

NOSB COMMITTEE RECOMMENDATION

Form NOPLIST1. Committee Transmittal to NOSB

For NOSB Meeting: March 2007

Substance: Turkish Bay Leaves

Committee: Crops Livestock Handling Petition is for: Inclusion of Turkish Bay Leaves 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): _____

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

D. Recommended Committee Action & Vote (State Actual Motion): Recommend Turkish Bay Leaves for listing on §205.606

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

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

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 - Turkish Bay Leaves

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 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		Turkish Bay Leaves are considered GRAS by the FDA (CFR 21 § 182.10)
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			See #10, above.
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 - Turkish Bay Leaves

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			Yes, it grows.
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			There is currently no organic substitute that meets flavor profile.
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	It is wholly natural.
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 - Turkish Bay Leaves

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 regionally authentic 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;			X	
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 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 - Turkish Bay Leaves

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 pp. 1, #3 “Intended Use” states that Turkish Bay leaves are necessary to impart a subtle, but particular background flavor to many organic processed products. Petition p.2, #4 “Mode of Action.”
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. 1 1 st paragraph as well as p.2 “ Mode of Action” and #5“ Source of Manufacture” and Attachment 3 all describe that other forms of bay leaf (California, Indian and Indonesian) which may be available organically, cannot substitute for Turkish Bay leaves, which impart more sweetness than the others.
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			Petition p. 1 1 st para. and page 3 “Justification Statement” indicate that occasionally the organic Turkish Bay leaves available are too bitter, astringent or pungent to meet petitioners requirements for flavor profile. Petitioner speculates this may be due to inappropriate drying. Petitioner has no opportunity to work directly with producer.
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			Petition p.1, states that material is periodically unavailable as organic.
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 p. 1 Item B 1. lists the four regions globally in which Bay Leaves are grown. Information provided in Attachment 1, p. 1 indicates that Turkish Bay Leaves (Laurus Nobilis) is native to the Mediterranean region, and suggests that global supplies come from that region, only. Limitation of supply from one foreign geographic regions limits ability of petitioner to work directly with producer to improve processing techniques. (see comment in 3. above) Attachment 2, p.2 states that Turkish Bay Leaves has poor freeze resistance and cannot be grown outdoors in Northern regions.
b. Number of suppliers and amount produced;	XX			Petition p.1, Item B 2 indicated a primary supplier to petitioner and suggest that an alternate supplier exists. Most if the information about the supplier is CBI-deleted. No information was given regarding quantity produced.
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 in this petition which indicates that weather events have had an impact on the supply of Organic Turkish Bay leaves.
d. Trade-related issues such as evidence of hoarding, war, trade barriers, or civil unrest that may temporarily restrict supplies; or		XX		No information is given in this petition which indicates that trade-related issues have had an impact on the supply of Organic Turkish Bay leaves.
e. Are there other issues which may present a challenge to a consistent supply?		XX		None mentioned.