



BEYOND PESTICIDES

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March 27, 2014

National Organic Standards Board
Spring 2014 Meeting
San Antonio, TX

Re. CS: Sunset of sodium carbonate peroxyhydrate

These comments are submitted on behalf of Beyond Pesticides. Beyond Pesticides, founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to bridge the interests of consumers, farmers and farmworkers, advances improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and groups around the world.

Beyond Pesticides urges the Crops Subcommittee to oppose the relisting of sodium carbonate peroxyhydrate (SCP) as an algaecide. It has been found by the NOSB in its 2007 recommendation not to meet the OFPA criteria of essentiality, compatibility with organic production, and no impacts on human health and the environment. _____ It was added to the National List as an alternative to copper sulfate in rice, but there is no evidence that it has been adopted or is effective for that use. Under the new sunset process directed by the NOP, unless the CS proposes not to relist aqueous potassium silicate, it may not come before the full board for a vote on future use, as required by the sunset policy of the *Organic Foods Production Act* (OFPA) and, historically, the Board.

According to the Agricultural Market Service's (AMS) September 16, 2013 Federal Register notice, this NOSB meeting may be the last chance for public input on substantive matters affecting board and public consideration of sunset recommendations that will be voted on at a subsequent (presumably the next) NOSB meeting. Since AMS has cited new substantive information brought to a sunset voting meeting as "untimely," it is critical that technical reviews (TRs) and checklists are published to facilitate public comment at the meeting prior to a voting meeting. In the case of SCP, an updated TR has been published, but a checklist has not.

The new technical review has clarified some issues (line numbers in 2014 TR):

1. Undissolved SCP is toxic to birds when ingested and SCP is highly toxic to bees (lines 404-407);
2. There are several alternative materials and a number of alternative practices that can be used to control algae in rice (lines 436-528);

3. Because most natural waters have a high buffering capacity, the likelihood of a large environmental shift in pH as a result of the introduction of sodium carbonate peroxyhydrate is remote (lines 274-276); and
4. SCP is not permitted in organic production internationally (lines 164-202).

An important issue that needs to be addressed is whether SCP can be a replacement for copper sulfate. The comments that were posted regarding this during the most recent sunset of copper sulfate suggest that it cannot.

The Materials Subcommittee is proposing that Confidential Business Information (CBI) claims will no longer be accepted in petitions. If this policy is adopted, then new materials petitions will be at a disadvantage in having to disclose information not disclosed by previous petitioners. In the interest of fairness, therefore, materials should not be relisted during the sunset process unless the CBI claimed in the original petition is disclosed. In the case of sodium carbonate peroxyhydrate, the petitioner claimed as CBI sections of the petition including “part of the lab test results or portions of the BRAD for Sodium carbonate peroxyhydrate that mention the test results and/or MRID numbers that correspond to specific tests.”

This data should be disclosed, and it should be disclosed in a manner that allows public comment on it to be considered “timely.” Furthermore, since the BRAD (Biopesticides Registration Action Document) is a public document, at least part of the petitioner’s claim was improper.

Finally, the NOP announcement concerning sunset allows for only one kind of recommendation to come out of the subcommittee for consideration of the full board as a motion –a recommendation against relisting the sunset substance. Even if the subcommittee believes that SCP should be relisted, we believe that it is important for the full board to have the opportunity to consider a motion to delist sunset materials. To enable this, the CS must propose that SCP not be relisted.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar". The signature is written in a cursive, flowing style.

Terry Shistar, Ph.D.
Board of Directors