

**National Organic Standards Board  
Handling Subcommittee Proposal  
Annotation change for the listing of Tocopherols at §205.605(b)  
September 14, 2016**

**Summary of Proposed Action:**

The Handling Subcommittee proposes to eliminate the annotation of the listing of Tocopherols at §205.605(b) of the National List: “Derived from vegetable oil when rosemary extracts are not a suitable alternative.”

**Subcommittee Review**

Tocopherols are listed at §205.605(b) of the National List with the following annotation: “Derived from vegetable oil when rosemary extracts are not a suitable alternative.”

The NOSB completed review of tocopherols as part of its 2017 Sunset review and voted at the Fall 2015 meeting in Stowe, Vermont to retain the listing on the National List at 205.605(b). However, during the initial public comment period, several commenters asserted that non-synthetic tocopherols are commercially available and should be used instead of synthetic. In the final Sunset proposal for tocopherols, the Handling Subcommittee indicated that it was considering a proposal to reclassify tocopherols to §205.605(a) and was seeking input regarding the impact of that on the industry, however, the second round of public comments brought forth several objections to any reclassification of tocopherols, citing their importance in food safety and voicing concerns regarding commercial availability of non-synthetic versions.

Because the Handling Subcommittee strongly encourages industry to move to the use of non-synthetic, organic versions of tocopherols but does recognize that at present, there is insufficient commercial availability of organic tocopherols, the Subcommittee recently voted to send to the full NOSB a proposal to create an additional listing for tocopherols at §205.605(a) of the National List. That proposal duplicated the listing at 205.605(b) but with the annotation modified to state: “Derived from vegetable oil.” Public comment in the earlier Sunset review of tocopherols indicated that rarely is rosemary extract used as an alternative. Further, because the current annotation does not specify that rosemary extract must be organic, the subcommittee felt that part of the annotation should be eliminated. In order to have consistency between the listings at §205.605(ab) and §205.605(b), and to eliminate confusion among producers and certifiers, the subcommittee is proposing to eliminate that part of the current annotation at §205.605(b). But, to ensure that the source of tocopherols is limited and not randomly open to “any” synthetic tocopherol we are recommending to keep “Derived from vegetable oil” as part of both listings for consistency.

As stated in the proposal for the new listing at §205.605(a), while the draft guidance on classification of materials (NOP 5033) has not been finalized, the decision tree, [NOP 5033-2](#), as published on April 27, 2013, will be used to determine the non-synthetic/synthetic status of tocopherols until such time as NOP guidance may be finalized.

**Vote in Subcommittee**

Motion to amend the annotation for tocopherols listed at §205.605(b) of the National List to read as follows: Tocopherols – Derived from vegetable oil.

Motion by: Tracy Favre

Seconded by: Ashley Swaffar

Yes: 8 No: 0 Abstain: 0 Absent: 1 Recuse: 0

**Approved by Harold Austin, Subcommittee Chair, to transmit to NOSB on September 12, 2016.**