

# NOSB COMMITTEE RECOMMENDATION

Form NOPLIST1. Committee Transmittal to NOSB

For NOSB Meeting: March 2007

Substance: Colors, Grape Juice

Committee: Crops  Livestock  Handling  Petition is for: Inclusion of Colors, Grape Juice

on the National List § 205.606

**A. Evaluation Criteria** (Applicability noted for each category; Documentation attached) **Criteria Satisfied? (see B below)**

- |  |   |  |   |
|--|---|--|---|
| 1. Impact on Humans and Environment  | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |
| 2. Essential & Availability Criteria   | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. Compatibility & Consistency   | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. Commercial Supply is Fragile or Potentially Unavailable as Organic (only for 606) | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |

**B. Substance Fails Criteria Category:** 4 Comments: Petitioner did not provide credible information regarding the lack of supply of organic raw materials and the ability to process them as organic.

**C. Proposed Annotation (if any):** \_\_\_\_\_

Basis for annotation: To meet criteria above: \_\_\_\_\_ Other regulatory criteria: \_\_\_\_\_ Citation: \_\_\_\_\_

**D. Recommended Committee Action & Vote (State Actual Motion):** Recommend Colors, Grape Juice for inclusion on § 205.606 of the National List

Motion by: Julie Weisman Seconded: Andrea Caroe Yes: 1 No: 4 Absent: 0 Abstain: 0

Crops		Agricultural	<input checked="" type="checkbox"/>	Allowed <sup>1</sup>	
Livestock		Non-Synthetic		Prohibited <sup>2</sup>	
Handling	<input checked="" type="checkbox"/>	Synthetic		Rejected <sup>3</sup>	<input checked="" type="checkbox"/>
No restriction		Commercially Un-Available as Organic <sup>1</sup>	<input checked="" type="checkbox"/>	Deferred <sup>4</sup>	

1) Substance voted to be added as "allowed" on National List to § 205. \_\_\_\_\_ with Annotation (if any) \_\_\_\_\_

2) Substance to be added as "prohibited" on National List to § 205. \_\_\_\_\_ with Annotation (if any) \_\_\_\_\_

Describe why a prohibited substance: \_\_\_\_\_

3) Substance was rejected by vote for amending National List to § 205. 606 Describe why material was rejected: Petitioner did not provide credible information regarding the lack of supply of organic raw materials and the ability to process them as organic

4) Substance was recommended to be deferred because \_\_\_\_\_

\_\_\_\_\_ If follow-up needed, who will follow up \_\_\_\_\_

**E. Approved by Committee Chair to transmit to NOSB:**

Julie Weisman  
Committee Chair

February 19, 2007  
Date

**NOSB EVALUATION CRITERIA FOR SUBSTANCES ADDED TO THE NATIONAL LIST**

**Category 1. Adverse impacts on humans or the environment?**      Substance - Colors, Grape Juice

Question	Yes	No	N/A <sup>1</sup>	Documentation (TAP; petition; regulatory agency; other)
1. Are there adverse effects on environment from manufacture, use, or disposal? [§205.600 b.2]			X	This is an agricultural product.
2. Is there environmental contamination during manufacture, use, misuse, or disposal? [§6518 m.3]			X	This is an agricultural product.
3. Is the substance harmful to the environment? [§6517c(1)(A)(i);6517(c)(2)(A)i]		X		
4. Does the substance contain List 1, 2, or 3 inerts? [§6517 c (1)(B)(ii); 205.601(m)2]		X		
5. Is there potential for detrimental chemical interaction with other materials used? [§6518 m.1]		X		
6. Are there adverse biological and chemical interactions in agro-ecosystem? [§6518 m.5]			X	This is an agricultural product used as an ingredient in an organic processed food. It is no longer in the agro-ecosystem.
7. Are there detrimental physiological effects on soil organisms, crops, or livestock? [§6518 m.5]			X	This is an agricultural product used as an ingredient in an organic processed food. It is no longer in the agro-ecosystem.
8. Is there a toxic or other adverse action of the material or its breakdown products? [§6518 m.2]			X	This is an agricultural product used as an ingredient in an organic processed food. It is no longer in the agro-ecosystem.
9. Is there undesirable persistence or concentration of the material or breakdown products in environment?[§6518 m.2]			X	This is an agricultural product used as an ingredient in an organic processed food. It is no longer in the agro-ecosystem.
10. Is there any harmful effect on human health? [§6517 c (1)(A)(i) ; 6517 c(2)(A)i; §6518 m.4]		X		See # 12 below
11. Is there an adverse effect on human health as defined by applicable Federal regulations? [205.600 b.3]		X		
12. Is the substance GRAS when used according to FDA's good manufacturing practices? [§205.600 b.5]	X			Grapes are considered GRAS by the FDA (CFR 21 § 182.10) Color additives, in general, cannot, by definition qualify for GRAS status, as GRAS only applies to food additives.
13. Does the substance contain residues of heavy metals or other contaminants in excess of FDA tolerances? [§205.600 b.5]		X		

