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February 1, 2012

Dear PCO Client:

The National Organic Program has recently published two proposed rules regarding 2012 Sunset Review of substances on the National List and Sunset Review (2012) for Nutrient Vitamins and Minerals. A brief summary of each of the documents is included below, along with public comment information. Certified organic operators are encouraged to submit written public comments regarding any of the proposed documents that may affect organic production on their operation.

National Organic Program; Sunset Review (2012) Proposed Rule

Docket #: AMS-NOP-09-0074; NOP-09-01PR

Comments Due: **February 13, 2012**

- Most substances that were reviewed by the National Organic Standards Board as part of the 2012 sunset review process were recommended to be relisted as they currently are on the National List. The following substances were recommended to be relisted with the noted annotation changes:
 - Chlorine Materials (on crops list) – For pre-harvest use, residual chlorine levels in water in direct crop contact or as water from cleaning irrigation systems applied to soil must not exceed the maximum residual disinfectant limit under the Safe Water Drinking Act, except that chlorine products may be used in edible sprout production according to EPA label directions.
 - This annotation change brings the chlorine listing in line with the NOP Chlorine Guidance Document.
 - Lignin Sulfonate – chelating agent, dust suppressant
 - Streptomycin – For fire blight control in apples and pears only until October 21, 2014
 - Yeast – When used as food or a fermentation agent, yeast must be organic if its end use is for human consumption; non-organic yeast may be used when equivalent organic yeast is not commercially available. Growth on petrochemical substrate and sulfite waste liquor is prohibited. For smoked yeast, nonsynthetic smoke flavoring process must be documented.

- Colors derived from agricultural products – Must not be produced using synthetic solvents and carrier systems or any artificial preservative.
- Hops – until January 1, 2013
 - After January 1, 2013 hops will be removed from the list (§205.606) and therefore must be organic for use in products sold, labeled or represented as “organic.”
- Pectin – Pectin (low-methoxy) is being proposed to be removed. Pectin (high-methoxy) is being annotated as follows: Pectin – non-amidated forms only.

National Organic Program; Sunset Review (2012) for Nutrient Vitamins and Minerals Proposed Rule

Docket #: AMS-NOP-10-0083; NOP-10-09PR

Comments Due: **March 12, 2012**

- This proposal recommends the following annotation change to vitamins and minerals:
 - Vitamins and Minerals. For food – vitamins and minerals identified as essential in 21 CFR 101.9. For infant formula – vitamins and minerals as required by 21 CFR 107.100 or §107.10.
- Upon issuance of a final rule, there will be a two-year implementation period.
- Any substance not specifically addressed in the above annotation would need to be petitioned to the NOSB.

Regarding the above proposed rules, comments can be made by going to www.regulations.gov, searching for the docket number (referenced above) and following the instructions for submitting comments. You may also mail comments to Toni Strother, Agricultural Marketing Specialist, National Organic Program, USDA-AMS-NOP, 1400 Independence Ave., SW., Room 2646-So., Ag Stop 0268, Washington, DC 20250-0268. Written comments submitted by mail must reference the docket number.

Thank you,



Kyla Smith
Policy Director