

Formal Recommendation
From: The National Organic Standards Board (NOSB)
To: The National Organic Program (NOP)

Date: May 1, 2025

Subject: Fish Oil CAS Technical Correction

NOSB Chair: Amy Bruch

The NOSB hereby recommends to the NOP the following:

Rulemaking Action: X

Guidance Statement:

Other:

Statement of the Recommendation:

The NOSB recommends amending the listing for fish oil at § 205.606, as a technical correction, so it reads: “(f) Fish oil—stabilized with organic ingredients or only with ingredients on the National List, §§ 205.605 and 205.606.”

Rationale Supporting Recommendation:

The Organic Foods Production Act (OFPA) requires itemization of National List materials by specific use or application (7 U.S.C. 6517(b)), but neither OFPA nor the National Organic Program regulations require listing of a Chemical Abstracts Service (CAS) Registry Number for each National List material. CAS numbers are currently included for some, but not all, materials on the National List. Removing the incorrect CAS numbers currently included in the fish oil listing will eliminate potential confusion. Public commenters pointed out that there are, in fact, CAS numbers for certain fish oils, contrary to the statement in the original petition to add fish oil to the National List. However, adding corrected CAS numbers for fish oil to the listing is not necessary to clarify the identity of the materials that may be used, and it is not clear that all relevant CAS numbers could be identified. Accordingly, the clearest path forward is to simply delete the incorrect CAS numbers.

NOSB Vote:

Motion to eliminate the CAS numbers included in the fish oil listing at 7 CFR 205.606, as a technical correction, so it reads: “(f) Fish oil—stabilized with organic ingredients or only with ingredients on the National List, §§ 205.605 and 205.606.”

Motion by: Allison Johnson

Second by: Dilip Nandwani

Yes: 14 No: 0 Abstain: 0 Recuse: 0 Absent: 1

Motion Passed

**National Organic Standards Board
Handling Subcommittee
Fish Oil CAS Technical Correction Proposal
January 7, 2025**

Summary of Issue

A public commenter identified an apparent error in the fish oil listing at 7 CFR 205.606. The listing includes two fatty acid CAS numbers (10417–94–4 and 25167–62–8); however, fish oil itself does not have a CAS number. The Handling Subcommittee recommends deleting the CAS numbers, as a technical correction to the listing, to avoid confusion.

Background

In response to petition question 8 regarding CAS numbers, the [2007 petition](#) to add fish oil to the National List stated, “The 18/12TG fish oil that is the subject of this petition is a mixture of fatty acids; therefore, no Chemical Abstracts Service (CAS) Registry Number exists for this substance. The CAS Registry Numbers for EPA and DHA, the primary components of this product, are 10417-94-4 and 25167-62-8, respectively.”

The [2007 NOSB recommendation](#) to add fish oil to the National List only recommended adding “fish oil” to 7 CFR 205.606. However, the [2007 interim final rule](#) added the current listing, “Fish oil (Fatty acid CAS #'s: 10417-94-4, and 25167-62-8)—stabilized with organic ingredients or only with ingredients on the National List, §§ 205.605 and 205.606.”

During the 2024 sunset review of fish oil, the NOSB received a public comment that noted the CAS numbers in the listing are incorrect.

Discussion

The Subcommittee appreciates the public comment that brought this issue to the NOSB’s attention. Upon review, it appears that the CAS numbers included in the listing describe individual components of the fish oil, but not fish oil itself, and were included in the listing in error. Since the listing is for fish oil, and the NOSB’s recommendation was to add fish oil, not its individual components, to the National List, the Subcommittee recommends removing the CAS numbers as a technical correction to the listing.

Subcommittee Motion:

Motion to eliminate the CAS numbers included in the fish oil listing at 7 CFR 205.606, as a technical correction, so it reads: “(f) Fish oil—stabilized with organic ingredients or only with ingredients on the National List, §§ 205.605 and 205.606”

Motion by: Allison Johnson

Second by: Dilip Nandwani

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