



Sunset 2015 Review List - Request for Public Comment Handling Substances

***Reviewed and revised: February 26, 2014**

Introduction

As part of the [Sunset Process](#), the National Organic Program (NOP) announces substances on the National List of Allowed and Prohibited Substances (National List) that are coming up for sunset review by the National Organic Standard Board (NOSB). The following list announces substances that are on the National List for use in organic handling which must be reviewed by the NOSB and renewed by the NOP before their sunset dates in 2015. This list provides the substance's current status on the National List, use description, references to past technical reports, past NOSB actions, and regulatory history, as applicable. If a new technical report has been requested for a substance, this is noted in this list. To see if any new technical report is available, please check for updates under the substance name in the [Petitioned Substances Database](#).

Request for Comments

While the NOSB will not complete its review and any recommendations on these substances until the Fall 2014 public meeting, the NOP is requesting that the public provide comments about these substances to the NOSB as part of the Spring 2014 public meeting. These comments should be provided through www.regulations.gov by [April 8, 2014](#) as explained in the meeting notice published in the [Federal Register](#) on March 10, 2014.

The Handling Subcommittee has posed specific questions to solicit public comments regarding two of the substances, marsala and sherry (fortified cooking wines), due for sunset review by 2015. These questions are included in the listing below.

It is important for the public to engage in the Sunset Process early. We strongly encourage submission of comments on these substances in advance of or at the spring 2014 meeting. Providing your comments early is important to: 1) ensure that the NOSB has adequate time and information to develop any proposals to remove substances based on this information before its fall 2014 meeting; and, as such 2) provide stakeholders adequate opportunity to comment on any proposals to remove substances before NOSB votes and makes a recommendation at its fall 2014 meeting.

These comments are necessary to guide the NOSB's review of each substance against the criteria in the Organic Foods Production Act (7 U.S.C. 6518(m)) and the USDA organic regulations (7 CFR 205.600). The current substances on the National List were originally recommended by the NOSB based on evidence available to the NOSB at the time of their last review which demonstrated that the substances were found to be: (1) not harmful to human health or the environment, (2) necessary because of the unavailability of wholly nonsynthetic alternatives, and (3) consistent and compatible with organic practices.

Public comments should focus on providing new information about a substance since its last NOSB review. Such information could include research or data that may support a change in the NOSB's determination for a substance.



Guidance on Submitting Your Comments

Comments should clearly indicate your position on continuing the allowance of substances on this list and explain the reasons for your position. You should include relevant information and data to support your position (e.g., scientific, environmental, manufacturing, industry impact information, etc.).

For Comments That Support Substances Under Review:

If you provide comments in support of an allowance of a substance on the National List, you should provide new information demonstrating that the substance is:

- (1) not harmful to human health or the environment;
- (2) necessary to the production of the agricultural products because of the unavailability of wholly nonsynthetic substitute products; and
- (3) consistent with organic handling.

For Comments That Do Not Support Substances Under Review:

If you provide comments that do not support a substance on the National List, you should provide reasons why the use of the substance should no longer be allowed in organic production or handling. Specifically, comments that support the removal of a substance from the National List should provide new information since its last NOSB review to demonstrate that the substance is:

- (1) harmful to human health or the environment;
- (2) unnecessary because of the availability of alternatives; and
- (3) inconsistent with organic handling.

For Comments Addressing the Availability of Alternatives:

Comments may present information about the viability of alternatives for a substance under sunset review. Viable alternatives include, but are not limited to:

- o Alternative management practices that would eliminate the need for the specific substance;
- o Other currently exempted substances that are on the National List, which could eliminate the need for this specific substance; and
- o Other organic or nonorganic agricultural substances.

Your comments should address whether any alternatives have a function and effect equivalent to or better than the allowed substance, and whether you want the substance to be allowed or removed from the National List. Assertions about alternative substances, except for those alternatives that already appear on the National List, should, if possible, include the name and address of the manufacturer of the alternative. Further, your comments should include a copy or the specific source of any supportive literature, which could include product or practice descriptions; performance and test data; reference standards; names and addresses of producers or handlers who have used the alternative under similar conditions and the date of use; and an itemized comparison of the function and effect of the proposed alternative(s) with substance under review. The following table can help you describe recommended alternatives in place of a current substance that you do not want to be continued.

For Comments on Nonorganic Agricultural Substances at Section 205.606.

