

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

**Date:** October 28, 2010

**Subject:** Reaffirmation of Sunset recommendations for 205.605 (a) & (b)  
and 205.606 materials from April 2010 NOSB Meeting

**Chair:** Daniel G. Giacomini

**The NOSB hereby recommends to the NOP the following:**

Rulemaking Action                      X

**Statement of the Recommendation (Including Recount of Vote):**

At the April 2010 NOSB meeting, recommendations were passed for the relisting of numerous 205.605 (a) and (b) and 205.606 materials scheduled to sunset in 2012. Due to the public comment period for committee recommendations closing after that April 2010 meeting was held, the board continued to receive and consider public comments after the meeting, even though the vote had been taken regarding the relisting of the materials. At the next NOSB meeting in October 2010, a vote was taken to reaffirm the decisions reached in April 2010. The recommendation reaffirmation vote for these materials, listed on the attached Handling Committee recommendations, was 14 yes, 0 no, 0 abstentions, 0 absent, and 0 recusals.

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

The reaffirmation recommendation to re-list the 205.605 and 205.606 materials shown on the attached committee recommendations was made in accordance with the National Organic Program and the NOSB's Policy & Procedures Manual. The substances are consistent with OFPA 1990 and NOP regulations and evaluation criteria, and no new information was received or public comments given that caused a change in the relisting decisions for these materials.

**NOSB Vote:**

<b>Moved: Steve DeMuri</b>		<b>Second: John Foster</b>		
<b>Yes: 14</b>	<b>No: 0</b>	<b>Abstain: 0</b>	<b>Absent: 0</b>	<b>Recusal: 0</b>

**National Organic Standards Board  
Handling Committee  
Sunset Recommendation – 2012  
Reaffirmation of April 2010 § 205.605(a) Recommendations**

**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Review of the original recommendations, historical documents, and public comments does not reveal unacceptable risks to the environment, human, or animal health as a result of the use or manufacture of these materials.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.

**Committee Recommendation(s)**

The handling committee reaffirms it’s recommendation for the renewal of the following substances in this use category as published in the final rule:

Acids (Alginic; Citric – produced from microbial fermentation of carbohydrate substances; and Lactic)

Bentonite

Calcium Carbonate

Calcium Chloride

Carageenan

Dairy cultures

Diatomaceous earth – food filtering aid only

Kaolin

Nitrogen – oil free grades

Oxygen – oil free grades

Perlite – for use only as a filter aid in food processing

Potassium chloride

Sodium bicarbonate

Sodium carbonate

Waxes – nonsynthetic (Carnauba wax; and Wood resin)

**Committee Vote:**

Motion: Steve DeMuri

Second: Tracy Miedema

Yes: 6      No: 0

Abstain: 0      Absent: 1

**National Organic Standards Board  
Handling Committee  
Sunset Recommendation – 2012  
Reaffirmation of April 2010 § 205.605(b) Recommendations**

**August 30, 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)).”**

(b) Synthetics allowed

### **Committee Summary**

Federal register notice of the sunset of these materials elicited no public comments against re-listing since the April 2010 NOSB meeting

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.

### **Committee Recommendation(s)**

The handling committee reaffirms it's recommendations for the renewal of the following substances in this use category as published in the final rule:

Calcium phosphates (monobasic, dibasic, and tribasic)

Carbon dioxide

Ethylene – allowed for postharvest ripening of tropical fruit and degreening of citrus.

Glycerin – produced by hydrolysis of fats and oils

Hydrogen peroxide

Magnesium carbonate – for use only in agricultural products labeled ‘made with organic (specified ingredients or food group(s)),’ prohibited in agricultural products labeled ‘organic’

Magnesium chloride – derived from sea water

Magnesium stearate - for use only in agricultural products labeled ‘made with organic (specified ingredients or food group(s)),’ prohibited in agricultural products labeled ‘organic’

Ozone

Potassium acid tartrate

Potassium carbonate

Potassium citrate

Potassium hydroxide – prohibited for use in lye peeling of fruits and vegetables except when used for peeling peaches during the Individually Quick Frozen (IQF) production process

Potassium phosphate - for use only in agricultural products labeled 'made with organic (specified ingredients or food group(s)),' prohibited in agricultural products labeled "organic"

Xanthan gum

Alginates

Ammonium bicarbonate – for use only as a leavening agent

Ammonium carbonate - for use only as a leavening agent

Ascorbic Acid

Calcium citrate

Calcium hydroxide

**Committee Vote:**

Motion: Steve DeMuri

Second: Tracy Miedema

Yes: 6      No: 0

Abstain: 0      Absent: 1

**National Organic Standards Board  
Handling Committee  
Sunset Recommendation – 2012  
Reaffirmation of April 2010 § 205.606 Recommendations**

**August 30, 2010**

**List: 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic.”**

**Committee Summary:**

Federal register notice of the sunset of these materials elicited no public comments against re-listing after the April 2010 NOSB meeting.

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. As 205.606 listed materials, all are subject to commercial availability scrutiny for use in organic products.

**Committee Recommendation(s)**

The handling committee reaffirms its previous recommendation for the renewal of the following substances in this use category as published in the final rule:

Casings – from processed intestines

Celery powder

Chia (*Salvia hispanica* L.)

Dillweed Oil (CAS # 8006-75-5)

Fish Oil (fatty acid CAS #'s 10417-94-4 and 25167-62-8) stabilized with organic ingredients or only with ingredients on the National List 205.605 and 205.606

Galangal, frozen

Gelatin (CAS # 9000-70-8)

Gums – water extracted only (Arabic, Guar, Locust bean, and Carob bean)

Konjac flour (CAS # 37220-17-0)

Lemongrass – frozen

Orange shellac – unbleached (CAS # 9000-59-3)

Pepper, chipotle pepper

Kelp – for use only as a thickener and dietary supplement

Sweet potato starch – for bean thread production only

Turkish bay leaves

Wakame seaweed (*Undaria pinnatifida*)

**Committee Vote:**

Motion: Steve DeMuri

Second: Joe Smillie

Yes: 6      No: 0

Abstain: 0      Absent: 1