



1400 Independence Avenue, SW.
Room 3071-S, STOP 0201
Washington, DC 20250-0201

September 21, 2010

ACTION MEMORANDUM FOR THE CHAIRMAN OF THE NATIONAL ORGANIC STANDARDS BOARD

FROM: Miles V. McEvoy
Deputy Administrator
National Organic Program

A handwritten signature in blue ink, appearing to read "Miles V. McEvoy", written over a blue oval-shaped stamp or mark.

SUBJECT: Sodium nitrate (Chilean nitrate)

ISSUE

Sodium nitrate is prohibited under most organic standards outside of the U.S. Organic standards published by the International Federation of Organic Agriculture Movements (IFOAM) and Codex Alimentarius prohibit sodium nitrate. It has been and continues to be a stumbling block in international equivalence discussions and in gaining acceptance of U.S. organic products in international markets. In the organic standards equivalence arrangement between the U.S. and Canada, products produced using sodium nitrate are prohibited from sale as organic in Canada. Further, European Union organic regulations also prohibit the use of sodium nitrate, presenting the likelihood that allowed use of the material in the U.S. may also complicate efforts to achieve an equivalence agreement with the European Union.

In equivalence negotiations with foreign government representatives, NOP negotiating teams have experienced considerable difficulty in defending the U.S. use of sodium nitrate, given the widespread prohibitions against its use among our trading partners. Canada's objections to the use of the sodium nitrate has resulted in the need to provide for critical variances in our equivalence agreement with Canada, requiring verification that products certified to the NOP regulations have been produced without the use of sodium nitrate in order for the product to be accepted in Canada. Such requirements put a significant additional documentation burden which is inconsistent with the purpose of equivalence agreements in general.

BACKGROUND

Sodium nitrate (Chilean Nitrate) is a mined substance of high solubility used as a readily available source of nitrogen for crop production. Sodium nitrate appears on the National List of Allowed and Prohibited Substances at paragraph §205.602(g) as a nonsynthetic substance prohibited for use in organic crop production unless use is restricted to no more than 20 percent of the crops total nitrogen requirement.

At its 1995 meeting in Austin, Texas, the National Organic Standards Board (NOSB) recommended that sodium nitrate be allowed in organic crop production, but with significant restrictions:

“The use of Chilean Nitrate (16-0-0) in organic crop production is limited to not more than 20 percent of total nitrogen supplied to a crop. The producer's Farm Plan shall contain specific provisions and strategies designed to substantially reduce the use of Chilean Nitrate over time. The amount and timing of these reductions will be consistent with documented site specific constraints. The Farm Plan will seek to explore each and every alternative to the routine use of Chilean Nitrate in the farming system. These alternatives include, but are not limited to: composting, improvement of compost, leguminous cover crops, interplanting, rotations, microbial enhancements, animal manures, varietal selections, planting date alterations, and reducing amounts of applied supplemental nitrogen. The timing and efficiency of Chilean Nitrate applications shall be optimized and documented in the Farm Plan. Certifiers will monitor progress in the reduction of Chilean Nitrate use and will decertify farmers that develop long term dependence on this material. Strong farmer commitment, aggressive action, and measurable results are all necessary elements of this special use of Chilean Nitrate.”

REQUESTED ACTION

The allowance of sodium nitrate under the NOP regulations causes problems with obtaining equivalency with foreign organic standards. The NOP requests that the NOSB evaluate the annotation under §205.602(g) that allows sodium nitrate to be utilized under the NOP regulations and consider removing the annotation in order to facilitate trade for US organic agricultural products.