

**FORMAL RECOMMENDATION BY THE  
NATIONAL ORGANIC STANDARDS BOARD (NOSB)  
TO THE NATIONAL ORGANIC PROGRAM (NOP)**

**Date:** 6-06-06

**Subject: Sunset Renewal Vote for Flavors, non-synthetic, under 205.605a**

**Chair: Kevin O'Rell**

**Recommendation**

The NOSB hereby recommends to the NOP the following:

Rulemaking Action:   XXXXX  

Guidance Statement:           

Other:           

**Statement of the Recommendation (including Recount of Vote):**

Recommendation to Renew Flavors, non-synthetic under 205.605a.

Moved: Nancy Ostiguy                      Second: Andrea Caroe

Yes – 11

No – 0

Abstain – 0

Absent – 2

Recusal - 1

**Rationale Supporting Recommendation (including consistency with OFPA and NOP):**

Sunset Material Vote

**Response by the NOP:**

**National Organic Standards Board  
Handling Committee  
Final Recommendation for Flavors, Non-synthetic**

**April 20, 2006**

**I. List: 205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food groups.”**

**(a) Nonsynthetics allowed**

**II. Committee Summary:**

There were many comments recommending the continued allowance of non-synthetic flavors in organic handling. The federal register notice regarding Sunset Review asked the public to provide evidence and address concerns for any substance they believed should be discontinued.

There was a comment addressing the concern that colors and flavors were added to the National List without a technical review by the NOSB. The Handling Committee requested and received a technical overview of flavors on October 14, 2005. This technical review offered no information that would suggest that either non-synthetic flavors are inconsistent with organic practices.

The use of flavoring substances is regulated by the FDA. All flavoring substances, non-synthetic, fall into one of two categories. They are either GRAS (Generally Recognized As Safe) a designation granted by a panel of technical experts whose authority is accepted by the FDA, or they are food additives that have been reviewed and approved by the FDA directly. To obtain approval from the FDA for a flavor as a food additive, the manufacturer must submit a petition demonstrating safety of the substance with information including manufacturing process, stability data, safety studies and toxicity data. Consequently, all non-synthetic flavoring substances are subject to pre-market approval requirements.

There were numerous comments specifically opposing the renewal of non-synthetic flavors on 205.605a. Of these, all but one requested that non-synthetic flavors be listed instead on 205.606, an action which cannot be taken as part of Sunset.

**III. NOSB Recommendation(s):**

The Board recommends the renewal of the following substances in this use category as published in the final rule:

Flavors, nonsynthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservative.

***NOSB Vote:***

*Moved: Nancy Ostiguy*

*Second: Andrea Caroe*

*Board vote: Yes – 11    No – 0    Abstain – 0    Absent – 2 (1 Recuse)*