Recipe for Compliance

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Recipe for Compliance

- Materials
- Sourcing
- Commercial Availability
- Certification

Materials:

These will all need to be on the national list

Sourcing:

Resources for finding ingredients are OTA, certifier, OMRI

Commercial Availability:

Discussed by Kim

Certification:

Any organic claims will have to be third party certified.

This is the symbol that what all the fuss is about.

Federal Register

vol. 65, No. 249

Thursday, December 21, 2000

Rules and Regulations.

The Act was published in December. The clock started on April 20, 2001. Everyone has 18 months to come into compliance.

Label cannot be used until October 2002 (18 months from implementation)

USDA rules not only set a minimum requirement , but effectively set a maximum standard. More about this later.

Changes came about because of effective lobbying by NFPA.

The NOP is a marketing program of USDA AMS. Neither the OFPA nor NOP address food safety nor nutrition.

Materials

- Allowed and prohibited substances
- Main ingredients
  - Must be organically grown
- Minor ingredients
  - NOSB List (USDA list of acceptable chemical additives
- Processing Aids
  - DE, press aids, enzymes, anti-foams
- Water and Steam
  - Testing requirements, Cl addition

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Allowed substances:

Must be certified OG or on the National List. Can't take a grower's word for it, must be 3rd party certified and include current certificate.

Prohibited substances:

If it isn't listed as allowed, it is prohibited.

Ingredients: Recent change to 70%; incidental contamination; minor compositional aspects (salt with anti-caking agents).

NOSB List: reason for getting the Fed's involved.

Processing aids: Most used by the juice industry are acceptable, including DE, bentonite, rice hulls and enzymes.

Enzymes: Problem with the GMO's Mostly done by traditional breeding and selection, but now they are starting to be done with GE. Lost the original cultures and can't go back.

100% products: to be discussed later. Can't use ANY non-organic ingredient or aid (enzymes, DE are definitely out). Organic rice hulls would be acceptable, but regular rice hulls would not be.

Water and Steam: Potable water (meeting the SWDA) are necessary. Flume water: finish water must not exceed the SWDA (4ppm), but no cap on maximum addition (in the NOP). Recommendations: must do pre-washes to remove dirt load before Cl additions. Then treat with chlorine.

Steam: No volatile boiler additives (if there is direct contact) allowed. Ok if everything is in jacketed kettles or heat exchangers.

National List

- Nonagricultural Ingredients
  - Nonsynthetics
    - » allowed-if on the National List
  - Synthetics
    - » allowed-if on the National List
- Non-organically produced agricultural ingredients
  - Within the % labeling limits
- Not organic and not on the National List?
  - Can't use it
- Amending the list

§ 205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic"

(a) Nonsynthetics allowed: 20 categories with about 27 items

(1) Acids…(ii) Citric—produced by microbial fermentation of carbohydrate substances.
(5) Colors, nonsynthetic sources only.
(8) Enzymes …
(9) Flavors…no solvents … or any artificial preservative.
(19) Waxes—nonsynthetic.

(b) Synthetics allowed: about 36 listings

(4) Ascorbic acid.
(9) Chlorine materials—disinfecting and sanitizing food contact surfaces… residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act.
(19) Nutrient vitamins and minerals, in accordance with 21 CFR 104.20,
(32) Sodium hydroxide—prohibited for use in lye peeling of fruits and vegetables.
(34) Sulfur dioxide—in wine labeled "made with organic grapes,"…total < 100 ppm.

§ 205.606 Non-organically produced agricultural products allowed as ingredients in products labeled as "organic" or "made with organic". …Any agricultural …product may be used … when the product is not commercially available in organic form.

five listings
(a) Cornstarch (native)
(b) Gums—water extracted only (arabic, guar, locust bean, carob bean)
(c) Kelp—for use only as a thickener and dietary supplement
(e) Pectin (high-methoxy)

§ 205.607 Amending the National List

(a) … the (NOSB) … evaluated … for inclusion on or deletion from the National List …
(c) A petition to amend the National List must be submitted to:
Program Manager
USDA/AMS/TMP/NOP
Room 2945, South Building
P.O. Box 96456
Washington, DC 20090–6456.

OTCO: ingredients 91 a/r; aids 18 a/r; cleaners/sanitizers 20 a/r; pest control 18, 5 a/r

Lots of items not addressed by the National List.

Labels and Labeling

- Categories
  - 100% Organic
  - Organic (>95%)
  - Made with organic (70-95%)
  - <70% organic ingredients
- Calculation
  - By weight or volume
  - Less salt and water

No health claims can be made. FDA and FSIS labeling regulations still apply.

§ 205.302 Calculating the percentage of organically produced ingredients.

(a) The percentage … must be calculated by:

(1) Dividing the total net weight (excluding water and salt) of combined organic ingredients at formulation by the total weight (excluding water and salt) of the finished product.

(2) Dividing the fluid volume of all organic ingredients (excluding water and salt) by the fluid volume of the finished product (excluding water and salt) if the product and ingredients are liquid. If the liquid product is identified on the principal display panel or information panel as being **reconstituted from concentrates, the calculation should be made on the basis of single-strength concentrations** of the ingredients and finished product.

(3) For products containing organically produced ingredients in both solid and liquid form, dividing the combined weight of the solid ingredients and the weight of the liquid ingredients (excluding water and salt) by the total weight (excluding water and salt) of the finished product.

(b) The percentage of all organically produced ingredients in an agricultural product must be **rounded down to the nearest whole number**.

(c) … percentage … determined by the handler who affixes the label on the consumer package and verified by the certifying agent …

Can't have both an organic form and non-organic form of the same ingredient.

Hot Topics

- GMO's and GE
  - Processing enzymes
  - Ingredients
- Synthetics
  - National List
- Inerts
  - Allowed processing aids
- Commercial Availability
  - Quantity, Quality, Price

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GMO's and GE: Genetically Modified Organisms and Genetically Engineered are no-no's to the organic industry. The NOP states that no GMO's (or other prohibited practices) will be allowed on any ingredient used in any product that gets labeled as >70% organic. Prohibited practices are allowed on non-organic ingredients in products that contain <70% organic.

Enzymes: No GMO enzymes allowed. Must have documentation from supplier that they are ok for organic processing.

Ingredients: Soy products, corn products (corn syrup, starch) are troublesome as many forms are now from GMO crops. Citric acid has restrictions on its production methods

Synthetics: currently each certifier has their own list, but they will be standardizing on the National List. More about this in other slides.

Inerts: processing aids, enzymes, etc. may need to be approved if they contain synthetic components that are questionable. Best solution is to get the product approved by OMRI.

Commercial Availability: Must use organic ingredients if they are available in quantity, quality. Price may be a factor-still under debate. Currently a 4x factor is being discussed.

If a cost factor is imposed, this may have negative implications for manufacturers and on the introduction of new 'organic' ingredients. Example: I want to produce organic soy lecithin. I know that the runs are going to be small (not a lot of demand for the product). My costs of raw materials (soy beans) is higher than conventional. When I do my cost analysis, I find that I'm going to have to charge 6x what I can sell conventional product for. When demand increases so that I can have longer more cost effective production runs, my costs may come down to 3X conventional. Will I ever go into the business of producing organic soy lecithin? NO. With a 6x cost difference, there will be no demand for my product. Processors will state (justifiably) that it is too expensive and that they will continue to use conventional. There may be some demand by the purists, but not enough to ever bring demand high enough for me to reach production efficiencies and bring the cost down to 3x.