

November 21, 2006

National Organic Standards Board
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**RESUBMISSION OF PETITION WITH CONFIDENTIAL BUSINESS
INFORMATION DELETED -- ORIGINALLY SUBMITTED MAY 22, 2006**

**ADDITION OF "RED PEPPERS" OR "RED PEPPERS, CRUSHED" TO
205.606**

ITEM A

This petition requests that "Red Peppers" or "Red Peppers, Crushed" be added to the National List under 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic". While organic crushed red peppers, organic red pepper flakes and other particles sizes of red peppers are available from one or more suppliers, the crushed red pepper lots vary significantly in flavor profile, heat level, particle size and appearance. This particular type of spice varies more than other types of spices. Because of this, available organic lots occasionally do not meet one or more of Amy's Kitchen's requirements. Addition of this item to 205.606 would allow for the substitution of conventional crushed red peppers in the instances when organic is unavailable or organic supplies are unacceptable for the intended use.

1. **Substance Name:** Crushed red peppers are also known as red pepper flakes and pizza pepper. Crushed red peppers can be produced by starting with a range of red chile peppers, generally *Capsicum annum L.* but *Capsicum frutescens L.* is also used. More details about the types/range of crushed red peppers are provided in Attachment 1.
2. **Manufacturer's Name:** Over the last few years, Amy's Kitchen has both sampled and purchased organic crushed red peppers from a number of suppliers. Significant variation has been found between suppliers and between lots. While red chiles/red peppers may be available, a search on the Organic Pages On-Line gives a good indication that they are not readily/widely available. Attachment 2 provides specific availability information.

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3. **Intended Use:** Red peppers are currently used by Amy's Kitchen to add a distinct spicy flavor note and the appearance of pepper flakes to several foods including soups and pasta sauces.
4. **Mode of Action:** Red peppers have both water soluble and oil soluble components that interact with the taste buds to produce specific flavor profiles. In addition, the color of the red peppers can impact the appearance of some products.

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5. **Source and Manufacturing:** Crushed red peppers are manufactured by growing the peppers and harvesting them after the color has changed from green to red or brownish red, drying the red peppers and then cutting the dried red peppers to a specific particle size.

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6. **Summary of Previous Reviews:** An internet search yielded no relevant results.
7. **Regulatory Authorities:** As stated in FDA Code of Federal Regulations (CFR 21 Part 182.10 Spices and other natural seasonings and flavorings), Capsicum (*Capsicum frutescens L.* or *Capsicum annuum L.*) is listed as Generally Recognized as Safe (GRAS). Based on an internet search Capsicum (*Capsicum frutescens L.* or *Capsicum annuum L.*) did not appear in EPA or California Department of Agriculture literature regarding the safe use of this ingredient.
8. **Chemical Abstract Service:** Not applicable.
9. **Physical Properties and Chemical Mode of Action:** The fruit is eaten cooked or raw for its fiery hot flavor which is concentrated along the top of the pod. The stem end of the pod has glands which produce the capsaicin, which then flows down through the pod. The substances that give chile peppers their heat are capsaicin (8-methyl-N-vanillyl-6-nonenamide) and several related chemicals, collectively called capsaicinoids. The "heat" of chile peppers is measured in Scoville units. Bell peppers rank at zero Scoville units, jalapeños at 3,000–6,000 Scoville units and habaneros at 300,000 Scoville units.

Red peppers are currently used by Amy's Kitchen to add a distinct spicy flavor note and the appearance of pepper flakes to several foods including soups and pasta sauces.
10. **Safety Information:** Capsicum (*Capsicum frutescens L.* or *Capsicum annuum L.*) is on the FDA GRAS (Generally Recognized as Safe) list under CFR 21 Sec. 182.10 Spices and other natural seasonings and flavorings.

