



April 15, 2016

Ms. Michelle Arsenault  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Avenue, SW  
Room 2648-So., Ag Stop 0268  
Washington, DC 20250-0268

**Docket:** AMS-NOP-15-0085  
**RE: Policy Development Subcommittee –Sunset Review Efficient Work Load Reorganization (Discussion)**

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Policy Development Subcommittee’s Discussion Document on reorganizing the Sunset Review timeline to evenly distribute the workload and increase review efficiencies.

The Organic Trade Association (OTA) is the membership-based business association for organic agriculture and products in North America. OTA is the leading voice for the organic trade in the United States, representing organic businesses across 50 states. Its members include growers, shippers, processors, certifiers, farmers’ associations, distributors, importers, exporters, consultants, retailers and others. OTA’s Board of Directors is democratically elected by its members. OTA’s mission is to promote and protect organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

The Policy Development Subcommittee (PDS) is requesting feedback on three options for reorganizing the Sunset Review timeline that would take the 218 National List materials and spread their review evenly across a five-year timeline:

- Option A:** Straight division sequentially by reference number
- Option B:** Like grouping referred together, groupings combined to make even numbers
- Option C:** Same items grouped together, divided by reference and reordered sequentially

<b>Terminology Used</b>	<b>Current Sunset Cycle</b>	<b>Next Sunset Review Year</b>
0/5 cycle	2020 (reviewed in 2018)	2025 (reviewed in 2023)
1/6 cycle	2021 (reviewed in 2019)	2026 (reviewed in 2024)
2/7 cycle	2022 (reviewed in 2020)	2027 (reviewed in 2025)
3/8 cycle	2018 (reviewed in 2016)	2023 (reviewed in 2021)
4/9 cycle	2019 (reviewed in 2017)	2024 (reviewed in 2022)

**Summary**

OTA is supportive of NOSB’s efforts to improve the efficiency of the Sunset Review process as well as to distribute the workload. We recognize this could be done in a number of ways. While we are interested in a solution, we are neutral on the exact method used to get the job done provided the following outcomes

occur: 1) every input on the National List is reviewed every five years; 2) every item on the National List is reviewed completely against OFPA and National List Criteria; 3) the process is transparent and lends itself to a fair, objective and open public process with adequate time to comment.

In terms of reorganizing the Sunset Review timeline, we understand that the subcommittee prefers Option C. We have identified some additional “like” groupings that would help the organization of Technical Reviews and better facilitate review of similar materials and usages across the overall flow and efficiency of the review. We also have concerns about the review cycle for the 2017 sunset items that are reorganized into a 2019, 2020 and 2021 Sunset Cycle. We strongly agree with the subcommittee that materials reviewed early under the reorganization plan should be allowed to sunset on their original timeline. In order to ensure a fair review process, we request that NOSB also adopt a resolution that explicitly calls for a review that is based on information and known alternatives that are commercially available the year they will be reviewed (e.g. 2017) rather than alternatives that *may* be available in 2022.

### **OTA supports a complete, transparent and fair review process**

OTA agrees that a reorganization of the Sunset Review timeline may balance the workload and reduce strain on NOP, NOSB and organic stakeholders. If done right, this, in turn, should improve the quality and efficiency of the Sunset Review process.

With respect to reorganizing the review timeline, our top criteria are that it should be as impartial as possible and result in a complete, transparent and fair process.

### **National List Items That Are Reviewed Early**

OTA has concerns about the early review of National List items that were just reviewed during the 2017 Sunset Cycle. Under this proposal, several items that just completed the 2017 Sunset process would be subject to a 2019 Sunset date, which will result in a review beginning next year (2017).

The subcommittee explains in the discussion document:

“Items reviewed early under the reorganization plan should be allowed to sunset on their original timeline in 2022. To do this, the NOSB will modify their sunset review documents to specify a 2022 removal and work in collaboration with the program to delay rulemaking until 2022.”

OTA strongly agrees. It’s also important to recognize that NOSB will be voting on the renewal of these materials five years in advance of the actual removal date. Therefore, NOSB must be explicit in stating that during these first abridged Sunset Reviews, NOSB and stakeholders must make decisions based on the information available during the time of the review vs. what they think or project the situation might be in 2022. OTA requests that this be explicitly acknowledged through a resolution adopted by the full Board.

### **Grouping “Like” Items**

The subcommittee prefers Option C. Review of Appendix A in the Subcommittee Discussion Document reveals that additional grouping could help. If the intent is to be able to coordinate Technical Reviews and think about the items in terms of usage, we believe additional grouping beyond “Chlorine Materials” would be helpful. OTA suggests grouping the following “like” items:

- Crops
  - Mulches (Newspaper, plastic mulch & covers, biodegradable bio-based) & Compost Feedstocks (Newspapers or other recycled paper, without glossy or colored inks)
  - Micronutrients (Soluble boron products, Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt)
  - Vitamins (B1, C, E)
  - Pheromones and List 3
- Livestock
  - Parasiticides (Fenbendazole, Ivermectin, Moxidectin)
- Handling
  - Monoglyceride and Diglycerides
  - Colors (all colors under § 205.606)
  - Enzymes, Animal Enzymes, Yeast, Dairy Cultures and Microorganisms
  - Acids (Alginic, Citric, Lactic, L-Malic)
  - Waxes (Carnauba Wax and Wood Resin)
  - Gums (Guar, Locust, Gellan, Xanthan, Carob & Tragacanth)

### **Conclusion**

OTA supports NOSB's efforts to towards reorganizing the Sunset Review timeline provided the following outcomes occur:

1. Every input on the National List is reviewed every five years;
2. Every item on the National List is reviewed completely against OFPA and National List Criteria;
3. The review process is transparent and lends itself to a fair, objective and open public process with adequate time to comment;
4. If grouping occurs as suggested in Option C, additional "like" groupings are adopted as suggested in our comments;
5. National List items that are reviewed early under a reorganization plan should be allowed to sunset (for the first abridged Sunset Review) on their original timeline, and a resolution must be adopted to make decisions according to information available at the time of the review rather than the scheduled sunset date.

On behalf of our members across the supply chain and the country, OTA thanks the National Organic Standards Board for the opportunity to comment, and for your commitment to furthering organic agriculture.

Respectfully submitted,



Gwendolyn Wyard



Senior Director of Regulatory and Technical Affairs  
Organic Trade Association

cc: Laura Batcha  
Executive Director/CEO  
Organic Trade Association