<sup>1</sup>If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

**Category 2. Is the Substance Essential for Organic Production? Substance - Colors, Grape Juice**

Question	Yes	No	N/A <sup>1</sup>	Documentation (TAP; petition; regulatory agency; other)
1. Is the substance formulated or manufactured by a chemical process? [6502 (21)]			X	This is an agricultural product.
2. Is the substance formulated or manufactured by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral, sources? [6502 (21)]			X	This is an agricultural product.
3. Is the substance created by naturally occurring biological processes? [6502 (21)]	X			
4. Is there a natural source of the substance? [§205.600 b.1]			X	Petitioned substance is from a natural source.
5. Is there an organic substitute? [§205.600 b.1]	X			
6. Is the substance essential for handling of organically produced agricultural products? [§205.600 b.6]			X	
7. Is there a wholly natural substitute product? [§6517 c (1)(A)(ii)]			X	Petitioned substance is a wholly natural product.
8. Is the substance used in handling, not synthetic, but not organically produced? [§6517 c (1)(B)(iii)]	X			
9. Is there any alternative substances? [§6518 m.6]			X	
10. Is there another practice that would make the substance unnecessary? [§6518 m.6]			X	

<sup>1</sup>If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

**Category 3. Is the substance compatible with organic production practices? Substance - Colors, Grape Juice**

Question	Yes	No	N/A <sup>1</sup>	Documentation (TAP; petition; regulatory agency; other)
1. Is the substance compatible with organic handling? [§205.600 b.2]			X	
2. Is the substance consistent with organic farming and handling? [§6517 c (1)(A)(iii); 6517 c (2)(A)(ii)]			X	
3. Is the substance compatible with a system of sustainable agriculture? [§6518 m.7]			X	
4. Is the nutritional quality of the food maintained with the substance? [§205.600 b.3]	X			
5. Is the primary use as a preservative? [§205.600 b.4]		X		
6. Is the primary use to recreate or improve flavors, colors, textures, or nutritive values lost in processing (except when required by law, e.g., vitamin D in milk)? [205.600 b.4]		X		This material is not used to replace color lost during processing, but to enhance color of finished product to meet consumer expectations.
7. Is the substance used in production, and does it contain an active synthetic ingredient in the following categories:			X	
a. copper and sulfur compounds;				
b. toxins derived from bacteria;			X	
c. pheromones, soaps, horticultural oils, fish emulsions, treated seed, vitamins and minerals?			X	
d. livestock parasiticides and medicines?			X	
e. production aids including netting, tree wraps and seals, insect traps, sticky barriers, row covers, and equipment cleaners?			X	

<sup>1</sup>If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

**Category 4. Is the commercial supply of an agricultural substance as organic, fragile or potentially unavailable?** [§6610, 6518, 6519, 205.2, 205.105 (d), 205.600 (c) 205.2, 205.105 (d), 205.600 (c)]

**Substance - Colors, Grape Juice**

Question	Yes	No	N/A	Comments on Information Provided (sufficient, plausible, reasonable, thorough, complete, unknown)
1. <u>Is the comparative description provided</u> as to why the non-organic form of the material /substance is necessary for use in organic handling?	XX			IACM Petition p.8 “ #12 Petition justification statement” and Colormaker Petition p. 1 # 3 “Intended Use” both describe that grape skin extract is necessary the formulation of organic processed food products to meet the visual appeal expectations of consumers.
2. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate <b>form</b> to fulfill an essential function in a system of organic handling?		XX		Neither of the two petitions present information describing inability to obtain material in appropriate form.
3. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate <b>quality</b> to fulfill an essential function in a system of organic handling?	XX			IACM Petition p.8 # 11 “Commercial Availability Research” and GNT Petition p.5”Petition Justification Statement” both make reference to the inferior quality of organic grapes as an obstacle to supply. But neither back of this statement with evidence.
4. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate <b>quantity</b> to fulfill an essential function in a system of organic handling?	XX			The IACM Petition p.8 # 11 “Commercial Availability Research,” GNT petition p.4 # 12 “Petition Justification Statement, Colormaker petition, p. 4 “Justification Statement” all generally describe a lack of organic raw materials, but do not give specific information with regard to the availability of organic grapes.
5. Does the industry information provided on material / substance non-availability as organic, include ( but not limited to) the following: a. Regions of production (including factors such as climate and number of regions);		XX		No information is given in any of the petitions to indicate that regions production are a factor in limiting the supply of organic grape juice.
b. Number of suppliers and amount produced;		XX		No specific information is given in any of the petitions regarding the number of suppliers of organic grapes or grape juice or the quantity produced.
c. Current and historical supplies related to weather events such as hurricanes, floods, and droughts that may temporarily halt production or destroy crops or supplies;		XX		No information is given in any of these petitions to indicate that weather-related events are a factor in supply of this material as organic.
d. Trade-related issues such as evidence of hoarding, war, trade barriers, or civil unrest that may temporarily restrict supplies; or		XX		No information is given in any of these petitions to indicate that trade-related events are a factor in supply of this material as organic.
e. Are there other issues which may present a challenge to a consistent supply?		XX		No information is given in any of these petitions to describing any factors which may present a challenge to are in supply of this material as organic.