

TECHNICAL BULLETIN #2009-4
INFORMATION REGARDING "ORGANIC COMPLIANT" INGREDIENTS
Including excerpts from The United States Code of Federal Regulations
Title 7, Part 205 – National Organic Program

DEFINED TERMS

We think it useful to start with the following "Defined Terms" from the Code of Federal Regulations.

Act The Organic Foods Production Act of 1990, as amended (7 U.S.C. 6501 et seq.).

Organic A labeling term that refers to an agricultural product produced in accordance with the Act and the regulations in this part.

Organic Production A production system that is managed in accordance with the Act and regulations in this part to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.

Commercially available. The ability to obtain a production input in an appropriate form, quality, or quantity to fulfill an essential function in a system of organic production or handling, as determined by the certifying agent in the course of reviewing the organic plan.

It is important to note that the USDA National Organic Program does not have a definition for "Organic Compliant".

ORGANIC COMPLIANT INGREDIENTS

The commonly used term "**Organic Compliant**" generally refers to ingredients which meet the following requirements, but which are not "Commercially Available" in a Certified Organic format (according to the above definition).

For an ingredient to be considered Organic or Organic Compliant for use in a Certified Organic finished product, it "must be produced and handled without the use of":

- (a) Synthetic substances and ingredients, except as provided in §205.601 or §205.603;
- (b) Non-synthetic substances prohibited in §205.602 or §205.604;
- (c) Nonagricultural substances used in or on processed products, except as otherwise provided in §205.605;
- (d) Nonorganic agricultural substances used in or on processed products, except as otherwise provided in §205.606;
- (e) Excluded methods, except for vaccines: Provided that the vaccines are approved in accordance with §205.600(a);
- (f) Ionizing radiation, as described in Food and Drug Administration regulation, **21CFR179.26**; and
- (g) Sewage sludge

The bottom line is:

If a Certified Organic alternative to an Organic Compliant ingredient is commercially available, a company wishing to use the Organic Compliant material in their Organic product will need to convince their organic certification agency that the Certified Organic version of the ingredient will not meet their needs because it is not in an "appropriate form, quality, or quantity to fulfill an essential function in a system of organic production".

Please see the attached list of non-organically produced agricultural products which are approved for use in Organic products if no Certified Organic alternative is "commercially available".

The following is excerpted from the United States Code of Federal Regulations
Title 7, Part 205 – National Organic Program

§205.606 Non-Organically Produced Agricultural Products Allowed As Ingredients In or On Processed Products Labeled As "Organic"

Only the following nonorganically produced agricultural products may be used as ingredients in or on processed products labeled 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) Casings, from processed intestines
- b) Celery Powder
- c) Chia (*Salvia hispanica L.*)

d) Colors derived from agricultural products:

Must not be produced using synthetic solvents and carrier systems or any artificial preservative

- 1) Beet Juice Extract Color
 - 2) Beta-Carotene Extract Color - *derived from carrots or algae*
 - 3) Black Currant Juice Color
 - 4) Black/Purple Carrot Juice Color
 - 5) Blueberry Juice Color
 - 6) Carrot Juice Color
 - 7) Cherry Juice Color
 - 8) Chokeberry *Aronia Juice Color*
 - 9) Elderberry Juice Color
 - 10) Grape Juice Color
 - 11) Grape Skin Extract Color
 - 12) Paprika Color
 - 13) Pumpkin Juice Color
 - 14) Purple Potato Juice
 - 15) Red Cabbage Extract Color
 - 16) Red Radish Extract Color
 - 17) Saffron Extract Color
 - 18) Turmeric Extract Color
- e) Dillweed Oil
 - f) Fish Oil (Fatty Acid CAS#: 10417-94-4 & 25167-62-8) *stabilized with organic ingredients or only with ingredients on the National List, §§205.605 & 205.606*
 - g) Fortified Cooking Wines
 - (1) Marsala
 - (2) Sherry
 - h) Fructooligosaccharides
 - i) Galangal, *Frozen*
 - j) Gelatin
 - k) Gums - Water Extracted Only (*Arabic, Guar, Locust bean & Carob Bean*)
 - l) Inulin-Oligofructose Enriched
 - m) Kelp - *For use only as a thickener and dietary supplement*
 - n) Konjac Flour
 - o) Lecithin - *de-oiled***
 - p) Lemongrass, *Frozen*
 - q) Orange Pulp, *Dried*
 - r) Orange Shellac - *Unbleached*
 - s) Pectin (*non-amidated forms only*)
 - t) Peppers (*Chipotle Chile*)
 - u) Seaweed, Pacific Kombu

- v) Starches
 - (1) Cornstarch (*Native*)
 - (2) Sweet Potato Starch - *for bean thread production only*
- w) Tragacanth Gum
- x) Turkish Bay Leaves
- y) Wakame Seaweed (*Undaria pinnatifida*)
- z) Whey Protein Concentrate

[72 FR 35140, June 27, 2007, as amended at 75 FR 77524, Dec. 13, 2010; 77 FR 8092, Feb. 14, 2012; 77 FR 33299, June 6, 2012; 77 FR 44429, July 30, 2012; 78 FR 31821, May 28, 2013; 79 FR 58663, Sept. 30, 2014]

Note: The above list is updated periodically by the NOP.

The following is a link that should take you to the most current list of approved Organic Compliant Ingredients:
<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div8&node=7:3.1.1.9.32.7.354.7>