



1101 17th Street, NW • Suite 700 • Washington, DC 20036
T: 202-293-5800 E: info@iacmcolor.org
www.iacmcolor.org

March 19, 2018

Via Electronic Transmission

Robert Pooler
Standards Division, National Organic Program, USDA-AMS-NOP
1400 Independence Ave. SW, Room 2642-S., Ag Stop 0268
Washington, DC 20250-0268

Re: Agricultural Marketing Service Docket Number AMS-NOP-14-0079: National Organic Program; Amendments to the National List of Allowed and Prohibited Substances (Crops, Livestock and Handling), 83 Fed. Reg. 2498 (January 17, 2018)

Dear Sir:

On behalf of the International Association of Color Manufacturers (IACM), we appreciate the opportunity to submit comments in response to the Agricultural Marketing Service's (AMS) request for comments regarding the Amendments to the National List of Allowed and Prohibited Substances as they impact color extracts.

I. Introduction

IACM is the trade association that represents the global color industry, comprised of manufacturers and end-users of coloring substances that are used in foods, including natural and synthetic colors. IACM members create colors for use in a wide variety of food and beverage products including those certified under the National Organic Program (NOP) regulations.

II. Executive Summary

The Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. 6501-6522) authorized the NOP to establish the National List of Allowed and Prohibited Substances (National List). The National List identifies substances that may and may not be used in organic crop and livestock production. The National List also identifies nonorganically produced agricultural products, like colors, that may be allowed as ingredients in or on processed products labeled as "organic". 7 CFR §205.606(d). Those substances listed on the National List are required under the OFPA to be reviewed every five years (Sunset review) by the National Organic Standards Board (NOSB). The OFPA authorizes the NOSB to develop proposed amendments to the National List for submission to the Secretary of Agriculture during the Sunset review. 7 U.S.C. §6518(k)(2). Based on the proposals provided by the NOSB from the Sunset review, the Secretary of Agriculture has statutory authority to make amendments to the National List.

"Colors derived from agricultural products" were added to §205.606 of the National List after the 205.605 listing was allowed to Sunset off the National List in 2007. The §205.606(d) listing was updated in 2010 to clarify that they must not be produced using synthetic solvents and carrier systems or any artificial preservative (USDA, 2010).

III. Colors are essential to the continued success of the processed organic food sector

Colors play a critical role in expanding consumer access to organic food products. As the organic food sector has enjoyed incredible growth over the last several years, organic food product offerings have expanded well beyond fresh produce, meat and poultry products. Processed organic foods line traditional and natural grocery store shelves. Consumers interested in organic food products can purchase organic cookies, cereal, yogurt, chips, pasteurized juice beverages, soups and many other products – organic foods are no longer relegated to the perishable items in the grocery cart. As consumers have asked for more organic product offerings, the organic sector has answered by producing processed food products organically.

Colors have been and continue to be a critical ingredient in processed organic products because they increase palatability and provide enhanced visual appeal that consumers expect. The addition of natural colors compensates for the destruction of the original color by high temperature/low pH processing, allowing the finished organic food or beverage product to have the same visual appeal and attraction of their direct non-organic competition. Additionally, because colors are concentrated and very strong, they are used in products, including organic products, at very low levels of typically less than 1 percent. Restricting the use of colors in organic food production will negatively impact the palatability and access to processed organic food products.

IV. Specific Proposed Changes to the Proposed 205.606 Listing: Color – agricultural source/Binomial nomenclature

The proposed rule would amend USDA organic regulations to replace Chemical Abstract Services (CAS) numbers included in the annotation of each color listed under National List Sec. 205.606(c) with the binomial name of the agricultural source of the color. As was the case with the color petitions containing incorrect CAS numbers in some instances, IACM would like to note that incorrect binomial names were also included in some cases. While IACM is generally supportive of the proposed change from CAS to binomial name, we are obliged to point out some inaccuracies in the proposed binomial nomenclature that should be rectified prior to the finalization of the rule.

Current 205.606 listing: Color— agricultural source/CAS Nos.	Proposed 205.606 listing: Color—agricultural source/Binomial nomenclature	IACM Proposed Changes to the Proposed 205.606 Listing: Color- agricultural source/ Binomial nomenclature.	Rationale
Beet juice extract color (pigment CAS #7659-95-2)	Beet juice extract color, derived from sugarbeet beet root (<i>Beta vulgaris</i>).	Beet juice extract color, derived from beet root, <i>Beta vulgaris</i> .	Sugar beets imply that the source material is genetically modified, which is not allowed under the Organic regulations

<p>Black/purple carrot juice color (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3)</p>	<p>Black/purple carrot juice color, derived from <i>Apiaceae daucus carota</i>.</p>	<p>Black/purple carrot juice color, derived from <i>Daucus carota L.</i></p>	<p><i>Apiaceae daucus carota</i> is not the correct name. Either <i>Daucus carota L</i> or the more specific name <i>Daucus carota ssp. sativus var. atrorubens Alef.</i> would be appropriate.</p>
<p>Purple potato juice (pigment CAS #'s: 528-58-5, 528-53-0, 643-84-5, 134-01-0, 1429-30-7, and 134-04-3)</p>	<p>Purple potato juice color, derived from <i>Solanum andigenum</i>.</p>	<p>Purple potato juice color, derived from <i>Solanum tuberosum L.</i> and <i>Ipomoea batatas</i></p>	<p><i>Solanum andigenum</i> is not the correct name as <i>Andigenum</i> belongs to a toxic wild species. Instead, both <i>Solanum tuberosum L.</i> and <i>Ipomoea batatas</i> are currently used as source materials for Organic compliant purple potato juice color</p>

IV. Conclusion

IACM appreciates the opportunity to comment and urges your consideration of these important matters as you finalize the proposed amendment to the 205.606 listing: Color—agricultural source/Binomial nomenclature.

Sincerely,



Sarah A. Codrea
Executive Director