

Information on Important changes of the NOP Standard

On June 8, 2006, USDA's National Organic Program (NOP) published modifications to the NOP final rule.

These modifications are the result of a long lawsuit in the US (also known as "Harvey-case").

The new final rule contains two changes:

- changes to the feed provision of the section of the NOP regulations dealing with dairy animals.
- changes regarding the labelling of processed multi-ingredient products

Below we will outline the changes in detail.

NOP CHANGES IMPORTANT FOR PROCESSORS: By June 9, 2007, all non-organic agricultural ingredients in products labelled as "organic" must be listed in the NOP Final Rule (§ 205.606) AND must be demonstrated as commercially unavailable. If these ingredients are not listed under § 205.606, by June 9, 2007, processors will be required to either source the organic version, OR change the labels to a "made with organic..." claim. To have ingredients reviewed for inclusion on 205.606, you must petition the USDA NOP. For information on the NOP Petition process, please visit <<http://www.ams.usda.gov/nop/Petition/PetitionHome.html>>

Old version of § 205.606:

§ 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labelled as "organic" or "made with organic (specified ingredients or food group(s))."

The following nonorganically produced agricultural products may be used as ingredients in or on processed products labelled as "organic" or "made with organic (specified ingredients or food group(s))" only in accordance with any restrictions specified in this section.

Any nonorganically produced agricultural product may be used in accordance with the restrictions specified in this section and when the product is not commercially available in organic form.

- (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.
- (d) Lecithin - unbleached.
- (e) Pectin (high-methoxy).

New Version of § 205.606

§ 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labelled as organic.

Only the following nonorganically produced agricultural products may be used as ingredients in or on processed products labelled as "organic," only in accordance with any restrictions specified in this section, and only when the product is not commercially available in organic form.

- (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
- (d) Lecithin—unbleached
- (e) Pectin (high-methoxy)

The new version of § 205.606 has the following consequences:

Only the listed agricultural materials under § 205.606 are accepted as commercially unavailable in organic form; it is not sufficient that the processor can demonstrate with documents from his providers that a given product is not commercially available.

It is still possible to include non-organic agricultural ingredients in a multi-ingredient product even if the specific ingredient is not listed under § 205.606, but then the product can only be labelled as "made with organic products" and not as "organic" (even if the percentage of the non-organic ingredient is only 2% of the total of the product).

Whilst the new final rule containing the mentioned modifications has been published and is effective from now on, the effective date of the changes of section 205.606 (multi-ingredient products) will only be effective next year in June 9, 2007.

This provides some kind of "stream of commerce" agreement for the organic market. This means, that from June 9, 2007 no products labelled as organic should appear on the market anymore, that contain nonorganic agricultural products that do not appear on 205.606.

NOP CHANGES IMPORTANT FOR DAIRY PRODUCERS: The final rule also revises section 205.236 of the NOP regulations to eliminate what is commonly known as the "80/20" feed provision, and no milk may be labeled as organic and enter the stream of commerce after June 9, 2007, as a result of the 80/20 feed provision. Thereafter, transitioning dairy producers will no longer be able to use 20 percent non-organic feed during the first nine months of whole herd conversion from conventional to organic production.

For more information please also visit the official NOP-Homepage under www.ams.usda.gov/nop

