

NOSB RECOMMENDED DECISION FORM

Form NOPLIST2. Full Board Transmittal to NOP

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|-------------------------|-------------------------------------|-----------------------|-------------------------------------|-------|--|-----------|--|---------------|-------------------------------------|-----------|--|----------------------|-------------------------------------|-------------------------|--|----------|-------------------------------------|----------------|-------------------------------------|-----------------------|--|-----------------------|--|
| For NOSB Meeting: May 2008 | Substance: <u>Fortified Cooking Wine - Sherry</u> | | | | | | | | | | | | | | | | | | | | | | | | |
| A. Evaluation Criteria (Applicability noted for each category; Documentation attached) Criteria Satisfied? (see B below) | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. Impact on Humans and Environment | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. Essential & Availability Criteria | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. Compatibility & Consistency | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. Commercial Supply is Fragile or Potentially Unavailable as Organic (only for 606) | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| B. Substance fails criteria? | C. Proposed Annotation: None | | | | | | | | | | | | | | | | | | | | | | | | |
| Criteria category: N/A | Basis for annotation: | | | | | | | | | | | | | | | | | | | | | | | | |
| Comments: | To meet criteria above: ____ Criteria: _____ | | | | | | | | | | | | | | | | | | | | | | | | |
| | Other regulatory criteria: ____ Citation: _____ | | | | | | | | | | | | | | | | | | | | | | | | |
| D. Final Board Action & Vote (State Actual Motion): To include Fortified Cooking Wine - Sherry, to section 205.606 - Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic". | | | | | | | | | | | | | | | | | | | | | | | | | |
| Motion: Julie Weisman Second :Tracy Meidema Yes: 14 No: 0 Abstain: 0 Absent: 1 | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Agricultural</td> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 25%;">Nonagricultural</td> <td style="width: 10%;"></td> <td style="width: 20%;">Crops</td> <td style="width: 10%;"></td> </tr> <tr> <td>Synthetic</td> <td></td> <td>Not synthetic</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Livestock</td> <td></td> </tr> <tr> <td>Allowed¹</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Prohibited²</td> <td></td> <td>Handling</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>No restriction</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Deferred⁴</td> <td></td> <td>Rejected³</td> <td></td> </tr> </table> | | Agricultural | <input checked="" type="checkbox"/> | Nonagricultural | | Crops | | Synthetic | | Not synthetic | <input checked="" type="checkbox"/> | Livestock | | Allowed ¹ | <input checked="" type="checkbox"/> | Prohibited ² | | Handling | <input checked="" type="checkbox"/> | No restriction | <input checked="" type="checkbox"/> | Deferred ⁴ | | Rejected ³ | |
| Agricultural | <input checked="" type="checkbox"/> | Nonagricultural | | Crops | | | | | | | | | | | | | | | | | | | | | |
| Synthetic | | Not synthetic | <input checked="" type="checkbox"/> | Livestock | | | | | | | | | | | | | | | | | | | | | |
| Allowed ¹ | <input checked="" type="checkbox"/> | Prohibited ² | | Handling | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | |
| No restriction | <input checked="" type="checkbox"/> | Deferred ⁴ | | Rejected ³ | | | | | | | | | | | | | | | | | | | | | |
| <p>The petition for Fortified Cooking Wine - Sherry was complete and showed the material met all evaluation criteria for consideration to be listed in 205.606 of the NOP regulations. (See attached) The material was recommended for listing by a vote of the Handling Committee, and subsequently by a vote of the NOSB at it's May 2008 meeting.</p> <p>1—substance voted to be added as "allowed" on National List on National List to § 205.606 with Annotation (if any): <u>No annotation.</u></p> <p>2—substance to be added to "prohibited" paragraph of National List to § 205. ____ Describe why a prohibited substance: _____</p> <p>3—substance was rejected by vote for amending National List to § 205. ____ Describe why material was rejected: _____</p> <p>4-substance was recommended to be deferred § 205. ____ Describe why deferred; if any follow-up is needed. If follow-up needed, who conducts follow-up _____</p> | | | | | | | | | | | | | | | | | | | | | | | | | |
| E. Approved by NOSB Chair to transmit to NOP | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Rigoberto Delgado</u> | <u>July 10, 2008</u> | | | | | | | | | | | | | | | | | | | | | | | | |
| Chair | Date | | | | | | | | | | | | | | | | | | | | | | | | |
| F. NOP Action: Include in FR to amend National List: | | | | | | | | | | | | | | | | | | | | | | | | | |
| Return to NOSB Reason: _____ | | | | | | | | | | | | | | | | | | | | | | | | | |
| _____ | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date | | | | | | | | | | | | | | | | | | | | | | | | | |

Final Recommendation for

Date: May 22, 2008

I. List:

National Organic Program Subpart G: The National List of Allowed and Prohibited Substances. §205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food groups(s)).”

