

**FORMAL RECOMMENDATION BY THE
NATIONAL ORGANIC STANDARDS BOARD (NOSB)
TO THE NATIONAL ORGANIC PROGRAM (NOP)**

Date: 11/5/09

Subject: Microorganisms Sunset Review

Chair: Jeff Moyer

Recommendation

The NOSB hereby recommends to the NOP the following:

Rulemaking Action: X
Guidance Statement:
Other:

Summary Statement of the Recommendation (including Recount of Vote):

Microorganisms was reviewed for sunset by the NOSB at the November 2009 meeting. A summary of the Handling committee's recommendation is attached. No comments were received during the meeting that disagreed with the committee's recommendation.

The NOSB voted to recommend relisting of Microorganisms on §205.605(a) with 13 voting yes, 0 no votes and 2 absent.

NOSB Vote: **Motion:** DeMuri **Second:** Smillie

Board vote: Yes - 13 No- 0 Abstain- 0 Absent - 2

Summary Rationale Supporting Recommendation (including consistency with OFPA and NOP):

Response by the NOP:

National Organic Standards Board
Handling Committee Recommendation for §205.605(a)
Sunset of Microorganisms

August 18, 2009

I. List:

National Organic Program Subpart G: The National List of Allowed and Prohibited Substances. §205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s)).”

a. *Nonsynthetics allowed*

II. Committee Summary:

Microorganisms were first petitioned on 12/10/02 and added to the National List §205.605(a) effective on September 12 2006 by Final Rule TM-04-01FR based on the NOSB recommendation of May 1, 2003..

Microorganisms are essential for the production of many fermented foods. Prominent cultures include Acetobacter (vinegar), Aspergillus Oryzae (miso), and Rhizopus (tempeh)

The TAP review of October 8, 2002 reviewed microorganisms. Previous TAPS had reviewed dairy cultures (1995), yeast (1995), and enzymes (2000). The TAP stated that there was no need to review microorganisms individually. The TAP review determined that microorganisms were not synthetic, met fully the criteria for §205.605a and should be included on the National List. Finally, the TAP did not identify any unacceptable risks to the environment, human or animal health resulting from the use or manufacture of microorganisms.

The NOSB has received 7 public comments in support of the relisting Microorganisms in response to the Federal register notice of the sunset of Microorganisms (AMS-TM-07-0136). No public comments have been received opposing the continued use of Microorganisms in organic handling.

III. Committee Recommendations

The Handling Committee recommends the continued listing of Microorganisms on §205.605(a).

Moved: Joe Smillie Second: Steve DeMuri

Committee Vote: Yes- 5 No- 0 Absent- 1 Abstain- 0 Recuse- 0