PICC **Potash Import & Chemical Corporation**
201 East 42nd Street, New York, NY 10017 / Phone (212) 697-4994 / Fax (212) 599-2778

December 11, 2001

National Organics Standards Board,
C/o Mr. Robert Pooler
Agricultural Marketing Specialist
USDA/AMS/TM/NOP
Room 2510-S0.,
Ag Stop 0268
P.O. Box 96456
Washington, D.C. 20090-6456

Phone: 202-720-3252
Fax: 202-205-7808
email: nlpetition@usda.gov

Re: Petition to allow Sulphate of Potash from PICC as an allowed substance for NOSN

Mr. Pooler:

Please allow this document to serve as our petition seeking evaluation of our Sulphate of Potash material as included on the National List of substances allowed for use in organic crop production .

As per the instructions outlined in the Federal Register, volume 65, no 135/ Thursday, July 13, 2000/ Proposed Rules, we include the following:

1) The substances common name is Sulphate of Potash (Potassium Sulphate)

2) The product is produced from naturally occurring minerals by

Kali & Salz GMBH
Bertha von Suttner Str. 7
D-34131 Kassel
Germany
Phone: (49) 561 9301-0
Fax: (49) 561 9301-1624

received
12/17/01

Biological Farmers of Australia Co-op Ltd

Certificate JUN 17 2002

for

Organic Certification

BASF AUSTRALIA

500 Princes Highway
MELBOURNE VIC 3174

Certification confers the right to label and market the below stated products or services with the following internationally recognised certified organic logo

AI320
BFA CERTIFIED
ORGANIC

The Biological Farmers of Australia (BFA), as an accredited organic certification provider with the Australian Quarantine Inspection Services (AQIS), deems this business to be fulfilling the requirements detailed in the AQIS National Standards for Organic and Biodynamic Produce and the BFA Organic Standards - Version 4, for

SULPHATE OF POTASH – KIESERITE – PATENT KALI

Authorisation: _____ Date: 28 May, 2002

Expiry Date: **30th September 2002**

BIOLOGICAL FARMERS OF AUSTRALIA

AUSTRALIA'S LARGEST ORGANIC & BIODYNAMIC CERTIFICATION BODY

BIOLOGICAL FARMERS OF AUSTRALIA CO OP LTD

info@bfa.com.au
www.bfa.com.au

PO Box 3404
Toowoomba Village Fair
Level 1, 456 Ruthven St
TOOWOOMBA QLD 4350

Ph: 07 4639 3299
Fax: 07 4639 3755

PICC **Potash Import & Chemical Corporation**
201 East 42nd Street, New York, NY 10017 / Phone (212) 697-4994 / Fax (212) 599-2778

3) The substance is currently used as a crop nutrient in agriculture, horticulture and forestry.

4) The substance is further used in the production of mineral and organic fertilizers .

5) Product is produced from naturally occurring minerals (see attached diagrams and descriptions).

6) See also attached (OMRI review)

7) Not applicable

8) The CAS number for Sulphate of Potash is 007778-80-5

9) The substance is chemically neutral and due to its low chlorine content is more favorable for the fertilization of chloride sensitive crops. Moreover it is the preferred potash source for soils prone to salinity and environmentally advantageous compared to other potash sources.

10) MSDS sheets are attached.

11) OMRI denied approval referring to the National List of Substances Allowed and Prohibited in Organic Production and Handling. But the National Organic Standards Board Crop Committee has put the product already on its decision list on October 15, 2001. Moreover Sulphate of Potash is already registrated by Commission Regulation No 1073/2000 of the European Communities (attached).

12) The product has been regarded as a synthetic substance by OMRI despite of the fact that it is only produced from naturally occurring mined minerals and therefore should not be treated differently than product produced from natural brines.

Hoping for a positive reply I remain

Sincerely Yours

Ernst Andres
President

BASF Australia Ltd.
ABN 62 008 437 867

BASF

BASF Australia Ltd. P.O. Box 4705 Melbourne, 3001

JUN 17 2002

Fertilisers

FACSIMILE

To:	Kali and Salz Attention: Ulrich Kleine-Kleffmann CC: Wolfgang Wild/Joachim Henrici	**Fax:**	+49 561 93854 5748 +49 561 9301 2226 +65 6323 3303
From:	Kate Patience	**Fax:** **Phone:**	(61 3) 9212 1503 (61 3) 9212 1429
		Email:	patienk@basf-australia.com.au
Date:	31 May 2002	**Pages:**	1 of 2
Subject:	Organic Certification		

Dear Ulrich

Please find a copy of our organic certification as requested.

