

COMMITTEE RECOMMENDATION

Form NOPLIST1. Committee Transmittal to NOSB

For NOSB Meeting: March 2007

Substance: Peppers, Poblano

Committee: Crops Livestock Handling Petitioned for Inclusion of Poblano Peppers on
on the National List § 205.606

A. Evaluation Criteria (Applicability noted for each category; Documentation attached) **Criteria Satisfied? (see B below)**

- | | | | |
|---|---|-----------------------------|---|
| 1. Impact on Humans and Environment | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Essential & Availability Criteria | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Compatibility & Consistency | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Not or Inconsistently Available as Organic | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

B. Substance Fails Criteria Category: _____ **Comments:** _____

C. Proposed Annotation (if any): _____

Basis for annotation: To meet criteria above: _____ Other regulatory criteria: _____ Citation: _____

D. Recommended Committee Action & Vote (State Motion): Recommend Poblano peppers for listing on §205.606

Motion by: Julie Weisman Seconded: Steve DeMuri Yes: 4 No: 1 Absent: 0 Abstain: 0

Crops		Agricultural	<input checked="" type="checkbox"/>	Allowed ¹	<input checked="" type="checkbox"/>
Livestock		Non-Synthetic		Prohibited ²	
Handling	<input checked="" type="checkbox"/>	Synthetic		Rejected ³	
No restriction		Commercially Un-Available as Organic ¹	<input checked="" type="checkbox"/>	Deferred ⁴	

1) Substance voted to be added as "allowed" on National List to § 205.606 _____ with Annotation (if any) _____

2) Substance to be added as "prohibited" on National List to § 205. _____ with Annotation (if any) _____

Describe why a prohibited substance: _____

3) Substance was rejected by vote for amending National List to § 205. _____ Describe why material was rejected: _____

4) Substance was recommended to be deferred because _____

_____ If follow-up needed, who will follow up _____

E. Approved by Committee Chair to transmit to NOSB:

Julie Weisman
 Committee Chair

February 19, 2007
 Date

NOSB EVALUATION CRITERIA FOR SUBSTANCES ADDED TO THE NATIONAL LIST

Category 1. Adverse impacts on humans or the environment? Substance - Peppers, Poblano

Question	Yes	No	N/A ¹	Documentation (TAP; petition; regulatory agency; other)
1. Are there adverse effects on environment from manufacture, use, or disposal? [§205.600 b.2]			X	This is an agricultural product.
2. Is there environmental contamination during manufacture, use, misuse, or disposal? [§6518 m.3]			X	This is an agricultural product.
3. Is the substance harmful to the environment? [§6517c(1)(A)(i);6517(c)(2)(A)i]		X		
4. Does the substance contain List 1, 2, or 3 inerts? [§6517 c (1)(B)(ii); 205.601(m)2]		X		
5. Is there potential for detrimental chemical interaction with other materials used? [§6518 m.1]		X		
6. Are there adverse biological and chemical interactions in agro-ecosystem? [§6518 m.5]			X	This is an agricultural product used as an ingredient in an organic processed food. It is no longer in the eco-system.
7. Are there detrimental physiological effects on soil organisms, crops, or livestock? [§6518 m.5]			X	This is an agricultural product used as an ingredient in an organic processed food. It is no longer in the eco-system.
8. Is there a toxic or other adverse action of the material or its breakdown products? [§6518 m.2]			X	This is an agricultural product used as an ingredient in an organic processed food. It is no longer in the eco-system.
9. Is there undesirable persistence or concentration of the material or breakdown products in environment?[§6518 m.2]			X	This is an agricultural product used as an ingredient in an organic processed food. It is no longer in the eco-system.
10. Is there any harmful effect on human health? [§6517 c (1)(A)(i) ; 6517 c(2)(A)i; §6518 m.4]		X		See # 12, below.
11. Is there an adverse effect on human health as defined by applicable Federal regulations? [205.600 b.3]		X		
12. Is the substance GRAS when used according to FDA's good manufacturing practices? [§205.600 b.5]	X			Peppers are considered GRAS by the FDA (21 CFR § 182.10)
13. Does the substance contain residues of heavy metals or other contaminants in excess of FDA tolerances? [§205.600 b.5]		X		

¹If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Category 2. Is the Substance Essential for Organic Production? Substance - Peppers, Poblano

