



Chemical Producers & Distributors Association

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VIA WWW.REGULATIONS.GOV

Melissa Bailey
Director, Standards Division
National Organic Program
USDA-AMS-NOP
Room 2646-South, Ag Stop 0268
1400 Independence Avenue, SW
Washington, DC 20250-0268

RE: National Organic Program, Sunset Review (2013); 76 Fed. Reg. 31495 (June 1, 2011); Advance Notice of Proposed Rulemaking and Request for Comments; AMS-NOP-11-0003; NOP-10-13.

Dear Ms. Bailey:

The Chemical Producers & Distributors Association (“CPDA”) appreciates this opportunity to comment on the above-referenced document (“ANPR”). We are the primary advocate on federal legislative and regulatory issues for generic pesticide registrants, adjuvant and inert ingredient manufacturers, and product formulators and distributors. Some of our members produce and distribute products and inert ingredients subject to the Organic Foods Production Act of 1990 (“OFPA”) and U.S. Department of Agriculture (“USDA”) regulatory actions, such as those set forth in the ANPR, which directly affect our members and their customers in the agricultural community.

The USDA has established a list of synthetic substances under the OFPA that are allowed and non-synthetic substances that are prohibited in organic crop and livestock production (“National List”). These exemptions and prohibitions must be reviewed by the National Organic Standards Board every 5 years or they will be removed from the National List. Some of the substances on the National List are pesticide inert ingredients that the U.S. Environmental Protection Agency (“EPA”) had compiled into four lists. Although EPA no longer uses those lists, the National Organic Program (“NOP”) continues to reference them in NOP regulations, and continues to rely on them in making regulatory decisions such as the allowed use of List 3 inert ingredients in passive pheromone dispensers addressed in this ANPR.

CPDA supports the NOP’s authorization of EPA-approved inerts in organic crop production and livestock production. However, we believe the NOP must now focus on timely establishment of a process for phasing out its reliance on the former EPA lists. EPA’s completion of its reassessment of inert tolerance exemptions and other inert regulatory decisions have made the four lists obsolete and, as the NOP acknowledges in its recently revised guidance,¹ the NOP regulations must be amended to reflect EPA’s recent actions. Therefore, CPDA urges the NOP to promulgate regulations that provide a procedural framework for including the results of EPA’s inert reassessment, and for facilitating seamless updating of the National List to add EPA’s ongoing inert ingredient approvals.

¹ *Guidance: Reassessed Inert Ingredients* (July 7, 2011).