Regards

Kate Patience

document3

This correspondence may contain privileged and confidential information and is intended solely for the use of the individual or entity to whom it is addressed. If you are not the intended recipient you must not disclose, distribute or use the information in it. If you have been sent this message in error please notify BASF Australia Ltd. immediately. Thank you for your co-operation.

500 Princes Highway,
Noble Park, Victoria, 3174
Telephone: (61 3) 9212 1500
Facsimile: (61 3) 9212 1511
Website: http://www.basf.com.sg

1. Identification of the substance/preparation

Name of product	**Potassium sulfate**
Manufacturer/distributor	Kali und Salz GmbH Friedrich-Ebert-Straße 160, D-34111 Kassel Postbox 10 20 29, D-34111 Kassel Phone (+49)561/301-0, Fax (+49)561/301-1436
Advice	Abt. COU Phone (+49)561/301-1604 Fax (+49)561/301-1436
Emergency advice	Abt. COU Phone (+49)561/301-1604

2. Composition/information on ingredients

CAS-No. 007778-80-5 **Potassium sulfate (K2SO4)**
EEC-No. (EINECS/ELINCS) 231-915-5

Additional advice
no

3. Special hazards information for man and environment

R-phrases
not applicable

Special hazards information for humans and environment
no

4. First aid measures

General information
In the event of persistent symptoms receive medical treatment.

In case of inhalation
Ensure of fresh air.
In the event of symptoms refer for medical treatment.

In case of skin contact
In case of contact with skin wash off with water.

In case of eye contact
In case of contact with eyes rinse thoroughly with water.

In case of ingestion
Rinse out mouth and give plenty of water to drink.

5. Fire-fighting measures

Suitable extinguishing material
Product does not burn, fire-extinguishing activitys according to surrounding.

Extinguishing material that may not be used for safety reasons
no

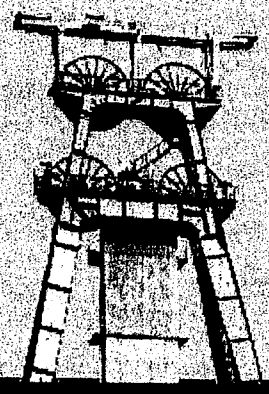
Special exposure hazards arising from the substance, combustiv products or resulting gases
In the event of fire the following can be released:
Sulfur oxide, K2O

Special protective equipment for firefighters
Do not inhale explosion and/or combustion gases.

Additional information
Collect contaminated firefighting water separately, must not be discharged into the drains.

K+S KALI GmbH

Sulfate of potash (SOP), schematic process flow sheet



Underground salt deposit

Raw ore obtained by mining

grinding

separation → NaCl

KCl

$MgSO_4$ (Kieserite)

crystallisation → $MgCl_2$

K_2SO_4

drying

compacting

SOP granular

SOP std.

HORTISUL

KALI

KTA-20010824

JUN 17 2002

6. Accidental release measures

Personal precautions
Avoid dust formation.

Environmental precautions
Do not discharge into the drains or bodies of water.

Methods for cleaning up/taking up
Avoid dust formation.
Disposal according to regulations.
Flush away residues with water.
Take up mechanically and send for disposal.

Additional information
Informations for safe handling look up chapter 7.
Informations for personal protective equipment look up chapter 8.
Informations for disposal look up chapter 13.

7. Handling and storage

Advice on safe handling
No special measures necessary if used correctly.
Take the usal precautions when handling with chemicals.

Advice on protection against fire and explosion
The product is not combustible.
No special measures necessary.

Requirements for storage rooms and vessels
No special measures required.

Advice on storage compatibility
Keep away from water.

Further information on storage conditions
Store in a dry place.

Storage group 10-13

Information on storage stability
Unlimited stability.

8. Exposure controls / personal protection

Additional advice on system design
no

Ingredients with occupational exposure limits to be monitored

CAS-No.	Name	Code	[mg/m³]	[ml/m³]	Remark
	dust	MAK	6		general limit(RFA)

Respiratory protection
In case of dust formation wear micro dust mask.

Hand protection
Rubber gloves

Eye protection
tightly fitting goggles

Skin protection
no

General protective measures
Avoid contact with eyes and skin
Do not inhale dust.

