 06/06/12 ([77 FR 33290](#)); Sunset renewal notice published 03/21/2017 ([82 FR 14420](#))

**Sunset Date:** 3/15/2022

#### [Subcommittee Review](#)

**NOSB Review:**

Based on the NOSB review, public comment supporting relisting, and necessity for use in dust suppression and chelating micronutrient formulations, the NOSB finds lignin sulfonate compliant with OFPA criteria, and does not recommend removal from the National List.

**NOSB Vote:**

Motion to remove lignin sulfonate at 205.601(j) As plant or soil amendments. (4) Lignin sulfonate chelating agent, dust suppressant of the National List based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b): N/A

Motion by: Rick Greenwood

Seconded by: Emily Oakley

Yes: 0 No: 15 Abstain: 0 Absent: 0 Recuse: 0

Motion Failed

### Sodium silicate

**Reference:** 205.601 (l) As floating agents in postharvest handling. Sodium silicate—for tree fruit and fiber processing.

**Technical Report:** [1996 TAP](#); [2011 TR](#)

**Petition(s):** N/A

**Past NOSB Actions:** 04/1995 NOSB minutes and vote; 11/2005 NOSB sunset recommendation; [10/2010 NOSB sunset recommendation](#); [10/2015 NOSB sunset recommendation](#)

**Recent Regulatory Background:** Sunset renewal notice published 06/06/12 ([77 FR 33290](#)) Sunset renewal notice published 03/21/2017 ([82 FR 14420](#))

**Sunset Date:** 3/15/2022

### [Subcommittee Review](#)

#### **NOSB Review:**

Based on the NOSB review, public comments indicating its necessity for use by small pear processors, and of lack environmental impact, the NOSB finds sodium silicate compliant with OFPA criteria, and does not recommend removal from the National List. However, in subsequent reviews its continued relisting should be based on continued need and use in pear flotation tanks.

#### **NOSB Vote:**

Motion to remove sodium silicate from §205.601 of the National List based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b): N/A

Motion by: Steve Ela

Seconded by: Wood Turner

Yes: 0 No: 15 Abstain: 0 Absent: 0 Recuse: 0

Motion Failed

### **EPA List 4 - Inerts of Minimal Concern**

**Reference:** 205.601(m) As synthetic inert ingredients as classified by the Environmental Protection Agency (EPA), for use with nonsynthetic substances or synthetic substances listed in this section and used as an active pesticide ingredient in accordance with any limitations on the use of such substances. (1) EPA List 4 – Inerts of Minimal Concern.

**Technical Report:** [2015 Limited Scope TR: Nonylphenol ethoxylates \(NPEs\)](#)

**Petition(s):** N/A

**Past NOSB Actions:** 02/1999 NOSB minutes and vote; 11/2005 NOSB sunset recommendation; [04/2010 recommendation](#), [10/2010 NOSB sunset recommendation](#); [10/ 2012 NOSB recommendation](#); [10/2015 NOSB sunset recommendation](#)

**Recent Regulatory Background:** Sunset renewal notice published 06/06/12 ([77 FR 33290](#)); Sunset renewal notice published 03/21/2017 ([82 FR 14420](#))

**Sunset Date:** 3/15/2022

### [Subcommittee Review](#)

#### **NOSB Review:**

The NOSB received extensive public comments for and against removal of this listing. Many industry stakeholders expressed concerns about voting to remove this listing without a viable alternative to evaluate materials that are needed in product formulations. Others argued that this listing should be removed since it is invalid in that it references an abandoned EPA list and that there may be specific compounds within this list that have public health concerns. Given the concerns about possible disruption to the organically approved pesticide industry and crop production, the Board, by a split vote, recommended relisting EPA List 4 at 205.601(m) on the National list but strongly encourages the NOP to initiate steps to implement prior NOSB recommendations to develop a revised and transparent list of approved inerts that meet OFPA criteria.

Pursuant to that goal, the Board unanimously passed the following resolution immediately after voting to recommend relisting of the EPA List 4:

In voting to relist EPA List 4 Inerts of Minimal Concern, the NOSB recognizes the vital importance of the substances included in this listing to the organic industry. However, in referencing a list that is no longer maintained, using a list on which no new substances can be added, and not allowing for review of individual or groups of materials, the use of List 4 ingredients on the National List is problematic and outdated. The NOSB recognizes that a viable program allowing for the review and use of these substances must be created before this listing can be removed. Therefore, the NOSB asks that the National Organic Program do the following:

- 1) work with the NOSB to develop a viable alternative process that allows for the review of many of the substances presently on EPA List 4 and has minimal disruption to the organic industry;
- 2) for substances that do not meet OFPA criteria for listing, work to provide a sufficient period for industry to change formulations and receive regulatory approval for the new formulations;
- 3) coordinate regularly with the NOSB on progress to develop an alternative to the EPA List 4 Inerts of Minimal Concern that allows for stakeholder input and the removal of the reference to EPA List 4 inerts on the National List.

**NOSB Vote:**

Motion to remove EPA List 4 - inerts of minimal concern from §205.601 of the National List based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b): 7 U.S.C.

6518(m)(1) - (7)

Motion by: Asa Bradman

Seconded by: Wood Turner

Yes: 6 No: 9 Abstain: 0 Absent: 0 Recuse: 0

Motion failed

## Arsenic

**Reference:** 205.602(b)

**Technical Report:** none

**Petition(s):** N/A

**Past NOSB Actions:** 04/1995 NOSB minutes and vote; 11/2005 NOSB sunset recommendation; [10/2010 NOSB sunset recommendation](#); [10/2015 NOSB sunset recommendation](#)

**Recent Regulatory Background:** Sunset renewal notice published 06/06/12 ([77 FR 33290](#)); Sunset renewal notice published 03/21/2017 ([82 FR 14420](#))

**Sunset Date:** 3/15/2022

### [Subcommittee Review](#)

**NOSB Review:**

Based on the Crops Subcommittee review and public comment reiterating the widespread environmental harm and human health concerns, the NOSB determined that arsenic still does not meet the OFPA criteria and sees no reason to recommend removing it from its prohibited status on the National List.

**NOSB Vote:**

Motion to remove arsenic from §205.602 of the National List based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b): N/A

Motion by: Jesse Buie

Seconded by: Emily Oakley

Yes: 0 No: 15 Abstain: 0 Absent: 0 Recuse: 0

Motion failed

## Strychnine

**Reference:** 205.602(i)

**Technical Report:** none

**Petition(s):** N/A

**Past NOSB Actions:** 04/1995 NOSB minutes and vote; 11/2005 NOSB sunset recommendation; [10/2010 NOSB sunset recommendation](#); [10/2015 NOSB sunset recommendation](#)

**Recent Regulatory Background:** Sunset renewal notice published 06/06/12 ([77 FR 33290](#)); Sunset renewal notice published 03/21/2017 ([82 FR 14420](#))

**Sunset Date:** 3/15/2022

### [Subcommittee Review](#)

**NOSB Review:**

Based on the Crops Subcommittee review and public comment reiterating the widespread environmental harm and human health concerns, the NOSB determined that strychnine still does not meet the OFPA criteria and sees no reason to recommend removing it from its prohibited status on the National List.

**NOSB Vote:**

Motion to remove strychnine from §205.602 of the National List based on the following criteria in the Organic Foods Production Act (OFPA) and/or 7 CFR 205.600(b): N/A

Motion by: Jesse Buie

Seconded by: Rick Greenwood

Yes: 0 No: 15 Abstain: 0 Absent: 0 Recuse: 0

Motion failed