

Peter Crownfield

USDA needs to follow through on its duty to assess individual “inert” ingredients used in organic production. In this context, “inert” is a misleading legal term since the ingredient may be chemically or biologically active, but not included for purposes of attacking a target organism. The Organic Foods Production Act (OFPA) requires that no synthetic substance may be used in organic production unless evaluated and recommended by the NOSB and entered on the National List, which is contained in NOP regulations. In creating the original regulations, USDA—based on the recommendation of the National Organic Standards Board (NOSB)—decided to postpone the evaluation of so-called “inert” ingredients until active materials had been reviewed for the National List of Allowed and Prohibited Substances. Now USDA is accepting comments on an advance notice of proposed rulemaking (ANPR) on “inert” ingredients used in organic production. The ANPR reflects a lack of understanding on the part of the USDA authors of the character of so-called “inert” ingredients and the requirements of the Organic Foods Production Act, as well as the history of efforts by the NOSB to address this issue. USDA refers to time, effort, and work required to implement the NOSB’s recommended reviews of individual “inert” ingredients. These references are disingenuous at best, considering the time that has elapsed since the issue became critical when the Environmental Protection Agency (EPA) announced that it was no longer supporting the lists to which NOP regulations refer—16 years ago.