Kassel, 26. April 2002
KTA / Dr. Kleine-Kleffmann
☎ 0561 9301-2421
Fax -1816
kkorganicfarming1

KMA Ross

JUN 17 2002

Sulphate of potash

Enclosed please find the schematic production flow sheet:

SOP std.
Sulphate of potash (SOP) ex K+S KALI GmbH is obtained from naturally occurring salt deposits from potash mines. The raw ore is exploited by mining and the components are separated by a physical extraction process. Subsequently the so purified minerals Kieserite and Sylvite are initially dissolved together in water succeeded by the crystallisation of sulphate of potash. For the production of SOP K+S KALI GmbH is exclusively using the components of the mined crude salt. No other chemicals, like e. g. sulphuric acid are employed at any stage.

SOP ‚granular'
SOP 'granular' is produced out of SOP 'standard' in a dry compacting process by roller presses.

HORTISUL
Hortisul is SOP produced as described above but in a special crystalliser.

By EC-regulations 2092/91, 2381/94 respectively 1073/2000 the use of sulphate of potash is admitted in organic farming.

Kleine-Kleffmann

Hygiene measures
Do not eat or drink when working.
Brush soiled clothing.
After work wash thoroughly.

9. Physical and chemical properties

Form	Colour	Odour
crystalline	white	odourless

Data relevant for safety

	Value	Temperature	At	Method	Remark
pH value in delivery state	7	20 °C	111 g/l	DIN 38404-5	neutral
boiling point	1689 °C				Ref. (1)
melting point	1069 °C				Ref. (1)
Flash point	not applicable				
Flammable solid	no				
Flammable gas	no				
Combustion temperature	no				
Autoignition	no				
Lower explosion limit	no				
Upper explosion limit	no				
Vapour pressure	0 mbar	20 °C			
Density	2,66 g/cm3	20 °C	1013 hPa		Ref. (1)
Bulk density	1300 - 1500 kg/m3				
Solubility in water	111 g/l	20 °C	1013 hPa		Ref. (1)
Solubility/other	0,01 Wt-%	25 °C	methanol		Ref. (1)
					insoluble in most of organic solvents
Partition coefficient (log pOW)	not determined				
Viscosity 1				not applicable	
Solvent separation test				not applicable	
Combustion value	1				

Oxidizing properties
no

Explosive properties
no

Additional information
Physical dates refer to pure product.

Ernst Andres
Potash Import and Chemical Corp. (PICC)
201 East 42nd St., Ste. 1808
New York, NY 10017

September 11, 2002

Dear Mr. Andres:

Thank you for applying to the Organic Materials Review Institute (OMRI) for brand name product review.

The OMRI Review Panel has reviewed the product, Sulphate of Potash Standard, and has recommended that it be Prohibited for use in organic production. This decision indicates that the product does not meet organic standards based on OMRI's *Generic Materials List* and review policy contained in the most current *OMRI Operating Manual,* as well as our understanding of the documentation provided to support your application. The product is synthetic and, therefore, prohibited.

The term "synthetic" means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.

Production of sulfate of potash by evaporation or simple separation from a natural source such as saltwater or an ore that bears potassium sulfate is considered to be non-synthetic. While some steps may be taken to remove impurities, no reaction needs to take place in these processes to change the molecular structure of the potassium sulfate.

The application documents that the product is the reaction of two different substances: potassium chloride and magnesium sulfate. These are disassociated by means of electrolysis and this is considered a synthetic reaction under the Organic Foods and Production Act and the National Organic Program's Final Rule. The formation of potassium sulfate by the joining of potassium and sulfate ions in a reaction vessel, rather than under natural conditions or biological means is also considered a synthetic reaction under the same authority.

OMRI would like you to be aware of the National Organic Program's petition process for reviewing synthetic materials for their possible inclusion on the National List. For the petition process and more information please go to the National Organic Program's web site at www.ams.usda.gov/nop.

Prohibited listings are circulated to subscribing certifiers, but not to individual, corporate, or organizational subscribers unless it is requested. Please be aware that organic certifiers retain the right to make final certification decisions. These certifiers may choose to not accept OMRI's recommendation. Growers still need to contact their certifiers for information on the organic status of any given material. OMRI is not responsible for any losses that may occur as a result of this listing.

