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**Comments of the Organic Materials Review Institute
Spring 2013 National Organic Standards Board Meeting
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Attention: Handling Subcommittee

The Organic Materials Review Institute (OMRI) thanks the National Organic Standards Board (NOSB) for the opportunity to comment on items in this meeting's agenda [Docket No. AMS–NOP-12-0070]. OMRI is an independent non-profit institute that provides professional, independent and transparent review of materials and processes to determine their suitability for producing, processing, and handling organic food and fiber. OMRI was started in 1997 by a partnership of certifiers, the industry, and organizations that have an interest in organic farming. We are commenting on the following recommendations and/or discussion documents: Other Ingredients.

'Other Ingredients' Recommendation

OMRI finds the recommendation to be enforceable and clear but we want to clarify a few issues. Since the EAFUS database contains both direct and indirect food additives, it is important to clarify the NOSB's intent as to what kinds of food additives they are permitting by this policy. According to Title 21 CFR Part 174.5(c), "The existence in this subchapter B of a regulation prescribing safe conditions for use of a substance as an article or component of articles that contact food *shall not be construed as implying that such substance may be safely used as a direct additive in food*" (emphasis added). Specific types of indirect food additives are described in 21 CFR Sections 173 to 178 and 186. They are typically substances that may migrate into food by virtue of being a component of a food contact substance such as sanitizers, packaging and adhesives. Thus, per the FDA regulations, it would be illegal for food ingredients on 205.605 and 205.606 to have "other ingredients" that are only FDA approved as indirect additives.

We also suggest that because sanitizers on 205.605(b) (e.g. peracetic acid) are not considered ingredients or processing aids per FDA regulations, that a separate policy should be created to allow "other ingredients" in these substances.

In order to clarify these issues, we suggest the following edits as underlined:

The baseline criteria are as follows...

For ingredients and processing aids:

1. Any substance either approved as a direct food additive or listed or affirmed as GRAS as a direct food additive...

For food contact and equipment sanitizers:

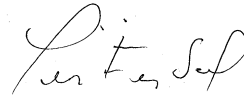
1. Any substance either approved as direct or indirect food additives or listed or affirmed as GRAS....

We also want to ask one clarifying question. The recommendation states “Other ingredients in general product categories that are currently on 205.605 and 205.606 and currently used in certified organic processed product will continue to be allowed until they go through their next sunset review and subsequent Rule amendment.” Does this mean that any new (i.e., not currently used in certified organic processed products) processing input product reviewed by an Accredited Certifying Agent (ACA) or Material Review Organization (MRO) after the adoption of this recommendation must be in compliance with the baseline criteria, or are any “other ingredients” still allowed until the next sunset review of the substance on 205.605 and 205.606?

Thank you for the opportunity to comment on this recommendation.



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Executive Director/CEO



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Program Director