



United States
Department of
Agriculture

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1400 Independence Avenue, S.W.
Room 2646-S, Mail Stop 0268
Washington, D.C. 20250-0268

December 9, 2013

MEMORANDUM TO THE NATIONAL ORGANIC STANDARDS BOARD

FROM: Miles V. McEvoy
Deputy Administrator
National Organic Program (NOP)

SUBJECT: Review of National List Petition for Phosphoric Acid

The purpose of this memorandum is to request that the National Organic Standards Board (NOSB) add to its workplan for the fall 2014 NOSB meeting the review of a National List petition that was submitted to the National Organic Program (NOP) as described below.

On July 16, 2002, NOP received a petition requesting the addition of phosphoric acid to section 205.601 of the National List for pH adjustment of aquatic plant extracts.

On February 6, 2004, NOP notified the petitioner that the petition was not necessary since the use of phosphoric acid was not prohibited under the current annotation for aquatic plant extracts on section 205.601 of the National List. NOP understands that this interpretation has been questioned by some certifying agents and material evaluation programs. In response to these questions, NOP requests that the NOSB take up this petition for consideration and clarify whether the use of acids for pH adjustment is consistent with the existing use annotation for aquatic plant extracts on the National List.

Updated Petition

Due to the time that has elapsed between the original submission in 2002 and this memo, NOP anticipates that the petitioner may want to revise their petition submission to include any updated information that may be available. The original petition submission from 2002 is currently available on the NOP Web site at www.ams.usda.gov/NOPNationalList.

If NOP does not receive an amended petition by January 31, 2014, NOP requests that the NOSB move forward with the petition as originally submitted in 2002.

Current Status and Next Steps

NOP understands that input manufacturers, input suppliers, and certified operations may have made business decisions regarding the use of this petitioned material based on previous NOP correspondence. NOP does not expect operations to change their current business practices in response to this memo.



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If the NOSB recommends an amendment to the listing for aquatic plant extracts at its fall 2014 NOSB meeting, NOP would review the NOSB recommendation and implement necessary changes through the rulemaking process.

If the NOSB determines that the petitioned use does not comply with the regulations and that an amendment to allow for its use should not be made, NOP will instruct certified operations to phase-out their use of this material. In this case, NOP would issue a notification after the NOSB's decision which would specify the timeframe for such a phase-out.

Attachment: NOP Letter to Acadian Seaplants Limited; February 6, 2004



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STOP 0268 – Room 4008-S
1400 Independence Avenue, SW.
Washington, D.C. 20250-0200

February 6, 2004

David Hiltz, M. Sc.
Research Scientist
Acadian Seaplants Limited
30 Brown Avenue
Dartmouth, Nova Scotia
B3B 1X8 CANADA

Dear Mr. Hiltz:

The National Organic Program has evaluated Acadian Seaplants Limited's petition to allow phosphoric acid to be used as a pH adjuster in aquatic plant extracts. We have determined that the substance, for the specific petitioned use, does not have to be petitioned because its use as a pH adjuster in aquatic plant extracts is currently not prohibited through the inclusion of "aquatic plant extracts" in section 205.601(j)(1) of the National Organic Standards.

Aquatic plant extracts are allowed for use as synthetic substances, in organic crop production. The only restrictions specified with the inclusion of aquatic plant extracts on the National List are that:

1. the extraction process is limited to the use of potassium hydroxide or sodium hydroxide, and
2. the solvent amount used is limited to the amount necessary for extraction.

No other restrictions are identified. Therefore, aquatic plant extracts, as long as manufactured consistent with the restrictions specified in section 205.601(j)(1), are allowed as synthetic substances for use in organic crop production, including the use of phosphoric acid to adjust the pH of the aquatic plant extracts.

If you should have further questions, please contact us at (202) 720-3252.

Respectfully,

A handwritten signature in black ink, appearing to read "Arthur L. Neal", written in a cursive style.

Arthur L. Neal
Agricultural Marketing Specialist
National Organic Program