This letter serves as the Final Response Letter to Potash Import and Chemical Corp. (PICC) regarding the status of Sulphate of Potash Standard. If Potash Import and Chemical Corp. (PICC) wishes to appeal this decision, please refer to the "Appeals" section of the most current *OMRI Operating Manual.*

Again, thank you for your participation in the OMRI Brand Name Products Review Program.

Sincerely,

Kathleen Downey
Executive Director

Board of Directors

President
Bill Wolf
Wolf & Associates, Inc.
New Castle, VA

Vice President
Peter Murray
Sustainable Systems Design
Ann Arbor, MI

Secretary
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Advanced Microbial Solutions
Pilot Point, TX

Harriet Behar
Sweet Earth Farm
Gays Mills, WI

Chuck Benbrook
Benbrook Consulting Services
Sandpoint, ID

Kim Burton
Smucker Quality Beverages
Chico, CA

John Foster
Quality Assurance International
San Diego, CA

Andy Grant
Grant Family Farms
Wellington, CO

Joe Hall
California Natural Products
Lathrop, CA

Marty Mesh
Florida Certified Organic Growers & Consumers
Gainesville, FL

Zea Sonnabend
California Certified Organic Farmers
Watsonville, CA

Tim Sullivan, J.D.
Mississippi River Basin Alliance
Minneapolis, MN

Joran Viers
New Mexico Organic Commodity Commission
Albuquerque, NM

Affiliations listed for identification

Organic Materials Review Institute™ • Box 11558 • Eugene, OR 97440-3758 U.S.A.
Phone 541-343-7600 • Fax 541-343-8971 • E-mail info@omri.org • www.omri.org

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Organic Materials Review Institute™ • Box 11558 • Eugene, OR 97440-3758 U.S.A.

10. Stability and reactivity

Conditions to avoid
If product is heated above decomposition temperature toxic vapours may be released.

Materials to avoid
No hazardous reactions known.

Hazardous decomposition products
Toxic gases/vapours
Sulphurous oxides (SOx), K2O

Thermal decomposition

Remark >700°C

11. Toxicological information

Acute toxicity/Irritability/Sensitization

	Value/Validation	Species	Method	Remark
LD 50 acute oral	6600 mg/kg	rat		Ref. (2)
LD 50 acute dermal	not determined			
LC 50 acute inhalation	not determined			
Irritability skin	no			experiences
Irritability eye	no			experiences
Sensitization skin	no			experiences
Sensitization respiratory system	no			experiences

Toxicity test (Additional information)
No experimental indication of genotoxic effects.
Substance has no mutagen activity (Ames test).

Additional information
Toxical dates refer to pure product.
Our dates are not enough for total texture toxic judgement. Follow the usal hygenic directives for handling with chemicals.

12. Ecological information

Data on elimination (persistence and degradability)

	Elimination rate	Method of analysis	Method	Validation
Physico-chemical degradability			not applicable	
	Inorganic product, cannot be eliminated from the water by biological purification processes.			
Biological degradability			not applicable	
	Inorganic product, cannot be eliminated from the water by biological purification processes.			
Degradability			not applicable	
	Inorganic product, cannot be eliminated from the water by biological purification processes.			
Biological eliminability			not applicable	
	Inorganic product, cannot be eliminated from the water by biological purification processes.			

Lignite
Limestone
Magnesium sulfate (epsom salts)
Marl
Perlite
Peat moss
Potassium nitrate (niter)
× Potassium sulfate
Pumice
Rock dust
Sand
Sulfur (mined)
Sulphate of potash magnesia (langbeinite)
Vermiculite

Plant substances or byproducts

Alfalfa pellets or meal
Citrus products, including oil
Cocoa bean hulls
Cotton gin trash
Cottonseed meal
Food processing wastes
Garlic
Grape and other pomaces
Herbal preparations
Hay
Kelp or seaweed, unprocessed, meal, extracts or other derivatives
Leaves
Molasses
Neem and neem extracts
peanut, meals and hulls
Plant extracts, oils, powers, or teas
Propolis
Pyrethrums
Rice hulls and other residues
Rotenone
Ryania
Sabadilla
Saw dust, bark, wood chips and other wood wastes
Soybean meal and other residues
Straw
Vegetable oil
Wood ash

Ecotoxicological effects

	Value	Species	Method	Validation
Fish	LC50 1692-2380 mg/l (96 h)	bleak	DIN 38412 part 31	Ref. (3)
Daphnia	EC50 890 mg/l (48 h)	Daphnia magna	DIN 38412 part 11	Ref. (3)
Algae	EC50 2900 mg/l (72 h)	Scenedesmus subspicatus	DIN 38412 part 33	Ref. (3)
Bacteria	EC20 > 20 g/l (16 h)	Pseudomonas putida	DIN 38412 part 8	Ref. (3)

Behaviour in sewage plant
When low concentrations are discharged correctly into adapted biological sewage treatment plants, interference with the degradation activity of activated sludge is not likely.

