

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

Date: **October 28, 2010**

Subject: **Colors derived from agricultural products -- Sunset Review**

Chair: **Daniel G. Giacomini**

The NOSB hereby recommends to the NOP the following:

Rulemaking Action X
Guidance Statement
Other

Statement of the Recommendation (Including Recount of Vote):

Colors derived from agricultural products, with the exception of annatto extract which was reviewed in a separate recommendation, were reviewed for sunset by the NOSB at the October 2010 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; two comments were received in support of the recommendation.

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

NOSB Vote:

Moved: Katrina Heinze		Second: Tina Ellor		
Yes: 14	No: 0	Abstain: 0	Absent: 0	Recusal: 0

**National Organic Standards Board
Handling Committee
Recommendation for § 205.606
Sunset Review of Colors Derived From Agricultural Products**

August 17, 2010

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.

(d) Colors derived from agricultural products

Committee Summary

The following colors were added to the National List (Federal Register Vol. 72, #123, June 27, 2007). This is the first time that these colors are being reviewed for sunset. The colors are:

1. Annatto extract color (pigment CAS # 1393-63-1)—water and oil soluble.
2. Beet juice extract color (pigment CAS # 7659-95-2).
3. Beta-Carotene extract color from carrots (CAS # 1393-63-1).
4. Black currant juice color (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3).
5. Black/Purple carrot juice color (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3).
6. Blueberry juice color (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3).
7. Carrot juice color (pigment CAS # 1393-63-1).
8. Cherry juice color (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3).
9. Chokeberry—Aronia juice color (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3).
10. Elderberry juice color (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3).
11. Grape juice color (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3).
12. Grape skin extract color (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3).
13. Paprika color—dried powder and vegetable oil extract (CAS # 68917-78-2).
14. Pumpkin juice color (pigment CAS # 127-40-2).
15. Purple potato juice color (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3).

16. Red cabbage extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
17. Red radish extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
18. Saffron extract color (pigment CAS # 1393–63–1).
19. Turmeric extract color (CAS # 458–37–7).

Annatto extract color – water and oil soluble is considered in a separate recommendation made by the National Organic Standard Board (NOSB) Handling Committee for the Fall 2010 full NOSB meeting. This recommendation addresses the other eighteen colors. Colors are used as ingredients in foods to meet the aesthetic requirements of consumers.

A Technical Review, dated October 14, 2005, on the category of colors was prepared for the National Organic Program (NOP) and NOSB. It is titled “Overview of Food Color Additives.”

These eighteen colors were added to section §205.606 of the National List after the §205.605(a) listing of Colors -- nonsynthetic only was allowed to sunset off the National List. The NOSB in their October 19, 2006 recommendation stated that:

“There was a comment addressing the concern that colors . . . were added to the National List without a technical review by the NOSB. The Handling Committee requested and received a technical overview of food color additives on October 14, 2005. This technical review offered no information that would suggest that non-synthetic colors are inconsistent with organic practices. There were numerous comments opposing renewing the listing of non-synthetic colors. A few commenters requested that they be moved to 205.606, an action which cannot be taken as part of Sunset. Several commenters cited that non-synthetic colors had been placed on the National List without being petitioned and without the recommendation of the NOSB. The Board finds merit in this observation. Colors, non-synthetic cannot be renewed through the Sunset process because there was never an NOSB recommendation for its placement on the National List.

As a result petitions were received for listing a number of colors on §205.606. Of those petitions, these eighteen colors, plus annatto, were recommended for listing by the NOSB. For each of these information was received, supported by public comment, indicating that for suitability for food color:

- Very specific varieties of the particular raw material, high in color compounds, are needed. Typically eating varieties cannot be used.
- The raw material must be processed immediately after harvesting so the growing area must be within close proximity to a color manufacturing location.
- Colors are used at low percentages in the finished products. Typically less than one percent.
- In many cases, it is more lucrative for farmers to sell into the fresh market than to sell to ingredient manufacturers.

The NOSB has received nine public comments in support of, and no public comments opposed to, the relisting of these eighteen colors in response to the Federal Register notice of the sunset of these colors (AMS-TM-09-0074). In addition, six public comments were received in response to the Federal Register notice on the spring 2010 NOSB meeting (AMS-TM-10-0021) asking that all §205.606 items be relisted.

A review of the original petitions and 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 colors. There is no new information contradicting the original recommendation which were the basis for the previous NOSB decisions to list these colors. As §205.606 listed materials, all are subject to commercial availability scrutiny for use in organic products.

Several public comments were received asking that the CAS Numbers listed for various colors were incorrect. The Handling Committee asks that the National Organic Program review the CAS numbers listed on the National List for each of these colors for accuracy and make any technical corrections necessary.

Committee Recommendations

The Handling Committee recommends the re-listing of the following colors on §205.606:

1. Beet juice extract color (pigment CAS # 7659–95–2).
2. Beta-Carotene extract color from carrots (CAS # 1393–63–1).
3. Black currant juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
4. Black/Purple carrot juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
5. Blueberry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
6. Carrot juice color (pigment CAS # 1393–63–1).
7. Cherry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
8. Chokeberry—Aronia juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
9. Elderberry juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
10. Grape juice color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
11. Grape skin extract color (pigment CAS #'s: 528–58–5, 528–53–0, 643–84–5, 134–01–0, 1429–30–7, and 134–04–3).
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13. Pumpkin juice color (pigment CAS # 127–40–2).

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16. Red radish extract color (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3).
17. Saffron extract color (pigment CAS # 1393-63-1).
18. Turmeric extract color (CAS # 458-37-7).

The Handling Committee asks that the National Organic Program review the CAS numbers listed on the National List for each of these colors for accuracy and make any technical corrections necessary.

Committee Vote

Motion: Katrina Heinze Second: Steve DeMuri
Yes: 5 No: 0 Abstain: 0 Absent: 2