

# NOSB COMMITTEE RECOMMENDATION

Form NOPLIST1. Committee Transmittal to NOSB

For NOSB Meeting: March 2007

Substance: Peppers, Red, crushed

Committee: Crops  Livestock  Handling  Petition is for: Inclusion of Red Peppers, crushed  
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. Commercial Supply is Fragile or Potentially Unavailable as Organic (only for 606) | 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):** Material allowed for listing for 3 years from the date of publication

Basis for annotation: To meet criteria above: \_\_\_\_\_ Other regulatory criteria: \_\_\_\_\_ Citation: \_\_\_\_\_  
 To allow time for development of certified operators to process this agricultural product organically.

**D. Recommended Committee Action & Vote (State Actual Motion):** Recommend listing of Red Peppers, crushed for listing on §205.606 for 3 years.

**E.**

Motion by: Julie Weisman Seconded: Andrea Caroe Yes: 5 No: 0 Absent: 0 Abstain: 0

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

1) Substance voted to be added as "allowed" on National List to § 205.606 with Annotation (if any) Material allowed for listing for 3 years from the date of publication

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, Red, crushed**

<b>Question</b>	<b>Yes</b>	<b>No</b>	<b>N/A<sup>1</sup></b>	<b>Documentation (TAP; petition; regulatory agency; other)</b>
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 agro-ecosystem.
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 agro-ecosystem.
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 agro-ecosystem.
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 agro-ecosystem.
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			Red Peppers are considered GRAS by the FDA (CFR 21 § 182.10)
13. Does the substance contain residues of heavy metals or other contaminants in excess of FDA tolerances? [§205.600 b.5]		X		

<sup>1</sup>If 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, Red, crushed**

Question	Yes	No	N/A <sup>1</sup>	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]		X		Not available in necessary quality on consistent basis at this time.
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]	XX			Yes, cultivation and processing in sufficient quantity by certified operators.

<sup>1</sup>If 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, Red, crushed**

Question	Yes	No	N/A <sup>1</sup>	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		No. It only creates a specific flavor profile, not 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	

<sup>1</sup>If 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 commercial supply of an agricultural substance as organic, fragile or potentially unavailable?** [§6610, 6518, 6519, 205.2, 205.105 (d), 205.600 (c) 205.2, 205.105 (d), 205.600 (c)]  
**Substance - Peppers, Red, crushed**

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.2 “Intended Use” for formulation of organic processed foods, such as soups and pasta sauces
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 <b>form</b> to fulfill an essential function in a system of organic handling?		XX		Petition p.4 “Research on Availability” indicate that organic crushed red peppers are offered by a number of suppliers. Attachment 2 indicates that suppliers who offer it, do not always have it available
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 <b>quality</b> to fulfill an essential function in a system of organic handling?	XX			Petition p.1, 1 <sup>st</sup> para. states that lots of organic crushed red peppers from the various suppliers vary significantly in particle size, flavor profile, heat level and appearance. Also that this type of spice varies more widely than others. Petition p. 4 “Justification Statement” indicates that only “occasionally” are there no lots of acceptable organic crushed red peppers.
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 <b>quantity</b> to fulfill an essential function in a system of organic handling?		XX		No information is given regarding quantities of org. crushed red pep, regardless of quality, that are available relative the overall requirement it. It is possible to infer from the petitioner’s focus on inconsistent quality, that sufficient supply of a very specific quality is a problem, but not the the overall supply of organic red peppers cultivated and processed into this form.
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		No information is given regarding regions of production. It is presumed that this row crop can be cultivated in most regions of the U.S.
b. Number of suppliers and amount produced;	XX			Petition p.1 refers to “one or more suppliers” of organic crushed red peppers, but makes not reference to quantity available.
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 information is given which indicates that meteorological events have historically had an impact on production 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	The crop from which this spice is derived is widely grown in the U.S. Trade-related issues are clearly not a factor.
e. Are there other issues which may present a challenge to a consistent supply?	XX			