Additional ecological information

	Value	Method	Remark
AOX	not applicable		

General regulation
Product is not allowed to discharge into aquatic environment.

13. Disposal considerations

Waste code No.	**Name of waste**
06 03 03	solid salts containing sulphates, sulphites or sulphides

Recommendations for the product
In accordance with regulations for special waste, must be taken, after pretreatment, to an authorised special waste disposal site.

Recommendations for packaging
Uncontaminated packaging may be taken for recycling.
Contaminated packaging should be emptied as far as possible and after appropriate cleansing may be taken fot reuse.

Recommended cleansing agent
no

14. Transport information

Land and inland navigation transport (ADR/RID/GGVS/GGVE/ADNR)
Remarks
No hazardous material as defined by the prescriptions.

15. Regulatory information

Remarks for classification
no

R-phrases
not applicable

S-phrases
not applicable

Special labelling for certain preparations
no

National Organic Standards Board Crop Committee
Draft Recommendation
October 15, 2001

A List of Natural (Non-Synthetic) Substances for Use in Organic Crop Production
Non-Inclusive, for Reference Only

Animal substances or byproducts:

Blood meal
Bone meal and bones, including aquatic animals
Feather meal
Hoof and horn meal
Insect extracts
Oyster shells and other sea shells
Oyster shell lime
Sea animals
Whey, dairy

Beneficial organisms

Bacteria, including *Bacillus thuringiensis*
Fungi
Insects
Microbial soil, compost, plant, and seed inoculants

Fermented or bio-processed substances
Acetic acid (vinegar)
Alcohol (Ethyl)
Biodynamic preparations
Gibberellic acid
Enzymes
Mushroom substrate

Mined minerals and other substances

Borate
Calcium sulfate (gypsum)
Diatomaceous earth
Dolomite
Feldspar
Granite dust
Greensand
Humates (mined sources)
Kieserite

National regulations

Restriction of occupation
no

Decree for case of interference/ remarks	not applicable
Classification according to VbF/ remarks	VbF: is not subject to decree for compostible liquids.

German TA LUFT remarks
no

Water hazard class	1	KBwS-classification

Other regulations, restrictions and prohibition regulations
no

16. Other information

Recommendend uses and restrictions
no

Further information
The information contained herein is based on our present knowledge and is not meant to guarantee product properties.
Recipients of our product must take responsibility for observing existing laws and regulations.
Refer to product information paper.
All declarations of safety-data-sheet refer to pure substance.
CAS-No. refers to pure substance.

Sources of key data used
Ref. (1): Gmelins Handbuch der Anorganischen Chemie, System-Nr. 22, Verlag Chemie Berlin, 8. Auflage
Ref. (2): GISAAA 50 (7), 24, 1985
Ref. (3): Data sheet No. 255, Kommision Bewertung wassergefährlicher Stoffe, Bundesgesundheitsamt, P.O. Box 330013, D-14191 Berlin, 1992

SUBSTANCE	DESCRIPTION; COMPOSITIONAL REQUIREMENTS; CONDITIONS OF USE
Sulphate of potash (eg patenkali) Obtained by physical procedures but not enriched by chemical processes to increase its solubility	Need recognized by the certification authority or body
Calcium carbonate of natural origin (eg chalk, marl, maerl, limestone, phosphate chalk)	----
Magnesium rock	----
Calcareous magnesium rock	----
Epsom salt (magnesium-sulphate)	----
Gypsum (calcium sulphate)	----
Stillage and stillage extract	Ammonium stillage excluded.
Sodium chloride	Only mined salt.
Aluminium calcium phosphate	Maximum 90 mg/kg P_2O_5.
Trace elements (eg. boron, copper, iron, manganese, molybdenum, zinc)	Need recognized by certification body or authority.
Sulphur	Need recognized by certification body
Stone meal	----
Clay (eg. bentonite, perlite, zeolite)	----
Naturally occurring biological organisms (eg worms)	----
Vermiculite	----

