

**Formal Recommendation by the
National Organic Standards Board (NOSB)
to the National Organic Program (NOP)**

Date: October 28, 2010

Subject: Sunset Review of flavors as listed on §205.605 (a), nonagricultural (nonorganic) non-synthetic substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s)).”

Chair: Daniel G. Giacomini

The NOSB hereby recommends to the NOP the following:

Rulemaking Action X

Statement of the Recommendation (Including Recount of Vote):

Flavors is listed on 205.605(a) with the annotation “non-synthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservative”. This substance was scheduled to sunset off the National List in 2012, was reviewed by the NOSB, and a motion was made for the re-listing of this substance at the October 2010 meeting. The motion passed by a vote of 14 yes, 0 no, 0 abstentions, 0 absent, and 0 recusals.

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

The Handling Committee’s recommendation covering this material is attached. There were no public written or verbal comments opposing the committee’s recommendation, and the material was recommended for relisting by the full NOSB as shown below.

NOSB Vote:

Moved: Steve DeMuri		Second: Tina Ellor			
Yes: 14	No: 0	Abstain: 0	Absent: 0	Recusal: 0	

**National Organic Standards Board
Handling Committee
Sunset Recommendation – 2012
Flavors**

September 3, 2010

List: 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

Committee Summary:

Federal register notice of the sunset of these materials elicited no public comments against re-listing.

Review of the original recommendations, historical documents, and public comments does not reveal unacceptable risks to the environment, human, or animal health as a result of the use or manufacture of these materials. There is no new information contradicting the original recommendation which were the basis for the previous NOSB decisions to list these materials.

The Handling Committee recognizes that the category of flavors is broad, including everything from simple herbal extracts to complex compound flavors. As the organic industry has evolved, there has been investment in developing organic alternatives for some individual flavors, or classes of flavors, within the category. Because “Flavors” as a large category is listed on 205.605(a), commercial availability does not apply and there is no requirement that the organic alternatives that have been developed be used when available. The NOSB acknowledged this conundrum when Flavors was reviewed for sunset relisting in 2007. The complexity of the category and proprietary nature of most flavor formulas and processes was such that the board did not feel that it was practical to individually list flavors on the National List, so chose to relist the category as a single listing. That is still true today.

The Handling Committee does believe that there is a possibility of dividing the flavor category into rational subparts which could then be listed on the appropriate section of the National List. For example, herbal extracts could very well be determined to be agricultural and could be listed on §205.606. One could even envision when they would not need to be listed because they would be available as organic. The rational division of the flavor category and the appropriate way to list these flavor classes, or not list certain classes, requires specific knowledge and expertise which the Handling Committee felt went beyond the scope of a Technical Review.

In order to avoid unnecessary disruption to industry, we are recommending relisting of Flavors on §205.605(a), but we are also communicating our belief that the full category

should not be relisted in five years when next reviewed for sunset. Instead, we recommending that the NOSB, in consultation with the National Organic Program, establish a Flavors Task Force. The Flavors Task Force would be asked to develop a recommendation to appropriately divide flavors into rational subparts, or classes, composed of flavors which shared similar sources and processes. The recommendation would include whether the class was compatible with organic production, how the sub-part should be classified on the National List, and would petition for listing of the class, if necessary, on the National List. We expect that this work could be done prior to the next sunset review for flavors.

Committee Recommendation(s):

The handling committee recommends the renewal of the following substances in this use category as published in the final rule:

Flavors, non-synthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservative.

Committee Vote:

Motion: Katrina Heinze Second: Steve DeMuri
Yes: 6 No: 0 Abstain: 0 Absent: 1