II. Board Summary:

The Board considered the petitioners statement that this the fortified cooking wine, Sherry, has unique flavor and fragrance characteristics needed for prepared foods made by the petitioner. The Board has also considered the fact that thepetition presented detailed information on organic wine producers, non of whom make fortified Wines and fortified wine producers, none of whom make organic versions of their Products. The petitioner appears to have done an exhaustive search for a supply of an organic form of this material. The Board was satisfied that this ingredient is not commercially available as organic at this time.

The consideration of this material prompted a general discussion about the extent to which conventionally grown agricultural products may have an Adverse effect on the environment. However, since it is fortified cooking wine, and not conventionally grown grapes that is being petitioned, the question was deemed not applicable.

The Board reached the conclusion that Fortified cooking wine, Sherry meets the criteria in all four categories required for listing on §205.606 of the National List.

III. Board Recommendation

Fortified Cooking Wine - Sherry for inclusion on §205.606 of the National List

Moved: Julie Weisman Second: Tracy Meidema

Board vote: Yes-14 No- 0 Absent- 1 Abstain-0 Recuse-0

NOSB COMMITTEE RECOMMENDATION

Form NOPLIST1. Committee Transmittal to NOSB

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|---|-------------------------------------|-------------------------|-------------------------------------|----------------------|-------------------------------------|-----------|--|---------------|--|-------------------------|--|----------|-------------------------------------|-----------|--|-----------------------|--|----------------|--|---|-------------------------------------|-----------------------|--|
| For NOSB Meeting: _____ May 2008 | Substance: <u>Fortified Cooking Wine, Sherry</u> | | | | | | | | | | | | | | | | | | | | | | | | |
| Committee: Crops <input type="checkbox"/> Livestock <input type="checkbox"/> Handling <input checked="" type="checkbox"/> Petition is for: <u>Inclusion of Fortified Cooking Wine, Sherry, on the National List § 205.606</u> | | | | | | | | | | | | | | | | | | | | | | | | | |
| A. Evaluation Criteria (Applicability noted for each category; Documentation attached) Criteria Satisfied? (see B below) | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. Impact on Humans and Environment | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. Essential & Availability Criteria | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. Compatibility & Consistency | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. Commercial Supply is Fragile or Potentially Unavailable as Organic (only for 606) | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| B. Substance Fails Criteria Category: _____ Comments: _____ _____ | | | | | | | | | | | | | | | | | | | | | | | | | |
| C. Proposed Annotation (if any): _____ _____ Basis for annotation: To meet criteria above: _____ Other regulatory criteria: _____ Citation: _____ | | | | | | | | | | | | | | | | | | | | | | | | | |
| D. Recommended Committee Action & Vote (State Actual Motion): _____ For addition of Fortified Cooking Wine, Sherry to § 205.606 of the National Motion by: <u>Tracy Mediema</u> Seconded: <u>Steve DeMuri</u> Yes: <u>6</u> No: <u>0</u> Absent: <u>0</u> Abstain: <u>0</u> | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Crops</td> <td style="padding: 2px;"></td> <td style="padding: 2px;">Agricultural</td> <td style="padding: 2px; text-align: center;"><input checked="" type="checkbox"/></td> <td style="padding: 2px;">Allowed¹</td> <td style="padding: 2px; text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="padding: 2px;">Livestock</td> <td style="padding: 2px;"></td> <td style="padding: 2px;">Non-Synthetic</td> <td style="padding: 2px;"></td> <td style="padding: 2px;">Prohibited²</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">Handling</td> <td style="padding: 2px; text-align: center;"><input checked="" type="checkbox"/></td> <td style="padding: 2px;">Synthetic</td> <td style="padding: 2px;"></td> <td style="padding: 2px;">Rejected³</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">No restriction</td> <td style="padding: 2px;"></td> <td style="padding: 2px;">Commercially Un-Available as Organic¹</td> <td style="padding: 2px; text-align: center;"><input checked="" type="checkbox"/></td> <td style="padding: 2px;">Deferred⁴</td> <td style="padding: 2px;"></td> </tr> </table> | | Crops | | Agricultural | <input checked="" type="checkbox"/> | Allowed ¹ | <input checked="" type="checkbox"/> | Livestock | | Non-Synthetic | | Prohibited ² | | Handling | <input checked="" type="checkbox"/> | Synthetic | | Rejected ³ | | No restriction | | Commercially Un-Available as Organic ¹ | <input checked="" type="checkbox"/> | Deferred ⁴ | |
| Crops | | Agricultural | <input checked="" type="checkbox"/> | Allowed ¹ | <input checked="" type="checkbox"/> | | | | | | | | | | | | | | | | | | | | |
| Livestock | | Non-Synthetic | | Prohibited ² | | | | | | | | | | | | | | | | | | | | | |
| Handling | <input checked="" type="checkbox"/> | Synthetic | | Rejected ³ | | | | | | | | | | | | | | | | | | | | | |
| No restriction | | Commercially Un-Available as Organic ¹ | <input checked="" type="checkbox"/> | Deferred ⁴ | | | | | | | | | | | | | | | | | | | | | |
| 1) Substance voted to be added as "allowed" on National List to § 205.606 _____ with Annotation (if any) _____ 2) Substance to be added as "prohibited" on National List to § 205. _____ with Annotation (if any) _____ Describe why a prohibited substance: _____ _____ 3) Substance was rejected by vote for amending National List to § 205. _____ Describe why material was rejected: _____ _____ 4) Substance was recommended to be deferred because _____ _____ If follow-up needed, who will follow up _____ _____ | | | | | | | | | | | | | | | | | | | | | | | | | |
| E. Approved by Committee Chair to transmit to NOSB: <u>Julie Weisman</u> _____ <u>March 31, 2008</u> Committee Chair _____ Date _____ | | | | | | | | | | | | | | | | | | | | | | | | | |

