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Advanced Notice of Proposed Rulemaking with Request for Comments: **Producers and Handlers Affected**

I. Background

The Organic Foods Production Act (OFPA) authorizes the establishment of the National List of allowed and prohibited substances. The National List identifies synthetic substances (synthetics) that are allowed and nonsynthetic substances (nonsynthetics) that are prohibited in organic crop and livestock production. The National List also identifies nonsynthetics and synthetics that are allowed for use in organic handling.

The exemptions and prohibitions granted under the OFPA are required to be reviewed every 5 years by the National Organic Standards Board (NOSB). The Secretary of Agriculture has authority under the OFPA to renew such exemptions and prohibitions. If they are not reviewed by the NOSB within 5 years of their inclusion on the National List and renewed by the Secretary, their authorized use or prohibition expires. On March 14, 2008, the Federal Register announced the sunset (i.e. expiration) of 12 exempted substances that were added to the National List on September 12, 2006. This announcement established September 12, 2011 as the date by which the sunset review and renewal process must be concluded.

The NOP is initiating the sunset review and renewal process now, in order to provide ample opportunity for you to make your views known. Comments about the affected materials must be submitted to the following address on or before **May 13, 2008**.

II. The Materials Affected

Producers: Items that *may* be removed from the National List, 205.601, as of September 12, 2011

1. Hydrogen chloride (CAS #7647-01-0)
2. Ferric phosphate (CAS #10045-86-0)

Handlers: Items that *may* be removed from the National List, 205.605, as of September 12, 2011

1. Egg white lysozyme (CAS #9001-63-2)
2. L-Malic acid (CAS #97-67-6)
3. Microorganisms
4. Activated charcoal (CAS #s7440-44-0; 64365-11-3)
5. Cyclohexylamine (CAS #108-91-8)
6. Diethylaminoethanol (CAS #100-37-8)
7. Octadecylamine (CAS #124-30-1)

8. Peracetic acid/Peroxyacetic acid (CAS #79–21–0)
9. Sodium acid pyrophosphate (CAS #7758–16–9)
10. Tetrasodium pyrophosphate (CAS #7722–88–5)

The Next Steps

This advance notice begins the public comment process on whether the identified existing exemptions should be continued. Comments must be submitted to the following address on or before **May 13, 2008**.

• **Mail:** Robert Pooler, Agricultural Marketing Specialist, National Organic Program, USDA–AMS–TMP–NOP, 1400 Independence Ave., SW., Room 4008–So., Ag Stop 0268, Washington, DC 20250.

• **Internet:** www.regulations.gov.

Once comments are submitted, the NOP will forward them to the National Organic Standards Board (NOSB) for review. Following the NOSB review, the NOSB will make a formal recommendation to the Secretary regarding the continued exemption or prohibition of these materials. The NOP will then publish a proposed rule based on the NOSB recommendations. This proposed rule will provide an additional opportunity for the public to express their views. Comments received on the proposed rule will be used to develop a final rule.

For a complete discussion on the issue and guidance on the specific information that must be included in your public comment regarding the above materials, please go to <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5066815&acct=nopgeninfo>