



P.O. Box 11558, Eugene, Oregon 97440-3758 USA
541.343.7600 • fax 541.343.8971
info@omri.org

**Comments of the Organic Materials Review Institute
Spring 2012 National Organic Standards Board Meeting
Albuquerque, New Mexico May 22-25, 2012**

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-12-0017]. 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.

Extractants and Solvents Discussion Paper

OMRI considers the use of volatile synthetic solvents in ingredients on 205.605 and 205.606 as permitted, unless otherwise annotated. This interpretation is supported by 205.270(c) and was confirmed by the National Organic Program at the fall 2011 NOSB meeting. Thus, OMRI considers the committee's statement that "it is not clear whether the use of a volatile synthetic solvent in an ingredient that is subsequently used in another product disqualifies the second product as being labeled organic" is inaccurate. In OMRI's understanding, it has been clarified; however, the NOP should consider formally clarifying this section for the NOSB, and for the organic industry in general.

Because many of the Material Committee's (MC) questions have already been discussed at length by the organic industry, OMRI suggests that the committee consider tabling further discussion until the NOP can publish a draft classification guidance. At that time, it will become clear to the NOSB which topics would benefit from more public input to clarify grey areas. However, OMRI would also like to comment on questions posed by the committee, in an effort to provide information for the full NOSB should the discussion continue.

MC QUESTION 1: Should "volatile synthetic solvent" be defined, especially in relationship to the rule 205.270(c)2? Should we make a distinction between different types of solvents? If possible, reference to a standard scientific or regulatory definition is preferred. Should the toxicity of a volatile synthetic solvent affect how it is treated in classification and materials evaluation? Does supercritical carbon dioxide meet the definition?

Response: Since handlers of "organic" and "made with organic" products can only use synthetic ingredients and processing aids on 205.605(b), and 205.270(c)(2) establishes that an organic handler may not use synthetic volatile solvents in producing a final certified organic product, a definition for "volatile synthetic solvent" would only be needed if such a substance was

petitioned for addition to the National List at 205.605(b). While OMRI is not opposed to establishing a definition for “volatile synthetic solvent,” we question whether it is necessary given the unlikely chance that a material would be petitioned for inclusion on 205.605(b), or that such a substance would pass the other criteria contained in OFPA for NOSB review of petitioned substances.

MC QUESTION 5: Similarly, should synthetic substances allowed for use in organic crop production under §205.601 be allowed or prohibited from using volatile synthetic solvents in their production or extraction? Should nonsynthetic substances used in organic crop production be allowed or prohibited from using volatile synthetic solvents in their production or extraction, regardless of chemical change or significant residues?

Response: Since it is not OMRI’s role to support or oppose any specific practice or material on the National List, we cannot comment whether synthetic solvents should or should not be allowed to extract nonsynthetic materials for use in organic crop and livestock production. However, based on our experience reviewing thousands of synthetic and nonsynthetic materials used in organic crop and livestock production, we would strongly caution the NOSB to consider the implications of a blanket prohibition on the use of synthetic solvents to extract nonsynthetic materials. In our experience, this would affect a great number of otherwise innocuous materials such as vegetable oils, botanical extracts, pyrethrums, lecithin, and neem oils.

MC QUESTION 8: For substances already on the National List, should it be assumed that any extractant is allowed, or should the NOSB attempt to specify allowed extractants moving forward or for previously listed substances?

Response: For substances already on the National List, OMRI assumes that any extractant is allowed unless otherwise annotated. If the NOSB deems it necessary or prudent to specify allowed extractants going forward, OMRI can provide meaningful comment to the applicability and enforcement of such annotations.

We look forward to seeing many of these issues resolved through guidance published by the NOP and NOSB.

Significant Residues Discussion Document

For the purpose of understanding the concept of “significant residues” from OMRI’s experience, we would like start our comments on this subject by introducing our basic decision tree that covers most situations encountered during material review for crops inputs. Since OMRI finds it difficult to discuss such technical issues without real life examples, we are using a very common situation (feather meal with potassium sorbate preservative) to exemplify the concept of “significant residues” and how OMRI currently reviews them. In this case, we need only to focus on question #1 in our decision tree to determine whether “significant residues” influences the end compliance of the product.