

NOSB COMMITTEE RECOMMENDATION
Form NOPLIST1. Committee Transmittal to NOSB

For NOSB Meeting: November 2008 Substance: Buck Hull Powder

Committee: Crops Livestock Handling Petition is for: To add Buck Hull Powder (Black Powder)
on the National List § 205. 606

A. Evaluation Criteria (Applicability noted for each category; Documentation attached) **Criteria Satisfied? (see B below)**

1. Impact on Humans and Environment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2. Essential & Availability Criteria	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
3. Compatibility & Consistency	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
4. Commercial Supply is Fragile or Potentially Unavailable as Organic (only for 606)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

B. Substance Fails Criteria Category: 2 & 4 Comments: #2- Material petitioned to be used as a non-organic ingredient in buckwheat (Soba) noodles. USDA Organic Soba noodles are available from U.S. producer. #4- Petitioner did not provide sufficient information on their investigations of global supplies from other buckwheat production areas.

C. Proposed Annotation (if any): _____
Basis for annotation: To meet criteria above: _____ Other regulatory criteria: _____ Citation: _____

D. Recommended Committee Action & Vote (State Actual Motion): Add Buck Hull powder to the National List on §205.606

Motion by: Gerry Davis Seconded: Joe Smillie Yes: 0 No: 6 Absent: 0 Abstain: 0

Crops		Agricultural	X	Allowed ¹	
Livestock		Non-Synthetic		Prohibited ²	
Handling	X	Synthetic		Rejected ³	
No restriction		Commercially Un-Available as Organic ¹	X	Deferred ⁴	

1) Substance voted to be added as "allowed" on National List to § 205. _____ with Annotation (if any) _____

2) Substance to be added as "prohibited" on National List to § 205. _____ with Annotation (if any) _____

Describe why a prohibited substance: _____

3) Substance was rejected by vote for amending National List to § 205. 606 Describe why material was rejected: Petition provides information on the obstacles to growing and importing organic buckwheat to Australia where petitioner, a manufacturer of soba noodles is located. However, the petition does not address the fact that the organic soba noodles are currently made and sold in the US from certified organic buckwheat.

4) Substance was recommended to be deferred because _____
_____ If follow-up needed, who will follow up _____

E. Approved by Committee Chair to transmit to NOSB:

Julie Weisman
Committee Chair

09/15/2008
Date

NOSB EVALUATION CRITERIA FOR SUBSTANCES ADDED TO THE NATIONAL LIST

Category 1. Adverse impacts on humans or the environment? Substance - Buck Hull Powder

Question	Yes	No	N/A ¹	Documentation (TAP; petition; regulatory agency; other)
1. Are there adverse effects on environment from manufacture, use, or disposal? [§205.600 b.2]			X	
2. Is there environmental contamination during manufacture, use, misuse, or disposal? [§6518 m.3]		X		
3. Is the substance harmful to the environment? [§6517c(1)(A)(i);6517(c)(2)(A)i]		X		
4. Does the substance contain List 1, 2, or 3 inerts? [§6517 c (1)(B)(ii); 205.601(m)2]		X		
5. Is there potential for detrimental chemical interaction with other materials used? [§6518 m.1]		X		
6. Are there adverse biological and chemical interactions in agro-ecosystem? [§6518 m.5]		X		
7. Are there detrimental physiological effects on soil organisms, crops, or livestock? [§6518 m.5]		X		
8. Is there a toxic or other adverse action of the material or its breakdown products? [§6518 m.2]		X		
9. Is there undesirable persistence or concentration of the material or breakdown products in environment?[§6518 m.2]		X		
10. Is there any harmful effect on human health? [§6517 c (1)(A)(i) ; 6517 c(2)(A)i; §6518 m.4]		X		
11. Is there an adverse effect on human health as defined by applicable Federal regulations? [205.600 b.3]			X	
12. Is the substance GRAS when used according to FDA's good manufacturing practices? [§205.600 b.5]			X	
13. Does the substance contain residues of heavy metals or other contaminants in excess of FDA tolerances? [§205.600 b.5]			X	

¹If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Category 2. Is the Substance Essential for Organic Production? Substance – Buck Hull Powder