03 APR '01 14:06 K + S / KMA FAX: +49 561 3011416 S.15

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ISSN 0378-6978

Official Journal
of the European Communities

L 119
Volume 43
20 May 2000

English edition

Legislation

Contents

I Acts whose publication is obligatory

* **Council Regulation (EC) No 1059/2000 of 18 May 2000 amending Regulation (EC) No 723/2000 amending Regulation (EC) No 1294/1999 concerning a freeze of funds and a ban on investment in relation to the Federal Republic of Yugoslavia (FRY)** 1

Commission Regulation (EC) No 1060/2000 of 19 May 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables 2

Commission Regulation (EC) No 1061/2000 of 19 May 2000 fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2176/1999 4

Commission Regulation (EC) No 1062/2000 of 19 May 2000 concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2177/1999 5

Commission Regulation (EC) No 1063/2000 of 19 May 2000 fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2178/1999 6

Commission Regulation (EC) No 1064/2000 of 19 May 2000 fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2179/1999 7

Commission Regulation (EC) No 1065/2000 of 19 May 2000 fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2180/1999 8

Commission Regulation (EC) No 1066/2000 of 19 May 2000 suspending the issue of refund certificates for goods not covered by Annex I to the Treaty 9

* **Commission Regulation (EC) No 1067/2000 of 19 May 2000 fixing, for the purposes of Regulation (EC) No 411/97, the ceiling for Community financial assistance granted to producer organisations setting up operational funds for 1999** 10

* **Commission Regulation (EC) No 1068/2000 of 19 May 2000 laying down detailed rules for the granting of private storage aid for long-keeping cheeses** 11

* **Commission Regulation (EC) No 1069/2000 of 19 May 2000 laying down detailed rules governing the grant of private storage aid for Pecorino Romano cheese** 14

* **Commission Regulation (EC) No 1070/2000 of 19 May 2000 laying down detailed rules governing the grant of private storage aid for Kefalotyri and Kasseri cheeses** 17

* **Commission Regulation (EC) No 1071/2000 of 19**

Basic Standards

If you would like to have the Basic Standards for your record, please order the IFOAM BASIC STANDARDS

Appendix 1

Products for Use in Fertilisation and Soil Conditioning

In organic agriculture the maintenance of soil fertility may be achieved through the recycling of organic material whose nutrients are made available to crops through the action of soil micro-organisms and bacteria.

Many of these inputs are restricted for use in organic production. In this appendix "restricted" means that the conditions and the procedure for use shall be set by the certification programme. Factors such as contamination, risk of nutritional imbalances and depletion of natural resources shall be taken into consideration.

Matter Produced on an Organic Farm Unit

- Farmyard manure, slurry, urine
- Crop residues and green manure
- Straw and other mulches

Matter Produced Outside the Organic Farm Unit

• Blood meal, meat meal, bone meal and feather meal without preservatives	Restricted
• Compost made from any carbon based residues	Restricted
• Farmyard manure, slurry, urine	Restricted
• Fish and fish products without preservatives	Restricted
• Guano	Restricted
• Human excrement (see 4..4.5.)	Restricted
• By-products from the food and textile	Restricted

(d) In the table the provisions concerning the inclusion of 'E 516 Calcium sulphate' are replaced by the following:

Name	Specific conditions
'E 516 Calcium sulphate	Carrier'

(e) In the table the following product and specific conditions related thereto are inserted after 'E 524 Sodium hydroxide':

Name	Specific conditions
'E 551 Silicon dioxide	Anti-caking agent for herbs and spices'

(f) In subsection A.4. 'Micro-organism preparations' point (ii) is deleted.

3. Section B is amended as follows:

(a) The heading is replaced by the following:

'SECTION B — PROCESSING AIDS AND OTHER PRODUCTS WHICH MAY BE USED FOR PROCESSING OF INGREDIENTS OF AGRICULTURAL ORIGIN FROM ORGANIC PRODUCTION, REFERRED TO IN ARTICLE 5(3)(d) AND ARTICLE 5(5a)(e) OF REGULATION (EEC) No 2092/91'

(b) In the table the following product and conditions related thereto are inserted after 'sulphuric acid':

Name	Specific conditions
'Isopropanol (propan-2-ol)	In the crystallisation process in sugar preparation In due respect of the provisions of Directive 88/344/EEC, as last amended by Directive 97/60/EEC For a [...] period expiring on 31.12.2006'

(c) The text at the end of the section entitled 'Preparations of micro-organisms and enzymes' is replaced by the following text:

'Preparations of micro-organisms and enzymes:

Any preparations of micro-organisms and enzymes normally used as processing aids in food processing, with the exception of micro-organisms genetically modified within the meaning of Article 2(2) of Directive 90/220/EEC, and with the exception of enzymes derived from genetically modified organisms within the meaning of Article 2(2) of Directive 90/220/EEC.'

