

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

Date: April 29, 2010

Subject: 2012 Sunset Materials List 205.601 Synthetic substances allowed for use in organic crop production

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, 0 opposed, 1 member absent to renew listings of 26 materials in 6 category usages on 205.601 Synthetic substances allowed for use in organic crop production. One vote was taken for the entire 26 materials, which are listed in the recommendation below.

NOSB Vote: **Motion: Tina Ellor** **Second: Jeff Moyer**

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

Summary Rationale Supporting Recommendation (including consistency with OFPA and NOP): Statements from the Crops Committee explaining the rationale supported through the NOSB action are included in all of the use categories in the recommendation, attached.

Response by the NOP:

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

**2012 Sunset Recommendations for Crops § 205.601
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: § 205.601 Synthetic substances allowed for use in organic crop production.

II. Category Use

- (a) As algicide, disinfectants, and sanitizer, including irrigation system cleaning systems.

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 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(s):

The Crops Committee recommends the renewal of the following materials:

- (4) Hydrogen peroxide.
- (7) Soap-based algicide/demossers.

Moved: Jeff M. Seconded: Tina E. Vote:
Yes_6_No_0__Absent__1__Recuse__0__

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

II. Category Use

(b) As herbicides, weed barriers, as applicable.

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 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 Crops Committee recommends the renewal of the following materials in this use category:

(1) Herbicides, soap-based—for use in farmstead maintenance (roadways, ditches, right of ways, building perimeters) and ornamental crops. Based on changes in coating and manufacturing technologies of paper and cardboard and plastic and the introduction into the market place of possible alternatives, the Crops Committee recommends deferring relisting decisions of the following until updated technical information is obtained:

(2) Mulches.

- (i) Newspaper or other recycled paper, without glossy or colored inks.
- (ii) Plastic mulch and covers (petroleum-based other than polyvinyl chloride (PVC)).

Moved: Barry Flamm Seconded: Tina Ellor

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

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

II. Category Use

(d) As animal repellents—Soaps, ammonium—for use as a large animal repellent only, no contact with soil or edible portion of crop.

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 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 Crops Committee recommends the renewal of the following materials:

- (d) As animal repellents—Soaps, ammonium—for use as a large animal repellent only, no contact with soil or edible portion of crop.

Moved: Barry Flamm Seconded: John Foster

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

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

II. Category Use

- (e) As insecticides (including acaricides or mite control).

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. During committee discussions for the relisting of sulfur issues regarding the purity of sulfur used came up. At the May 2009 NOSB meeting, the Board recommended adding on farm generation of sulfurous acid to the National List using 99% purity elemental sulfur. The Crops Committee would like to see the same purity standard be extended to other sulfur use categories. In discussing Boric Acid, taking into consideration changes in the industry in terms of application technologies; the committee would like to see a change considered in the current annotation to read 'in lures and baited traps only for structural pest control, not direct contact with organic food or crops. The committee would be interested in addressing a petition to that effect and to public comment regarding this change. 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 Crops Committee recommends the renewal of the following materials:

- (1) Ammonium carbonate—for use as bait in insect traps only, no direct contact with crop or soil.
- (2) Boric acid—structural pest control, no direct contact with organic food or crops.
- (3) Elemental sulfur.
- (4) Lime sulfur—including calcium polysulfide.
- (5) Oils, horticultural—narrow range oils as dormant, suffocating, and summer oils.
- (6) Soaps, insecticidal.
- (7) Sticky traps/barriers.
- (8) Sucrose octanoate esters (CAS #s—42922–74–7; 58064–47–4)—in accordance with approved labeling.

Moved: Tina Ellor Seconded: Kevin Engelbert

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

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

II. Category Use

- (i) As plant disease control.

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. During committee discussions for the relisting of sulfur issues regarding the purity of sulfur used came up. At the May 2009 NOSB meeting, the Board recommended adding on farm generation of sulfurous acid to the National List using 99% purity elemental sulfur. The Crops Committee would like to see the same purity standard be extended to other sulfur use categories. 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 Crops Committee recommends the renewal of the following materials:

- (3) Hydrated lime.
- (4) Hydrogen peroxide.
- (5) Lime sulfur.
- (6) Oils, horticultural, narrow range oils as dormant, suffocating, and summer oils.
- (8) Potassium bicarbonate.
- (9) Elemental sulfur.

The EPA has recently reviewed copper containing compounds and the Crops Committee wanted to review that information before further deliberating on the relisting of Fixed Coppers and Copper Sulfate. There have been advances in development of alternatives for antibiotic use in control of fire blight and the crops committee felt it necessary to have updated technical information on alternative treatments to Streptomycin before completing the review of this material for sunset. The committee recommends deferring board vote on the following materials until updated technical information can be obtained:

- (1) Coppers, fixed—copper hydroxide, copper oxide, copper oxychloride, includes products exempted from EPA tolerance, *Provided*, That, copper-based materials must be used in a manner that minimizes accumulation in the soil and shall not be used as herbicides.
- (2) Copper sulfate—Substance must be used in a manner that minimizes accumulation of copper in the soil.
- (10) Streptomycin, for fire blight control in apples and pears only.

Moved: Barry F. Seconded: Jeff M. Vote: Yes_6_No_0_Absent_1__Recuse_0__

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

II. Category Use

- (j) As plant or soil amendments.

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. During committee discussions for the relisting of sulfur issues regarding the purity of sulfur used came up. At the May 2009 NOSB meeting, the Board recommended adding on farm generation of sulfurous acid to the National List using 99% purity elemental sulfur. The Crops Committee would like to see the same purity standard be extended to other sulfur use categories. In discussing micronutrients, taking into consideration their large use, the committee would like to see the adoption of an annotation to ensure full assessments and analysis to establish the specific need for these materials, with attention to the site's existing soil fertility program, natural fertilization practices, and alternative nonsynthetic materials. 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 Crops Committee recommends the renewal of the following materials:

- (1) Aquatic plant extracts (other than hydrolyzed)—Extraction process is limited to the use of potassium hydroxide or sodium hydroxide; solvent amount used is limited to that amount necessary for extraction.
- (2) Elemental sulfur.
- (3) Humic acids—naturally occurring deposits, water and alkali extracts only.
- (6) Micronutrients—not to be used as a defoliant, herbicide, or desiccant. Those made from nitrates or chlorides are not allowed. Soil deficiency must be documented by testing.
 - (i) Soluble boron products.
 - (ii) Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt.

(7) Liquid fish products—can be pH adjusted with sulfuric, citric or phosphoric acid. The amount of acid used shall not exceed the minimum needed to lower the pH to 3.5.

(8) Vitamins, B₁, C, and E.

Moved: Tina Ellor Seconded: Kevin Engelbert

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

Respectfully submitted,

Tina Ellor
Crops Committee Chair