

Draft NOSB Recommendation for technical correction -- Clarify that both ingredients and processing aids must appear on the National List in order to be used in processed organic food.

Delete the words "as ingredients" from the titles and first paragraphs of sections 205.605 and 205.606 to read:

§ 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))."

The following nonagricultural substances may be used as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food group(s))" only in accordance with any restrictions specified in this section.

§ 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as organic or made with organic ingredients.

The following nonorganically produced agricultural products may be used as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food group(s))" only in accordance with any restrictions specified in this section.

By deleting the words "as ingredients" as indicated above, sections 205.605 and 205.606 will be consistent with section 205.105 (c) and (d), which reads:

§ 205.105 Allowed and prohibited substances, methods, and ingredients in organic production and handling.

To be sold or labeled as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))," the product must be produced and handled without the use of:

- (c) Nonagricultural substances used in or on processed products, except as otherwise provided in § 205.605;
- (d) Nonorganic agricultural substances used in or on processed products, except as otherwise provided in § 205.606;

Rationale: By including the words "as ingredients" in section 205.605 and 205.606, the language indicates that only ingredients need to be listed. This gives the impression that processing aids and other substances that contact organic food products do not have to be petitioned, reviewed, and listed. This has created confusion among manufacturers, processors, and certifiers.

It is clear from past NOSB recommendations, from public comment, from section 205.105 (c) and (d), and from the definition of "processing aid" in the Rule that all substances which are used "in or on" processed organic products must be petitioned, reviewed, and appear on the National List.

Deleting the words "as ingredients" will clarify that the lists in 205.605 and 205.606 are inclusive, and are not limited to ingredients only.