4. In Section C, subsection C.2.2, the inclusion of 'beet sugar' is replaced by:

'Beet sugar, until 1.4.2003 only'.

03 APR '01 14:05 K + S / KMA FAX: +49 561 3011416 S.9

COMMISSION REGULATION (EC) No 1073/2000

of 19 May 2000

amending Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 of June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs [1], as last amended by Commission Regulation (EC) No 331/2000 [2], and in particular Article 13, second indent thereof,

Whereas:

(1) There is a need to extend in Annex I to Regulation (EEC) No 2092/91 the possible use of micro-organisms for compost activation to cover also the use of such organisms for improving the overall condition of the soil and the availability of nutrients in the soil or crops. It is also necessary to exclude any genetically modified micro-organisms for such uses, and to bring the provisions concerning the use of livestock manure in line with the provisions related thereto in part B, section 7 of this Annex.

(2) In accordance with the procedure provided for in Article 7(4) of Regulation (EEC) No 2092/91, certain Member States have submitted information in view of the inclusion of certain products in Annex II or in view of amending certain provisions in this Annex.

(3) The amendments of Annex II concern products which were in common use before the adoption of Regulation (EEC) No 2092/91 according to the codes of practice on organic farming followed in the Community and, therefore, are in accordance with the provisions of Article 7(1a) of that Regulation. The amendments for certain of these products are urgent in the light of the upcoming agricultural season.

(4) It appeared that 'glycerol', 'silicon dioxide' and 'isopropanol' are essential for the preparation of certain foodstuffs. These products can therefore be included in Annex VI taking into account the requirements of Article 2 of Commission Regulation (EEC) No 207/93 [3], as amended by Regulation (EC) No 345/97 [4], defining the content of Annex VI to Regulation (EEC) No 2092/91.

(5) It is necessary to clarify in the 'General principles' of Annex VI that the practice of smoking is accepted in the preparation of foodstuffs from organic production.

(6) It is necessary to bring the provisions in Annex VI, with regard to genetically modified organisms and products derived from such organisms, in line with the overall prohibition accepted in the context of Council Regulation (EC) No 1804/1999 [5].

(7) It is appropriate to introduce for certain products minor technical or editorial amendments. It is also necessary to introduce certain editorial amendments to take into account amendments of Regulation (EC) No 1804/1999.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II and VI to Regulation (EEC) No 2092/91 shall be amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Communities*.

It shall apply forthwith. However, the provisions of Annex I, part headed 'A. PLANT AND PLANT PRODUCTS', points 2.1 and 2.2, to Regulation (EEC) No 2092/91, shall apply from 24 August 2000.

The product 'animal charcoal' listed in Annex II, part A, of Regulation (EEC) No 2092/91, before the date of entry into force of this Regulation, may continue to be used under the previously applicable conditions until existing stocks are exhausted but not later than 30 September 2000.

The product 'calcium carbonates' listed in Annex VI to Regulation (EEC) No 2092/91, under more restrictive conditions than those before the date of entry into force of this Regulation, may continue to be used under the previously applicable conditions until existing stocks are exhausted but not later than 30 September 2000.

[1] OJ L 198, 22.7.1991, p. 1.
[2] OJ L 48, 19.2.2000, p. 1.
[3] OJ L 25, 2.2.1993, p. 5.
[4] OJ L 58, 27.2.1997, p. 8.
[5] OJ L 222, 24.8.1999, p. 1.

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ANNEX

I. In Annex I to Regulation (EEC) No 2092/91, point 2 of the part headed 'A. PLANT AND PLANT PRODUCTS' is replaced by the following text:

'2.1. The fertility and the biological activity of the soil must be maintained or increased, in the first instance, by:

(a) cultivation of legumes, green manures or deep-rooting plants in an appropriate multi-annual rotation programme;

(b) incorporation of livestock manure from organic livestock production in accordance with the provisions and within the restrictions of part B, point 7.1. of this Annex;

(c) incorporation of other organic material, composted or not, from holdings producing according to the rules of this Regulation.

