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October 12th, 2010

The National Organic Standards Board
c/o Lisa Ahramjian, Executive Director
1400 Independence Avenue, SW
Room 2646 – So., Ag Stop 0268
Washington D.C. 20250-0268

RE: AMS-NOP-10-0068; NOP-10-08

Sunset Review Process – Policy Proposal

Dear NOSB Policy Development Committee members:

Oregon Tilth appreciates the work of the committee to clarify the Sunset Review Process. Please accept our comments on the three areas of attention central to a comprehensive sunset review:

1. We agree that the Sunset review must be a rigorous and comprehensive review process supported by a technical review document and public input that reevaluates and updates previous findings as to ensure that a decision to renew or restrict a currently listed material is fully informed and in compliance with the statutory standards. ***However if there are no new alternatives to materials previously voted on by the NOSB, then the burden of proof should not fall on industry to justify continued use. The material should be renewed so long as public comment supports the continued use.***
2. We agree that allowed materials under § 205.601 and § 205.603, § 205.605, and § 205.606 should be sunsetted or removed from the National List unless the Board takes affirmative action to retain their uses. Similarly, prohibited uses under sections § 205.602 and § 205.604 will sunset unless the Board takes action to relist. ***Affirmative action should be based on force of evidence that adequately demonstrates that an alternative has a function and effect that equals or surpasses the specific exempted substance.***
3. We support the Board’s ability to add or change annotations on applicable National List materials during the Sunset Process ***with limitations***. The change or addition, like any other recommendation, needs to be drafted at the committee level and posted on the NOP Website 60 days prior to NOSB vote. If the annotation fails at the committee level then the original listing of the material is voted on for sunset or renewal. We do not want to see annotation amendments or additions being made at the meeting without an opportunity for public comment.

Thank you for carefully considering Oregon Tilth's comments.

Respectfully submitted,

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Oregon Tilth, Inc.

Oregon Tilth, Inc. is a non-profit 501(c)(3) organization that supports and promotes biologically sound and socially equitable agriculture. Oregon Tilth offers educational events throughout the state of Oregon, and provides organic certification services to organic growers, processors, and handlers internationally. An NOP accredited certifier since 2002, Oregon Tilth currently certifies over 650 farms and ranches and over 600 handlers in more than 35 states affording us a broad perspective of current practices and challenges faced by organic producers and handlers. This perspective also extends to the anticipated successes and challenges that this discussion topic will affect upon them.