

**Formal Recommendation by the
National Organic Standards Board (NOSB)
to the National Organic Program (NOP)**

Date: October 28, 2010

Subject: EPA List 4—Inerts of Minimal Concern for relisting on the
National List 205.601 as part of Sunset 2012

Chair: Daniel G. Giacomini

The NOSB hereby recommends to the NOP the following:

Rulemaking Action Relist EPA List 4—Inerts of Minimal Concern
Guidance Statement
Other

Statement of the Recommendation (Including Recount of Vote):

The Board recommends the continued listing of EPA List 4—Inerts of Minimal Concern on 205.601 Synthetics substances allowed for use in organic crop production by a count of 0 no and 14 yes votes.

Rationale Supporting Recommendation (including consistency with OFPA and NOP):

Following the recommendation of the Board at the Spring 2010 meeting regarding these materials, it is recommended that we re-list EPA List 4 inerts pending review by the program of inerts individually and as a class of materials. To allow these materials to sunset at this point would be too disruptive to the industry.

NOSB Vote:

Moved: Jeff Moyer		Second: Tina Ellor		
Yes: 14	No: 0	Abstain: 0	Absent: 0	Recusal: 0

**National Organic Standards Board
Crops Committee
2012 Sunset Recommendation
EPA List 4—Inerts of Minimal Concern**

September 9, 2010

List: §205.601 Synthetic substances allowed for use in organic crop production.

(m)As synthetic 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

Committee Summary

Following the recommendation of the Board at the Spring 2010 meeting regarding these materials, it is recommended that we re-list EPA List 4 inerts pending review by the program of inerts individually and as a class of materials. To allow these materials to sunset at this point would be disruptive to the industry.

Committee Recommendations

The Crops Committee recommends the continued listing of EPA List 4—Inerts of Minimal Concern on 205.601 Synthetics substances allowed for use in organic crop production.

Committee Vote

Motion: Jeff Moyer Second: Tina Ellor
Yes: 4 No: 2 Abstain: 0 Absent: 1

Minority Opinion

Given the statutory responsibility of the NOSB to evaluate allowable substances on the National List, including inert ingredients in pesticides, it is critical that the now defunct EPA *inert* ingredient listing process, on which the Board relied, be replaced as soon as possible by a new system of review, based on a collaboration between EPA, NOP and the NOSB. It is the minority opinion of the Crops Committee that a blanket five-year relisting of List 4 *inert* ingredients under the Sunset Review process is much too long because of the widespread use of these ingredients in product formulations and the current reliance on a now non-existent review process.

As is recognized by EPA and the guidance recommendation adopted by the NOSB at its April 2010 meeting, so-called inert ingredients—including those in products for use in organic systems—are not biologically and chemically inert. They may act as solvents, emulsifiers, synergists, or even active pesticidal ingredients. As we have seen from EPA's previous

delisting of numerous List 4 *inerts*, the review of these chemicals is not a static process, and listings are subject to change based on updated reviews, new science, and better understanding. Therefore, the NOSB must insist on an expeditious process to implement the inert ingredient guidance document adopted by the Board at its April 2010 meeting. It is the strong minority view of the Committee that the best way to express the Board's sense of urgency in upholding the legitimacy of its materials review process is to limit the time frame for relisting on the NL those chemicals previously on List 4 to three years. It is our hope and desire that the setting of a reasonable yet firm time frame will help to elevate the importance of this issue and move implementation ahead in the most expeditious fashion.

Barry Flamm and Jay Feldman

Respectfully submitted,
Tina Ellor, Chair
Crops Committee