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38 Non-Organic Agricultural Ingredients added to the National List, 205.606, on an Interim Basis Only – Handlers and Processors Encouraged to Submit Comments

Effective June 21, 2007, the U.S. Department of Agriculture published an interim final rule that amended the USDA's National List of Allowed and Prohibited Substances (National List) to include 38 minor ingredients recommended by the National Organic Standards Board (NOSB). These minor ingredients may be used in products making an “Organic” claim only once the certified handler has attempted to obtain the minor ingredient in organic form, and documented that it is currently not organically available in the appropriate form, quality and quantity. The sum total of non-organic ingredients in products making an “organic” claim must not exceed 5%.

This amendment to the National List is not final, however. On May 15, 2007, AMS published proposed rule AMS-TM-07-0062 to add 38 minor ingredients to § 205.606 of the National List with a 7-day comment period. AMS received approximately 1,250 comments on the proposed rule, including comments expressing concern about the abbreviated comment period. In light of these concerns, the AMS is now accepting additional comments on the amendment for a further 60 days from the effective date (June 21, 2007). Certified handlers are allowed to produce organic products that are in compliance with this interim final rule while the AMS continues to accept and review further comments.

The AMS states in the latest Federal Register notice, **AMS-TM-07-0062; TM-07-06IF**, that “though a significant number of comments were received, very few comments submitted were from processors or handlers. Comments from this segment of the industry would be helpful in developing a final rule.” For the complete Federal Register Notice and further background on this issue, go to <http://www.ams.usda.gov/nop/Newsroom/FedRegNoticeTM-07-06InterimFinalRule062207.pdf>

The interim final rule may be immediately accessed at the National Organic Program website www.ams.usda.gov/nop.

Interested persons may comment on the interim final rule:

- By mail to Robert Pooler, Agricultural Marketing Specialist, National Organic Program, USDA/AMS/TMP/NOP, 1400 Independence Ave., SW, Room 4008-So., Ag Stop 0268, Washington, DC 20250.
- By Internet: www.regulations.gov

Written comments on the interim final rule should be identified with the docket number AMS-TM-07-0062. Comments should identify the relevant topic and section number of the interim final rule.

All comments will be made available for viewing on the National Organic Program homepage at www.ams.usda.gov/nop or in person at USDA-AMS, Transportation and Marketing Programs, Room 4008-South Building, 1400 Independence Ave., SW, Washington, DC, from 9 a.m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday (except Federal holidays). Persons wishing to visit the USDA South Building to view comments received in response to this proposed rule should make an appointment in advance by calling (202) 720-3252.

For further information, contact Robert Pooler, Agricultural Marketing Specialist; Telephone: 202-720-3252; or fax: (202) 205-7808.