2.2. Other organic or mineral fertilisers, mentioned in Annex II, may, exceptionally, be applied, as a complement to the extent that:

— adequate nutrition of the crop being rotated or soil conditioning are not possible by the methods set out under (a), (b) and (c) of the preceding subparagraph,

— with regard to the products in Annex II referring to manure and/or animal excrements: these products may only be used to the extent that, in combination with the livestock manure referred to in point 2(1)(b) above, the restrictions as referred to in part B, section 7.1, of this Annex are satisfied.

2.3. For compost activation appropriate plant-based preparations or preparations of micro-organisms, not genetically modified in the meaning of point 12 of Article 4 may be used. So-called "biodynamic preparations" from stone meal, farmyard manure or plants may also be used for the purposes covered by this paragraph and by paragraph 2.1.

2.4. Appropriate preparations of micro-organisms, not genetically modified in the meaning of point 12 of Article 4 and permitted in general agriculture in the Member State concerned, may be used to improve the overall condition of the soil or the availability of nutrients in the soil or in the crops, where the need for such use has been recognised by the inspection body or inspection authority.'

II. Annex II to Regulation (EEC) No 2092/91 is amended as follows:

1. The part headed 'A. FERTILISERS AND SOIL CONDITIONERS' is amended as follows:

(a) The introductory paragraph between the heading and the table is replaced by the following:

'General conditions for all the products:

— use only in accordance with provisions of Annex I,

— use only in accordance with the provisions of the legislation on placing on the market and use of the products concerned applicable in general agriculture in the Member State where the product is used.'

(b) In the table, for the product 'products or by-products of animal origin as below' the product 'animal charcoal' is deleted.

(c) In the table, the provisions concerning the inclusion of 'Potassium sulphate containing magnesium salt' are replaced by the following:

Name	Description; compositional requirements; conditions for use
'Potassium sulphate, possibly containing magnesium salt	Product obtained from crude potassium salt by a physical extraction process, and containing possibly also magnesium salts Need recognised by the inspection body or inspection authority'

2. In the part headed 'B. PESTICIDES' the tables under '1. Products for plant protection' are amended as follows:

(a) In the table headed 'I. Substances of crop or animal origin' the provisions concerning the inclusion of 'azadirachtin extracted from *Azadirachta indica* (Neem tree)' are replaced by the following:

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This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 19 May 2000.

For the Commission
Franz FISCHLER
Member of the Commission

Name	Description; compositional requirements; conditions for use
'Azadirachtin extracted from *Azadirachta indica* (Neem tree)	Insecticide Need recognised by the inspection body or inspection authority'

(b) In the table headed 'III. Substances to be used only in traps and/or dispensers' the provisions concerning the inclusion of 'pheromones' are replaced by the following:

Name	Description; compositional requirements; conditions for use
'Pheromones	Attractant; sexual behaviour disrupter Only in traps and dispensers'

(c) In the table headed 'IV. Other substances from traditional use in organic farming' the provisions concerning the inclusion of 'lime sulphur (calcium polysulphide)' are replaced by the following:

Name	Description; compositional requirements; conditions for use
'Lime sulphur (calcium polysulphide)	Fungicide, insecticide, acaricide Need recognised by the inspection body or inspection authority'

III. Annex VI to Regulation (EEC) No 2092/91 is amended as follows:

1. The first sentence of the third paragraph of the part entitled 'General principles' is replaced by the following text:

   'Notwithstanding reference to any ingredient in Sections A and C or any processing aid in Section B, any processing practice, such as smoking, shall be carried out and any ingredient or such processing aid shall be used only in accordance with relevant Community legislation and/or national legislation compatible with the Treaty and, in the absence thereof, in accordance with the principles of good manufacturing practice for foodstuffs.'

2. Section A is amended as follows:

   (a) The heading is replaced by the following:

   'SECTION A — INGREDIENTS OF NON-AGRICULTURAL ORIGIN (REFERRED TO IN ARTICLE 5(3)(c) AND ARTICLE 5(5a)(d) OF REGULATION (EEC) No 2092/91)'

   (b) In the table the provisions concerning the inclusion of 'E 170 Calcium carbonates' are replaced by the following:

Name	Specific conditions
'E 170 Calcium carbonates	All authorised functions except colouring'

   (c) In the table the following product and specific conditions related thereto are inserted after 'E 416 Karaga gum':

Name	Specific conditions
'E 422 Glycerol	Plant extracts'

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