

**FORMAL RECOMMENDATION BY THE  
NATIONAL ORGANIC STANDARDS BOARD (NOSB)  
TO THE NATIONAL ORGANIC PROGRAM (NOP)**

**Date:** April 29, 2010

**Subject:** Sunset Review of National List Materials prohibited for use in Crop production on 205.602.

**Chair:** Daniel G. Giacomini

**Recommendation**

The NOSB hereby recommends to the NOP the following:

Rulemaking Action:	X
Guidance Statement:	
Other:	X

**Summary Statement of the Recommendation** (including Recount of Vote): The NOSB voted 14 in favor and none opposed with one member absent to relist 7 materials on 205.602 Nonsynthetic substances prohibited for use in organic crop production.

**NOSB Vote:** Motion: Tina Ellor Second: Tracy Miedema

*Board vote: Yes - 14 No- 0 Abstain- 0 Absent - 1*

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

Please see the Crops Committee recommendation attached below. There were no public comments opposed to this recommendation.

**Response by the NOP:**

**National Organic Standards Board (NOSB)  
Crops Committee Recommendation**

**2012 Sunset Recommendations for Crops § 205.602  
for the April 2010 Meeting**

**March 3, 2010**

The following are recommendations regarding the 2012 sunset materials that the crops committee felt there was sufficient information available for them to make recommendations. Any materials not addressed in or deferred in this recommendation have been deferred until the next business meeting of the NOSB. Please refer to the posted spreadsheet for each committee for additional clarity on the 2012 sunset materials. The spreadsheet summarizes the materials being addressed at this meeting, and those being deferred until the next meeting.

**I. List: § 205.602 Nonsynthetic substances prohibited for use in organic crop production.**

**II. Category Use:**

The following nonsynthetic substances may not be used in organic crop production:

**III. Committee Summary**

In reviewing these materials for sunset, the Crops Committee used historical information in the form of TR's, past committee and board recommendations, prior public testimony and comment, transcripts of past NOSB board meetings, and prior committee deliberations to make this recommendation. The consensus of this committee was that we could find no compelling evidence that taking these materials off of the prohibited list would be beneficial for organic production or viewed at all favorably by organic consumers. The Federal Register notice of the sunset of these materials has not been posted as of the final deadline for committee review to be included on the agenda of the April 2010 NOSB meeting. Public comments subsequent to this recommendation will be taken into consideration for the final board vote.

**IV. Committee Recommendation**

The committee recommends renewal of the following materials:

- (a) Ash from manure burning.
- (b) Arsenic.
- (d) Lead salts.
- (e) Potassium chloride—unless derived from a mined source and applied in a manner that minimizes chloride accumulation in the soil.
- (f) Sodium fluoaluminate (mined).
- (h) Strychnine.
- (i) Tobacco dust (nicotine sulfate).

Moved: Barry Flamm; Seconded: Jeff Moyer

Vote: Yes: 6; No: 0; Absent: 1; Recuse: 0

Respectfully submitted,

Tina Ellor  
Crops Committee Chair