NOSB EVALUATION CRITERIA FOR SUBSTANCES ADDED TO THE NATIONAL LIST

Category 1. Adverse impacts on humans or the environment?

Substance - Fortified cooking Wine, Sherry

| Question | Yes | No | N/A ¹ | Documentation (TAP; petition; regulatory agency; other) |
|--|-----|----|------------------|--|
| 1. Are there adverse effects on environment from manufacture, use, or disposal? [§205.600 b.2] | | x | | Item B #5 of Petition |
| <p>The sherry wine is made from grape concentrate. Manufacturing procedure is to dilute the concentrate, add yeast, ferment, and filter. Salt is added as a denaturant. Bentonite is used as a fining and settling agent in the fermentation process. Diatomaceous earth is used as a filter aid in the filtration process. To the best of our knowledge none of the agricultural ingredients are grown using sewage sludge as fertilizer and none of the agricultural products are produced <u>with genetically engineered crops</u> product. Neither the product nor any ingredient is subjected to irradiation. No sulfites are added during the process. No solvents are used in the process. All ingredients are sourced through our in house purchasing department in accordance with specifications provided by customer input and quality assurance requirements</p> | | | | |
| 2. Is there environmental contamination during manufacture, use, misuse, or disposal? [§6518 m.3] | | X | | |
| 3. Is the substance harmful to the environment?[§6517c(1)(A)(i);6517(c)(2)(A)i] | | X | | |
| 4. Does the substance contain List 1, 2, or 3 inerts? [§6517 c (1)(B)(ii); 205.601(m)2] | | X | | |
| 5. Is there potential for detrimental chemical interaction with other materials used?[§6518 m.1] | | X | | |
| 6. Are there adverse biological and chemical interactions in agro-ecosystem? [§6518 m.5] | | X | | |
| 7. Are there detrimental physiological effects on soil organisms, crops, or livestock? [§6518 m.5] | | X | | |
| 8. Is there a toxic or other adverse action of the material or its breakdown products? [§6518 m.2] | | X | | |
| 9. Is there undesirable persistence or concentration of the material or breakdown products in environment?[§6518 m.2] | | X | | |
| 10. Is there any harmful effect on human health? [§6517 c (1)(A)(i) ; 6517 c(2)(A)i; §6518 m.4] | | X | | |
| 11. Is there an adverse effect on human health as defined by applicable Federal regulations? [205.600 b.3] | | | x | |
| 12. Is the substance GRAS when used according to FDA's good manufacturing practices? [§205.600 b.5] | | | x | |
| 13. Does the substance contain residues of heavy metals or other contaminants in excess of FDA tolerances? [§205.600 b.5] | | | x | |

