



BEYOND PESTICIDES

701 E Street, SE ■ Washington DC 20003
202-543-5450 phone ■ 202-543-4791 fax
info@beyondpesticides.org ■ www.beyondpesticides.org

March 27, 2014

National Organic Standards Board
Spring 2014 Meeting
San Antonio, TX

Re. CS: Sulfurous acid sunset

These comments are submitted on behalf of Beyond Pesticides. Beyond Pesticides, founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to bridge the interests of consumers, farmers and farmworkers, advances improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and groups around the world.

According to the Agricultural Market Service's (AMS) September 16, 2013 Federal Register notice, this NOSB meeting may be the last chance for public input on substantive matters affecting board and public consideration of sunset recommendations that will be voted on at a subsequent (presumably the next) NOSB meeting. Since AMS has cited new substantive information brought to a sunset voting meeting as "untimely," it is critical that technical reviews and checklists are published to facilitate public comment at the meeting prior to a voting meeting. We are happy to see that in this case, the TR has been published. However, a checklist has not.

Beyond Pesticides urges the Crops Subcommittee to oppose the relisting of sulfurous acid to correct alkalinity in soil that has accumulated carbonates and bicarbonates through irrigation water in more arid regions. There are potential adverse impacts that have not been evaluated by the NOSB. Furthermore, under the new sunset process announced by the NOP, unless the Crops Subcommittee (CS) proposes not to relist sulfurous acid, it will not be reviewed and considered by the full board as required by OFPA.

The most recent technical review raises issues that have not been considered in the past. In particular:

1. The TR contains information about environmental impacts of sulfurous acid, particularly on soil organisms. (TR lines 333-336; 279-282)
2. There is information on alternative materials and practices that was not considered by the board in 2009 (TR lines 374-426)
3. It appears that sulfurous acid is used to correct the impacts of unsustainable irrigation practices. (TR lines 127-141)

4. This use of sulfurous acid is not permitted in organic agriculture in other countries. (TR lines 182-215)
5. Sulfurous acid delivers a synthetic plant nutrient, and is therefore a synthetic fertilizer. (TR lines 143-149)

The crucial question with respect to compatibility with organic practices is whether sulfurous acid is used to enable the continued use of unsustainable agricultural practices. The build-up of alkaline salts results from unsustainable agricultural practices. As stated by Richard Cowen of UC Davis,

Therefore, irrigation can only be maintained on a long-term basis in the following conditions. Water is applied in such a way that salt is not allowed to build up in the soil. Usually, this means that a lot of good-quality water is applied, and that drainage is rapid and efficient. Soils need a large infusion of fertilizer, to balance the flushing that is required to keep them salt-free.

A region that can be irrigated on a long-term basis thus has

- An abundant supply of good water.
- Well-drained soil.
- Good regional drainage.
- A supply of fertilizer for the soil.

If any of these conditions fails, the system will eventually fail. Such failures have brought down civilizations that solved the engineering and logistic problems of designing, building, and maintaining irrigation systems, but neglected the long-term effects of salinization or nutrient depletion. Long-term problems of irrigation may not appear for a long time: today, for example, the valleys and basins of the San Joaquin, Rio Grande, Indus, Nile, Murray-Darling, Jordan, and Tigris-Euphrates are being irrigated, with progressive and visible increases in salinization and water-logging, and no remedy in sight. Only a few civilizations based on irrigating dry country have lasted for any length of time: sensible civilizations should not try to grow wetland crops in arid climates.

The major success stories for civilizations based on agricultural irrigation are Egypt and China. The major stories of failure are happening right in front of us. In present-day California, a giant industry is trying to maintain an irrigation economy with a diminishing supply of poor-quality water, on clay soils with very poor natural drainage, in an almost landlocked plain with poor or non-existent regional drainage, applying water that has been stripped of its natural load of silt.¹

¹ Richard Cowen, "Ancient Irrigation," Chapter 17 of *Essays on Geology, History, and People*.
<http://mygeologypage.ucdavis.edu/cowen/~GEL115/115CH17oldirrigation.html> Accessed 12/29/2012.

Therefore, the NOSB needs to ask whether the “need” for sulfurous acid reflects unsustainable farming practices.

Because new information on the environmental impacts and compatibility of sulfurous acid is likely to arise between now and the next sunset date, future new information concerning relisting of sulfurous acid must be considered under the same terms as the original petition. Therefore, we attach a petition for annotation of the listing of sulfurous acid, which we request be considered simultaneously with the sunset listing. In the petition we request that the listing be annotated to read,

§205.601(j) As plant or soil amendments

(9) Sulfurous acid (CAS # 7782-99-2) for on-farm generation of substance utilizing 99% purity elemental sulfur per paragraph (j)(2) of this section, until July 7, 2020. May be used to remedy existing soil conditions. Not to be used to allow unsustainable irrigation practices. Not to be used as a source of sulfate or ongoing source of acidity. Current irrigation practices must not contribute to increased soil alkalinity and salt deposition.

Finally, the NOP announcement concerning sunset allows for only one kind of recommendation to come out of the subcommittee for consideration of the full board as a motion –a recommendation against relisting the sunset substance. Even if the subcommittee believes that sulfurous acid should be relisted, we believe that it is important for the full board to have the opportunity to consider a motion to delist sunset materials. To enable this, the CS must propose that sulfurous acid not be relisted.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar".

Terry Shistar, Ph.D.
Board of Directors