Question	Yes	No	N/A ¹	Documentation (TAP; petition; regulatory agency; other)
1. Is the substance formulated or manufactured by a chemical process? [6502 (21)]			X	
2. Is the substance formulated or manufactured by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral, sources? [6502 (21)]			X	
3. Is the substance created by naturally occurring biological processes? [6502 (21)]			X	
4. Is there a natural source of the substance? [§205.600 b.1]			X	
5. Is there an organic substitute? [§205.600 b.1]			X	
6. Is the substance essential for handling of organically produced agricultural products? [§205.600 b.6]			X	
7. Is there a wholly natural substitute product? [§6517 c (1)(A)(ii)]	X			Organic buckwheat hulls being offered in U.S. marketplace.
8. Is the substance used in handling, not synthetic, but not organically produced? [§6517 c (1)(B)(iii)]		X		See question #7
9. Is there any alternative substances? [§6518 m.6]				
10. Is there another practice that would make the substance unnecessary? [§6518 m.6]	X			Supplies of Canadian organic whole buckwheat grain being used in Soba noodle product in U.S. marketplace.

¹If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Category 3. Is the substance compatible with organic production practices?

Substance – Buck Hull Powder

Question	Yes	No	N/A ¹	Documentation (TAP; petition; regulatory agency; other)
1. Is the substance compatible with organic handling? [§205.600 b.2]			X	
2. Is the substance consistent with organic farming and handling? [§6517 c (1)(A)(iii); 6517 c (2)(A)(ii)]	X			
3. Is the substance compatible with a system of sustainable agriculture? [§6518 m.7]	X			
4. Is the nutritional quality of the food maintained with the substance? [§205.600 b.3]			X	
5. Is the primary use as a preservative? [§205.600 b.4]			X	
6. Is the primary use to recreate or improve flavors, colors, textures, or nutritive values lost in processing (except when required by law, e.g., vitamin D in milk)? [205.600 b.4]			X	
7. Is the substance used in production, and does it contain an active synthetic ingredient in the following categories:		X		
a. copper and sulfur compounds;		X		
b. toxins derived from bacteria;		X		
c. pheromones, soaps, horticultural oils, fish emulsions, treated seed, vitamins and minerals?		X		
d. livestock parasiticides and medicines?		X		
e. production aids including netting, tree wraps and seals, insect traps, sticky barriers, row covers, and equipment cleaners?		X		

¹If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Category 4. Is the commercial supply of an agricultural substance as organic, fragile or potentially unavailable? [§6610, 6518, 6519, 205.2, 205.105 (d), 205.600 (c) 205.2, 205.105 (d), 205.600 (c)]

Substance – Buck Hull Powder

Question	Yes	No	N/A	Comments on Information Provided (sufficient, plausible, reasonable, thorough, complete, unknown)
1. <u>Is the comparative description provided</u> as to why the non-organic form of the material /substance is necessary for use in organic handling?		X		Petition information is unclear. The petitioner manufactures buckwheat (Soba) noodles using dehulled buckwheat, wheat flour, and adding ground buckwheat hulls as a colorant at 1.1%. Explanation is not given if buckwheat grain (from China) currently used is organic and if so why the hulls from this organic grain are not available as powder.
2. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate form to fulfill an essential function in a system of organic handling?		X		See question #1 as well as #5d.
3. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate quality to fulfill an essential function in a system of organic handling?		X		Petition states that 'at present only Japan sources and mills buckwheat and buckhull powder in the commercial qualities and quantities required', but does not support the claim in the information provided.
4. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate quantity to fulfill an essential function in a system of organic handling?		X		See question #3
5. Does the industry information provided on material / substance non-availability as organic, include (but not limited to) the following: a. Regions of production (including factors such as climate and number of regions);		X		Petition does not explain regions of global production and substance non-availability other than Chinese produced grain that is processed in Japan. Based on internet search by committee member, buckwheat grain is or has been grown in cool summer climates such as Mongolia, Northern China, Canada, Northern U.S., Northern Europe, Extreme South Australia. Chinese production has largely replaced North American production. No Chinese organic buckwheat or hulls encountered in search.
b. Number of suppliers and amount produced;		X		Petition mentions only two Japanese suppliers of the powder.
c. Current and historical supplies related to weather events such as hurricanes, floods, and droughts that may temporarily halt production or destroy crops or supplies;	X			Petition (from an Australian company) explains lack of Australian buckwheat grain supply due to long term drought, as well as the petitioners plan to use Australian organic whole-grain buckwheat when supply resumes. Verification of the Australian drought situation was attempted through phone call to Australian organic producer by HC member.
d. Trade-related issues such as evidence of hoarding, war, trade barriers, or civil unrest that may temporarily restrict supplies; or	X			Trade barrier- Australian regulations (AQIS) do not permit importation of complete seed from China (or all sources?)
e. Are there other issues which may present a challenge to a consistent supply?		X		