

## **COLORS TO BE REMOVED FROM THE NATIONAL LIST (7 CFR 205.605) IN OCTOBER 2007**

The National Organic Standards Board (NOSB) met in Crystal City, Virginia, on October 17 – 19, 2006. Among the many agenda items discussed was the status of nonsynthetic colors, which are currently listed in 205.605 as allowed non-agricultural ingredients for use in processed products making an “organic” and “made with organic (specified ingredients or food groups)” claim. The NOSB voted to sunset colors, which means that, as of October 22, 2007, colors will not be renewed as an approved non-agricultural substance on the National List. The reason for this is that there was never an NOSB recommendation for the placement of colors on the National List to begin with.

### **The Sunset Review**

The Organic Foods Production Act (OFPA) authorizes the establishment of the National List of allowed and prohibited substances. The National List identifies synthetic substances that are allowed and nonsynthetic substances that are prohibited in organic crop and livestock production. The National List also identifies nonsynthetic substances and synthetic substances that are allowed for use in organic handling. The substances on the National List are required to be reviewed every 5 years by the NOSB. This is referred to as the Sunset Review. The removal of colors from the National List is a part of the NOSB’s sunset review.

### **What Happens Now?**

According to the Federal Register, the NOSB will recommend to the NOP Secretary that colors not be renewed on the National List. The NOP will then publish a proposed rule containing the NOSB recommendations. This proposed rule will provide an additional opportunity for public comments; however, at this time QAI expects that the NOSB recommendations will be adopted by the NOP regardless of further comments.

The best opportunity for nonsynthetic agricultural colors to remain permitted for use in certified products is to petition the NOSB to include agricultural colors on 205.606, Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic”, and non-agricultural colors on 205.605, “Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food groups)” For information on the NOP Petition process, please visit [www.ams.usda.gov/nop/Petition/PetitionHome.html](http://www.ams.usda.gov/nop/Petition/PetitionHome.html) <<http://www.ams.usda.gov/nop/Petition/PetitionHome.html>>