



CCOF

Certification Services, LLC

To: CCOF Certified Processors

Re: IMPORTANT CHANGES TO "COMMERCIAL AVAILABILITY" RULE

After June 9, 2007, "Organic" products containing non-organic agricultural ingredients (NOAIs) may not be produced or sold, unless the non-organic ingredient is on the National List (NOP §205.606). Commercial availability will not be considered. The USDA announced this change to the National Organic Program (NOP) regulation that will affect NOAIs in products labeled "organic." Processors currently using NOAIs that are not on the National List must either find an organic alternative, or re-label the product as "Made with Organic (specified ingredient(s))" by June 9, 2007.

BACKGROUND

The July 1, 2005 USDA announcement is the result of the recent lawsuit against the USDA, *Harvey v. Johanns*, and the subsequent District Court judgment. **The NOP regulation previously allowed certifying agents to determine whether clients may use NOAIs based on "commercial availability."** The Court ruled this practice is not in keeping with the Organic Products Act. There will be other changes regarding use of synthetic substances, but not immediately. See the Summer 2005 issue of CCOF's magazine, "Certified Organic," for more information.

AGRICULTURAL INGREDIENTS (aka Products or Substances)

An agricultural product is *"Any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock, that is marketed in the United States for human or livestock consumption"* (NOP 205.2). This **includes non-organic hops, specialty wines, specialty olives, spices, and similar "agricultural" ingredients.**

NOAIs ON THE NATIONAL LIST

The only NOAIs on the National List are native cornstarch, water-extracted gums (Arabic, guar, locust bean, and carob bean), kelp, unbleached lecithin, and high methoxy pectin (per NOP §205.606). Unless other ingredients are petitioned and approved by the USDA, these are the only NOAIs that will be allowed in products labeled or sold as "organic" after June 9, 2007.

WHAT YOU CAN DO NOW

- **If you use NOAIs please start looking for alternatives or consider label changes.**
- **You may petition the USDA to allow essential ingredients**, a lengthy process. See the USDA website for instructions <http://www.ams.usda.gov/nop/Petition/PetitionHome.html>.
- CCOF will "remind" you of this change whenever we find you use non-organic agricultural ingredients. **Please notify CCOF in advance of any changes** by updating your Product Profiles and/or by submitting new labels to CCOF before printing.
- **CCOF's Handler Staff is happy to help** if you have questions.

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