Question	Yes	No	N/A ¹	Documentation (TAP; petition; regulatory agency; other)
1. Is the substance formulated or manufactured by a chemical process? [6502 (21)]			X	This is an agricultural product.
2. Is the substance formulated or manufactured by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral, sources? [6502 (21)]			X	This is an agricultural product.
3. Is the substance created by naturally occurring biological processes? [6502 (21)]	X			
4. Is there a natural source of the substance? [§205.600 b.1]			X	Petitioned substance is from a natural source.
5. Is there an organic substitute? [§205.600 b.1]		XX		
6. Is the substance essential for handling of organically produced agricultural products? [§205.600 b.6]			X	
7. Is there a wholly natural substitute product? [§6517 c (1)(A)(ii)]			X	Petitioned substance is a wholly natural product.
8. Is the substance used in handling, not synthetic, but not organically produced? [§6517 c (1)(B)(iii)]	X			
9. Is there any alternative substances? [§6518 m.6]			X	
10. Is there another practice that would make the substance unnecessary? [§6518 m.6]			X	

¹If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Category 3. Is the substance compatible with organic production practices? Substance - Peppers, Poblano

Question	Yes	No	N/A ¹	Documentation (TAP; petition; regulatory agency; other)
1. Is the substance compatible with organic handling? [§205.600 b.2]			X	
2. Is the substance consistent with organic farming and handling? [§6517 c (1)(A)(iii); 6517 c (2)(A)(ii)]			X	
3. Is the substance compatible with a system of sustainable agriculture? [§6518 m.7]			X	
4. Is the nutritional quality of the food maintained with the substance? [§205.600 b.3]	X			
5. Is the primary use as a preservative? [§205.600 b.4]		X		
6. Is the primary use to recreate or improve flavors, colors, textures, or nutritive values lost in processing (except when required by law, e.g., vitamin D in milk)? [205.600 b.4]		XX		Used to create authentic flavor profile, not to replace flavor lost in processing.
7. Is the substance used in production, and does it contain an active synthetic ingredient in the following categories:			X	
a. copper and sulfur compounds;				
b. toxins derived from bacteria;			X	
c. pheromones, soaps, horticultural oils, fish emulsions, treated seed, vitamins and minerals?			X	
d. livestock parasiticides and medicines?			X	
e. production aids including netting, tree wraps and seals, insect traps, sticky barriers, row covers, and equipment cleaners?			X	

¹If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

**Category 4. Is the agricultural substance inconsistently or not commercially available as organic?
Substance – Peppers, Poblano**

Question	Yes	No	N/A	Comments on Information Provided (sufficient, plausible, reasonable, thorough, complete, unknown)
1. <u>Is the comparative description provided</u> as to why the non-organic form of the material /substance is necessary for use in organic handling?	XX			Petition p. 1 “Intended Use” indicates that Roasted Poblano peppers impart a unique flavor and therefore are necessary for formulation of organic processed foods into authentically Mexican –tasting finished products.
2. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate form to fulfill an essential function in a system of organic handling?	XX			Petition p.11 #12 “Justification Statement” indicated that petitioner only knows of one processor from whom they are able to purchase these peppers in an IQF diced form. Petitioner acknowledges that the raw agricultural product is cultivated organically in adequate supply.
3. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate quality to fulfill an essential function in a system of organic handling?		XX		There is no information given in this petition which indicates that the organic Poblano peppers currently grown or processed are of inappropriate quality for petitioner’ s Requirement.
4. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate quantity to fulfill an essential function in a system of organic handling?	XX			See comment for #2 above. Petitioner states that their requirement is not large enough to interest the one conventional processor to process organically.
5. Does the industry information provided on material / substance non-availability as organic, include (but not limited to) the following: a. Regions of production (including factors such as climate and number of regions);	XX			Petition pp. 6-7 and 11 contain information indicating that this crop is grown widely in Mexico and the U.S. and that there are “many “ agricultural producers of organic poblano Peppers in California. PP. 6 top also describes that efforts to grow this crop in the Northeast U.S. (NJ) have produced less than optimal results.
b. Number of suppliers and amount produced;	XX			See comment for #2 above.
c. Current and historical supplies related to weather events such as hurricanes, floods, and droughts that may temporarily halt production or destroy crops or supplies;		XX		No indication is given in this petition that weather-related events are a factor in the availability of the organic form of this material.
d. Trade-related issues such as evidence of hoarding, war, trade barriers, or civil unrest that may temporarily restrict supplies; or		XX		No indication is given in this petition that trade-related issues are a factor in the availability of the organic form of this material.
e. Are there other issues which may present a challenge to a consistent supply?		XX		