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11. **Research Concerning Availability of Organic Red Peppers or Red Peppers, Crushed:** Over the last few years, Amy's Kitchen has both sampled and purchased organic crushed red peppers from a number of suppliers. Significant variation has been found between suppliers and between lots. While red chiles/red peppers may be available, a search on the Organic Pages On-Line gives a good indication that they are not readily/widely available. Attachment 2 provides specific availability information.
12. **Justification Statement:** We do not think there is a high demand for organic crushed red peppers at this time. As the demand increases, we believe that more organic spice and vegetable suppliers will be interested in both providing samples and in cutting and blending samples to meet specific particle size, flavor and heat level requirements of customers. Until that time, we believe that companies will occasionally need to use conventional sources of crushed and cut red peppers to meet their flavor requirements when organic lots are not available.

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Conclusion: In order to maintain the flavor profile that Amy's Kitchen's customers desire and expect, we request that "Red Peppers" be added to the National List under 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic". Amy's Kitchen only requires that "Red Peppers, Crushed" be added to 205.606 but this is a very narrow ingredient range. We believe that issues with crushed red peppers will also apply to other cuts and particle sizes of red peppers. Therefore, we think it is logical that the entire category of red peppers be included in 205.606.

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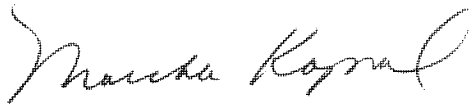
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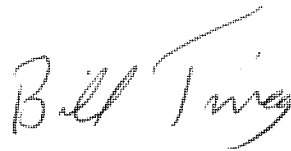
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Amy's Kitchen intends to use organic crushed red peppers when supplies are available that have been appropriately harvested, selected, cut and blended to meet our target flavor and particle size requirements. When an organic source is not available that meets these requirements, we will provide information to our certifier QAI detailing our attempts to source organic and we will request to use conventional crushed red peppers. While using a conventional source, we will aggressively continue to attempt to source an acceptable organic version.

Respectfully submitted:



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ATTACHMENT 1

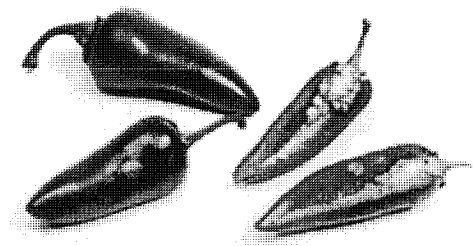
TYPES OF CRUSHED RED PEPPERS



Information Source: <http://www.hormel.com/kitchen/glossary.asp?id=36007>

Red Chile Pepper

A term used to describe one or many of the varieties of red-hot chilies that are grown throughout the world. Red chilies are harvested when they have matured, often ripening with color changes from green to red or brownish-red. As they ripen the intensity of their flavor matures as well, becoming spicier with age. Traditionally, the smaller the chile, the hotter the flavor and the younger the chile (still green, not red) the milder the flavor. It is the seed within the chile that is the hottest part of this vegetable. Red chilies are available fresh, pickled, canned, or dried (whole, in powder form or as flakes). The canned varieties may be processed into whole, sliced or diced chilies. Typical types of chilies packaged as red chilies are Fresno. The red chile is added to many recipes for appetizers, pizza toppings, soups, stews, egg dishes, main dishes, and salsas.



Fresh Red Fresno Chile



Crushed Red Pepper Flakes

ATTACHMENT 2 AVAILABILITY OF CRUSHED RED PEPPERS

THE ITALIAN PANTRY



Information Source: http://www.coastalgoods.com/organic_spices_list.php

Date 5/16/06

Our line of top-notch organic herbs and spices are culled far and wide from the world's best spice producing regions. The 36 distinctive seasonings are arranged in groups to satisfy a melting pot of cooking styles. Buy the pantry collections or mix and match to your own taste and needs.

Crushed Red Pepper

2.5 oz. /\$5.75 **temporarily out of stock**



Organic Trade Association (OTA) presents
The Organic Pages Online

Information Source:

<http://www.theorganicpages.com/topo/commercialactivity.html?ca=organicingredients>

Suppliers listed in The Organic Pages On-Line:

<u>Search Text</u>	<u>Hits</u>
Red peppers	0
Red chiles	0
Red chilis	4*
Pizza pepper	0

* 3 as red chilis, 1 as red chili powder