

**Formal Recommendation by the
National Organic Standards Board (NOSB)
to the National Organic Program (NOP)**

Date: October 28, 2010

Subject: Sunset Review of Whey protein concentrate as listed on §205.606, Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic.”

Chair: Daniel G. Giacomini

The NOSB hereby recommends to the NOP the following:

Rulemaking Action X

Statement of the Recommendation (Including Recount of Vote):

Whey protein concentrate is listed on 205.606. This substance was scheduled to sunset off the National List in 2012, was reviewed by the NOSB, and a motion was made for the re-listing of this substance at the October 2010 meeting. The motion passed by a vote of 14 yes, 0 no, 0 abstentions, 0 absent, and 0 recusals.

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

The Handling Committee’s recommendation covering this material is attached. There were no public written or verbal comments opposing the committee’s sunset recommendation, and the material was recommended for relisting by the full NOSB as shown below.

NOSB Vote:

Moved: Steve DeMuri		Second: Jennifer Hall		
Yes: 14	No: 0	Abstain: 0	Absent: 0	Recusal: 0

**National Organic Standards Board
Handling Committee
Sunset Recommendation – 2012
Whey Protein**

August 23, 2010

List: 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic.”

Whey protein concentrate

Committee Summary:

Federal register notice of the sunset of this material elicited no public comments against re-listing.

Review of the original recommendation, historical documents, and public comments does not reveal unacceptable risks to the environment, human or animal health as a result of the use or manufacture of this material. There is no new information contradicting the original recommendation which was the basis for the previous NOSB decision to list this material. As a 205.606 listed material, it is subject to commercial availability scrutiny for use in organic products.

Committee Recommendation(s)

The handling committee recommends the renewal of the following substance in this use category as published in the final rule:

Whey protein concentrate

Committee Vote:

Motion: Steve DeMuri Second: John Foster
Yes: 5 No: 0 Abstain: 0 Absent: 2