¹If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Category 2. Is the Substance Essential for Organic Production? Substance - Fortified cooking Wine, Sherry

| Question | Yes | No | N/A ¹ | Documentation (TAP; petition; regulatory agency; other) |
|--|-----|----|------------------|--|
| 1. Is the substance formulated or manufactured by a chemical process? [6502 (21)] | | | x | |
| 2. Is the substance formulated or manufactured by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral, sources? [6502 (21)] | | | x | fermentation |
| 3. Is the substance created by naturally occurring biological processes? [6502 (21)] | | | x | |
| 4. Is there a natural source of the substance? [§205.600 b.1] | | | x | |
| 5. Is there an organic substitute? [§205.600 b.1] | | x | | Not currently commercially available |
| 6. Is the substance essential for handling of organically produced agricultural products? [§205.600 b.6] | | | x | |
| 7. Is there a wholly natural substitute product? [§6517 c (1)(A)(ii)] | | | x | This material is wholly natural. |
| 8. Is the substance used in handling, not synthetic, but not organically produced? [§6517 c (1)(B)(iii)] | X | | | |
| 9. Is there any alternative substances? [§6518 m.6] | | X | | |
| 10. Is there another practice that would make the substance unnecessary? [§6518 m.6] | | X | | |

¹If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Category 3. Is the substance compatible with organic production practices?

Substance Fortified cooking Wine, Sherry

| Question | Yes | No | N/A ¹ | Documentation (TAP; petition; regulatory agency; other) |
|--|-----|----|------------------|--|
| 1. Is the substance compatible with organic handling? [§205.600 b.2] | | | x | |
| 2. Is the substance consistent with organic farming and handling? [§6517 c (1)(A)(iii); 6517 c (2)(A)(ii)] | X | | | It is consistent with organic handling. |
| 3. Is the substance compatible with a system of sustainable agriculture? [§6518 m.7] | X | | | |
| 4. Is the nutritional quality of the food maintained with the substance? [§205.600 b.3] | | | x | |
| 5. Is the primary use as a preservative? [§205.600 b.4] | | | x | |
| 6. Is the primary use to recreate or improve flavors, colors, textures, or nutritive values lost in processing (except when required by law, e.g., vitamin D in milk)? [205.600 b.4] | | | x | |
| 7. Is the substance used in production, and does it contain an active synthetic ingredient in the following categories: | | X | | |
| a. copper and sulfur compounds; | | | | |
| b. toxins derived from bacteria; | | X | | |
| c. pheromones, soaps, horticultural oils, fish emulsions, treated seed, vitamins and minerals? | | X | | |
| d. livestock parasiticides and medicines? | | X | | |
| e. production aids including netting, tree wraps and seals, insect traps, sticky barriers, row covers, and equipment cleaners? | | X | | |

¹If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Category 4. Is the commercial supply of an agricultural substance as organic, fragile or potentially unavailable? [§6610, 6518, 6519, 205.2, 205.105 (d), 205.600 (c) 205.2, 205.105 (d), 205.600 (c) **Substance - Fortified cooking Wine, Sherry**

| Question | Yes | No | N/A | Comments on Information Provided (sufficient, plausible, reasonable, thorough, complete, unknown) |
|--|-----|----|-----|---|
| 1. <u>Is the comparative description provided</u> as to why the non-organic form of the material /substance is necessary for use in organic handling? | x | | | Key flavor ingredient, Petition, Item B #3 |
| 2. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate form to fulfill an essential function in a system of organic handling? | | x | | No explanation but thorough listing of fortified wine producers (w/ out organic available) and organic wine producers (w/out fortified available) |
| 3. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate quality to fulfill an essential function in a system of organic handling? | | x | | No explanation but thorough listing of fortified wine producers (w/ out organic available) and organic wine producers (w/out fortified available) |
| 4. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate quantity to fulfill an essential function in a system of organic handling? | | x | | No explanation but thorough listing of fortified wine producers (w/ out organic available) and organic wine producers (w/out fortified available) |
| 5. Does the industry information provided on material / substance non-availability as organic, include (but not limited to) the following: | | x | | |
| a. Regions of production (including factors such as climate and number of regions); | | | | |
| b. Number of suppliers and amount produced; | x | | | Thorough listing of fortified wine producers (w/ out organic available) and organic wine producers (w/out fortified available) |
| c. Current and historical supplies related to weather events such as hurricanes, floods, and droughts that may temporarily halt production or destroy crops or supplies; | | x | | |
| d. Trade-related issues such as evidence of hoarding, war, trade barriers, or civil unrest that may temporarily restrict supplies; or | | x | | |
| e. Are there other issues which may present a challenge to a consistent supply? | | x | | |