



United States
Department of
Agriculture

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December 9, 2013

MEMORANDUM TO THE NATIONAL ORGANIC STANDARDS BOARD

FROM: Miles V. McEvoy
Deputy Administrator
National Organic Program (NOP)

SUBJECT: Nonorganic Substances Petitioned for Use in Personal Care Products

This memorandum describes the National Organic Program's (NOP) decision to deny eligibility of petitions that request the addition of nonorganic substances to the National List of Allowed and Prohibited Substances (National List) when the intended use is limited to personal care products. Substances already allowed as ingredients in or on processed organic products are not impacted by this memorandum.

Background

Under the USDA organic regulations, 7 CFR Part 205, ingredients used in certified organic products must be certified organic or must be listed on the National List of Allowed and Prohibited Substances (National List) at §§ 205.605-606.

At this time, the USDA organic regulations do not include standards for personal care products. In the absence of federal standards, some products have been eligible to be certified under the USDA organic regulations if they contain or are made up of agricultural ingredients, and can meet the organic production, handling, processing and labeling standards. In 2008, the NOP published a fact sheet on Cosmetics, Body Care Products, and Personal Care Products¹ which explains the eligibility for organic labeling for these products.

In December 2009, the National Organic Standards Board (NOSB) issued a recommendation on organic personal care.² This recommendation included a new definition for the term "personal care product." Additionally, the NOSB recommended text amendments to multiple sections of the regulations that were intended to clarify that the USDA organic regulations apply to personal care products. Of note, the NOSB recommendation did not address petitions for nonorganic ingredients that may be needed for personal care products. The recommendation also did not address how petitioned nonorganic substances for personal care products should be evaluated for inclusion into the National List. To date, this recommendation has not been implemented by the NOP.

¹ Fact Sheet on Cosmetics, Body Care Products, and Personal Care Products. Available on the NOP website at <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5068442&acct=nopgeninfo>.

² NOSB Recommendation, Organic Personal Care, December 10, 2009. Available on the NOP website at <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5081493&acct=nosb>.



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National List Petitions for Personal Care Products

Under section 205.607 of the USDA organic regulations, any person may petition the NOSB for the purpose of having a substance evaluated for inclusion on or deletion from the National List.

Prior to proceeding to NOSB review, NOP reviews incoming petitions for eligibility under the Organic Foods Production Act of 1990 and the USDA organic regulations. NOP also verifies that petitions contain the information required under the National List Petition Guidelines (72 FR 2167). NOP notifies petitioners when petitioned substances are ineligible or incomplete, and facilitates any communication between the petitioner and NOSB.

In the absence of USDA organic regulations and a NOSB recommendation for detailed organic personal care product standards, the standards and criteria against which the NOP and NOSB should evaluate petitions for nonorganic ingredients in personal care products are unclear. As such, NOP will no longer accept petitions as eligible for NOSB review when the intended use is limited to personal care products.

Outstanding Petitions

NOP will notify those with outstanding petitions for personal care product ingredients that their petitions are no longer eligible for review by the NOSB.

Outstanding NOSB Recommendation

In 2008, myrrh oil was petitioned to the National List for use in personal care products.³ At this time, NOP does not plan to take further action on the NOSB recommendation⁴ to add myrrh oil to the National List, as the petitioned use was limited to use as an ingredient in personal care products.

If you have any questions regarding this memorandum, please contact Lisa M. Brines, National List Manager, at (202) 821-9386 or lisa.brines@ams.usda.gov.

Thank you for your ongoing support and hard work in advancing organic integrity.

³ Petition for Myrrh Oil, 2008. Available on the NOP website at <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5075932>.

⁴ NOSB Recommendation for Myrrh Oil, 2009. Available on the NOP website at <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5078041&acct=nosb>.