

## Sunset 2012 Final Rule Questions and Answers

### What actions did the Sunset 2012 final rule take?

The Sunset 2012 final rule, published June 6, 2012, renewed over 200 listings that were scheduled to expire this year for substances allowed or prohibited in organic agriculture. These changes to the USDA organic regulations were initiated by recommendations from the National Organic Standards Board (NOSB)—a USDA-appointed citizen advisory committee—and were supported by public comments.

This action's amendments to the National List of Allowed and Prohibited Substances are summarized below. To determine the action taken on each Sunset 2012 listing, view the final rule at <http://1.usa.gov/sunset-2012-faqs>.

### Can I still use sulfur dioxide (smoke bombs) to control rodents in organic crop production?

No. Effective October 21, 2012, sulfur dioxide (smoke bombs) will no longer be allowed for rodent control in organic crop production. The only synthetic input allowed as a rodenticide after October 21, 2012 is vitamin D<sub>3</sub> (cholecalciferol).

Farms that used sulfur dioxide prior to October 21, 2012, may sell, label, or represent their products as organic. Use of sulfur dioxide smoke bombs after October 20, 2012, is prohibited.

### Have the allowed uses for lignin sulfonate in organic crop production changed?

No. The allowance of lignin sulfonate as a chelating agent, as a dust suppressant, and as a floatation agent have been renewed. Lignin sulfonate was previously listed as a floatation agent in two different listings under 7 CFR § 205.601. To remove this duplicate listing, the National Organic Program removed "floatation agent" from the USDA organic regulations § 205.601(j)(4) listing and renewed the existing listing in § 205.601(l)(1).

Regulatory language effective June 27, 2012:

§ 205.601

- (j) As plant or soil amendments.
- (4) Lignin sulfonate – chelating agent, dust suppressant.

§ 205.601

- (l) As floating agents in postharvest handling.
- (1) Lignin sulfonate.

### How has the allowance for chlorine materials in organic crop production been clarified?

The previous listing for chlorine materials in organic crop production read:

§ 205.601

(a)(2) Chlorine materials - *Except*, That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act.

- (i) Calcium hypochlorite.
- (ii) Chlorine dioxide.
- (iii) Sodium hypochlorite.

Effective June 27, 2012, the use of chlorine materials in organic crop production has been clarified:

§ 205.601

(a)(2) Chlorine materials - For pre-harvest use, residual chlorine levels in the 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 Drinking Water Act, except that chlorine products may be used in edible sprout production according to EPA label directions.

- (i) Calcium hypochlorite.
- (ii) Chlorine dioxide.
- (iii) Sodium hypochlorite.

Use of chlorine materials after June 26, 2012, must meet the new requirements.

### What about streptomycin in organic apple and pear production?

Streptomycin is currently allowed to control fire blight bacteria in organic apple and pear orchards. This action will extend this allowance through October 21, 2014:

§ 205.601

(i)(11) Streptomycin, for fire blight control in apples and pears only until October 21, 2014.

### Have the allowed sources of potassium iodide in organic handling changed?

No. Previously, there were separate synthetic and non-synthetic listings for potassium iodide, a source of iodine used to fortify organic processed products. Since potassium iodide is allowed under both the current nutrient vitamins and minerals listing on § 205.605(b) and the National Organic Program's proposed amendment, it does not need to be listed separately on § 205.605(b). Therefore, the National Organic Program removed the duplicate allowance of synthetic forms and renewed the existing allowance of non-synthetic forms.

Renewed listings effective June 27, 2012:

§ 205.605(a)  
Potassium iodide.

This action only removes a duplicate allowance; it does not change the sources of potassium iodide that may be added to processed organic products. Both synthetic and non-synthetic forms of potassium iodide will continue to be allowed.

### **What types of colors may I use in processed organic products?**

Under the USDA organic regulations, section 205.606, 19 agricultural, non-organic colors may be used if organic colors are not commercially available. Effective June 27, 2012, any of these 19 non-organic colors that are added to organic processed products when organic colors are not commercially available will be subject to additional restrictions. The non-organic colors must be produced without synthetic solvents and carrier systems and without any artificial preservatives. Substances currently listed at § 205.605(b) of the National List will still be allowed in the production of nonorganic colors under the amendment.

Regulatory language effective June 27, 2012:

§ 205.606  
(d) Colors derived from agricultural products – Must not be produced using synthetic solvents and carrier systems or any artificial preservative.

While this amendment is effective on June 27, 2012, the organic food industry will have until June 27, 2013 to reformulate organic products and fully comply with these new requirements.

### **What types of hops may I use in processed organic products?**

Effective January 1, 2013, all hops used in processed organic products must be certified organic. After this date, non-organic hops will no longer be allowed in processed products.

Organic products already in stream of commerce prior to January 1, 2013 (i.e., those manufactured, in storage, or on shelves, labeled, and ready for shipment), can still be sold as organic after the January 1, 2013, effective date.

Organic products manufactured on or after January 1, 2013, need to comply with the new requirements.

### What types of pectin can I use as ingredients in processed organic products?

Until June 27, 2012, you may use synthetic, low-methoxy pectin (per § 205.605(b)). Or, if organic pectin is not commercially available, you may use non-organic, agricultural forms of high-methoxy pectin (per § 205.606).

Beginning June 27, 2012, if commercially available, all pectin used in organic processed products must be organic. If organic pectin is not commercially available, you may use either high-methoxy or low-methoxy pectin, as long as it has not been amidated (treated with ammonia to cause structural changes).

Regulatory language effective June 27, 2012:

§ 205.606

(t) Pectin (non-amidated forms only).

Organic products already in stream of commerce prior to June 27, 2012 (e.g. those manufactured, in storage, or on shelves), can still be sold as organic after the June 27, 2012, effective date.

Organic products manufactured on or after June 27, 2012, need to comply with the new requirements.

### What types of yeast may I use in processed organic products?

Until October 21, 2012, non-synthetic, non-agricultural bakers, brewers, nutritional, and smoked yeast produced within specific parameters may be used in organic processed products.

Effective October 21, 2012, the forms of yeast that may be used in organic processed products depends on the end use of the product:

If used as an organic food ingredient or fermentation agent for human consumption, yeast must be certified organic if it is commercially available.

If the product isn't intended for human consumption (e.g., used in livestock feed), any non-synthetic, non-agricultural yeast that hasn't been grown on petrochemical substrate or used sulfite waste liquor may be used. For smoked yeast, nonsynthetic smoke flavoring process must be documented.

Regulatory language effective October 21, 2012:

§ 205.605(a)

Yeast – When used as food or a fermentation agent in products labeled “organic,” yeast must be organic if its end use is for human consumption; nonorganic yeast may be used when 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.

Organic products already in stream of commerce prior to October 21, 2012 (i.e., those manufactured, in storage, or on shelves), can still be sold as organic after the October 21, 2012, effective date.

Organic products manufactured on or after October 21, 2012, need to comply with the new requirements.