

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

Date: March 2, 2005

Subject: Input to NOP on Waxed Boxes used for Organic Produce

Chair: Jim Riddle

Recommendation

The NOSB hereby recommends to the NOP the following:

Rulemaking Action: _____

Guidance Statement: X

Other: _____

Statement of the Recommendation (including Recount of Vote):

Motion: The Board recommends following response:

Question: Does section 205.272 allow the use of boxes coated with a synthetic wax for the transport of organic agricultural products?

Answer: A box may be coated with a petroleum-based or synthetic wax. Section 205.272(b)(1) prohibits the use of packaging materials that contain synthetic fungicides, preservatives or fumigants. The allowance of non-synthetic carnuba and wood resin waxes in 205.606(a) applies to waxes that are directly applied to produce. It does not apply to waxes used on product boxes.

Certifiers allow the use of waxed product boxes without concern as to the source of the wax, so long as the wax does not contain synthetic fungicides, preservatives (such as BHT or BHA), or fumigants. Many boxes used for conventional produce are treated with fungicides or else the box contains a fungicide treated liner. These are not allowed for organic product.

If a bag or container contains a prohibited substance, then use or reuse of that bag or container is prohibited under 205.272(b)(2), unless the bag or container has been thoroughly cleaned and poses no risk of contamination. This provision may be used by a certifier to prohibit the reuse of conventional produce boxes or to require that packaging materials be removed from a storage area during pesticide treatment.

Vote: 12 yes, 0 no, 2 abstain

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

The response is consistent with OFPA and the NOP Final Rule.

Response by the NOP:

NOSB Crops Committee
Proposed Wording for answers to questions about waxed boxes
Adopted by NOSB March 2, 2005

Introduction:

The NOP has asked the NOSB to respond to the following:

A producer needs to pack an agricultural product in a waxed box for transport. They cannot find a box manufacturer that does not use synthetic wax. Section 205.605(a) allows the use of nonsynthetic waxes (carnauba wax and wood resin) as ingredients in or on processed products. There is no other reference to the use of waxes in the regulations.

Recommendation:

Question: Does section 205.272 allow the use of boxes coated with a synthetic wax for the transport of organic agricultural products?

Answer: A box may be coated with a petroleum-based or synthetic wax. Section 205.272(b)(1) prohibits the use of packaging materials that contain synthetic fungicides, preservatives or fumigants. The allowance of non-synthetic carnauba and wood resin waxes in 205.606(a) applies to waxes that are directly applied to produce. It does not apply to waxes used on product boxes.

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Committee Vote: 2 yes, 1 no, 1 absent

NOSB Vote: 12 yes, 0 no, 2 abstain