For nonorganic agricultural substances on section 205.606, the NOSB Handling Subcommittee requests current industry information regarding availability of and history of unavailability of an organic form of the substance in the appropriate form, quality, or quantity of the substance. The NOSB Handling Subcommittee would like to know if there is a change in supply of organic forms of the substance or demand for the substance (i.e. is an allowance for the nonorganic form still needed), as well as any new information about alternative substances that the NOSB did not previously consider.

**Table 1. Guidance on submitting comments for alternatives to substances on the National List.**

If the currently listed substance is used in...	And is a...	Then the recommended alternative should be a (an)...
Handling	Nonsynthetic (non-agricultural) substance	- Agricultural substance; or - Management practice.
Handling	Synthetic substance	- Another currently listed synthetic substance; - Nonsynthetic (non-agricultural) substance; or - Management practice.

Written public comments will be accepted through April 8, 2014 via www.regulations.gov. Comments received after that date may not be reviewed by the NOSB before the meeting.

SUNSET 2015: HANDLING SUBSTANCES

Gellan gum

Nonsynthetic

Use – As a nonagricultural (nonorganic) substance allowed as ingredient in or on processed products.

Listing: Gellan gum (CAS # 71010-52-1) – high acyl form only.

Technical Report: [2006](#)

Petition(s): [Gellan gum \(2004\)](#)

Past NOSB Actions: NOSB review and recommendation for addition to the National List – [04/22/08](#)

Regulatory Background: Proposed rule (including justification) published 06/03/09 (74 FR 26591), Added to National List 12/13/2010 ([75 FR 7751](#)).

Sunset Date: 12/14/2015

Reference: 7 CFR 205.605(a)

Tragacanth gum

Nonorganic Agricultural

Use – As nonorganically produced agricultural product allowed as ingredient in or on processed products.

Listing: Tragacanth gum (CAS #-9000-65-1).

Technical Report: none

Original Petition: [Tragacanth Gum \(PDF\)](#) (2007)

Past NOSB Actions: NOSB review and recommendation for addition to the National List [5/08](#)

Regulatory Background: Proposed rule (including justification) published 06/03/09 (74 FR 26591), Added to National List 12/13/2010 ([75 FR 7751](#)).

Sunset Date: 12/14/2015

Reference: 7 CFR 205.606(x)



Marsala

Nonorganic Agricultural

Use – As nonorganically produced agricultural product allowed as ingredient in or on processed products.

Listing: Fortified cooking wines. (1) Marsala

Technical Report: none

Petition(s): [Marsala](#), (2007).

Past NOSB Actions: NOSB review and recommendation for addition to the National List [11/30/07](#).

Regulatory Background: Proposed rule (including justification) published 06/03/09 (74 FR 26591), Added to National List 12/13/2010 ([75 FR 7751](#)).

Sunset Date: 12/14/2015

Specific Questions from Subcommittee:

As part of the Sunset review process, the Handling Subcommittee is considering putting forth a proposal to remove Marsala from 205.606 of the National List at the Fall 2014 public meeting. In anticipation of this, the Subcommittee seeks public input based on the following:

1. The Handling Subcommittee requests that the public provide comment regarding the commercial demand for marsala in organic products and provide comments on the impact that removing it from 205.606 would have on organic business and/or organic products.
2. Has industry attempted to locate organic sources of marsala and with what degree of success?
3. Are there other ingredients with suitable flavor profiles that could be used in place of marsala, given adequate transition time for ingredient inventory and label depletion?

Reference: 7 CFR 205.606(g)(1)

Sherry

Nonorganic Agricultural

Use – As nonorganically produced agricultural product allowed as ingredient in or on processed products.

Listing: Fortified cooking wines. (2) Sherry

Technical Report: none

Original Petition: [Sherry](#) (2007).

Past NOSB Actions: NOSB review and recommendation for addition to the National List, [05/08](#)

Regulatory Background: Proposed rule (including justification) published 06/03/09 (74 FR 26591), Added to National List 12/13/2010 ([75 FR 7751](#)).

Sunset Date: 12/14/2015

Specific Questions from Subcommittee:

As part of the Sunset review process, the Handling Subcommittee is considering putting forth a proposal to remove Sherry from 205.606 of the National List at the fall 2014 public meeting. In anticipation of this, the Subcommittee seeks public input based on the following:



1. The Handling Subcommittee requests that the public provide comment regarding the commercial demand for sherry in organic products and provide comments on the impact that removing it from 205.606 would have on organic business and/or organic products.

2. Has industry attempted to locate organic sources of sherry and with what degree of success?

3. Are there other ingredients with suitable flavor profiles that could be used in place of sherry, given adequate transition time for ingredient inventory and label depletion?

Reference: 7 CFR 205.606(g)(2)