

Sections 1 – 7 and Annexes Comments

Section 1

1.2

Personal Care Products Council

The scope of the Draft Standard (as defined by NSF) renders the standard confusing and its application unclear. The Federal Food, Drug, and Cosmetic Act (“FFDCA”) defines cosmetics by their intended use, as “articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body...for cleansing, beautifying, promoting attractiveness, or altering the appearance.”

However, in the Draft Standard the NSF changes the fundamental definition of cosmetic to one of end use application:

Items covered by this Standard include, but are not limited to, rinse-off and leave-on personal care and cosmetic products that are applied or used externally on any part of the body (e. g., hair, face, hands, and feet) as well as oral care and personal hygiene products.

This scope also creates internal confusion within the Draft Standard as it does not appear to comport with NSF’s (or FDA’s) definition for cosmetics.

Na True

1.1 Purpose

This Standard encourages participation in the manufacturing of personal care products using organically grown ingredients within the supply chain.

This sentence should be changed to: This standard encourages participation in the manufacturing of natural personal care products using organically grown ingredients within the supply chain.

Rationale:

The standard does not only define the content of “organic” raw materials, but also defines "natural cosmetics" according to the definition of the manufacturing processes and raw materials allowed.

Section 2

TerrEssentials

2.1 -- Normative references -- National Organic Program is identified as USFDA should be USDA NOP.

Section 3

Personal Care Products Council

Draft Standard includes provisions that are in conflict with federal law.

The Draft Standard is not consistent with current federal law. NSF appears to recast a number of terms in a way that conflicts with longstanding statutory and regulatory standards.

a. Over-the-counter

In the Draft Standard, NSF defined “over-the-counter” as: “(Of drugs and non-drugs) Sellable without a prescription and without a visit to a medical professional.” This definition is in direct conflict with FFDCA in that there is no legally recognized non-drug OTC.

Draft Standard contains confusing inconsistent information.

Providing accurate and consistent information is critical to the development and use of a meaningful standard. We found a number of deficiencies throughout the Draft Standard including confusing definitions and inconsistent use of terms.

a. Personal Care Product and Cosmetics

The Draft Standard uses the terms “cosmetics” and “personal care products” interchangeably. Specifically, NSF states, “[t]his Standard does not differentiate between requirements for personal care products and requirements for cosmetics. Therefore, for the purposes of this Standard, cosmetics are considered personal care products.”

However, each term has a different meaning and it is not appropriate to treat them synonymously.

The following are NSF’s definitions for “cosmetics” and “personal care products”:

· “Personal care product: A non-medicinal consumable product that is intended to be used in the topical care and grooming of the body and hair and that is rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to a body, human or animal, for cleansing, beautifying, promoting attractiveness, or altering the appearance without affecting the body’s structure or functions. Personal care products are specifically for use in such activities as cleansing, toning, moisturizing, hydrating, exfoliating, conditioning, anointing, massaging, coloring/decorating, soothing, deodorizing, perfuming, and styling.”

· Cosmetic: (1) an article intended to rubbed, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) an article, other than soap, intended for use as a component of any such articles.

Furthermore, NSF’s definition for “personal care product” appears internally flawed. For example, the term is defined as a product “...intended to be used in the topical care and

grooming...” but then states it can be “... introduced into... a human or animal...”
Emphasis added.

Na True

In our opinion the NSF draft should cover both natural and organic cosmetics. However in certain areas it covers foodstuffs and is not thoroughly adapted to the situation in cosmetics. This for example can be seen in point 3.28, where it is written:

ingredient: *A substance used in the preparation of an agricultural product that is still present in the final commercial product.*

This formulation would have to be changed for a cosmetic standard to:

ingredient: *A substance used in the preparation of a cosmetic product that is still present in the final commercial product.*

The term "natural" should be explained under 3 – *Definitions*

3.4 allowed synthetic: *A substance that is included on the National List (National Organic Program, 7 CFR Part 205) of synthetic substances allowed for use in organic production or handling, and/or that is further allowed within this Standard for use in specific situations.*

3.36 National List: *A list of allowed and prohibited substances as provided for in National Organic Program, 7 CFR 205.600-606.*

3.39 non-synthetic (natural): *A substance that is derived from mineral, plant, animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Act (7 U.S.C. 6502(21)). For the purposes of this part, non-synthetic is used as a synonym for natural as the term is used in the Act. (National Organic Program, 7 CFR Part 205).*

3.66 synthetic:

A substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources. This term shall not apply to substances created by naturally occurring biological processes permitted under the NOP, nor does it apply to Ecological Agricultural-Based Oleochemical Ingredients defined and allowed in this Standard for products labeled “made with organic”.

3.17 essential oil: *The non-aqueous oil obtained from plant matter that may be volatilized by steam. Citrus oil is considered an essential oil because of its composition (to be adopted to point 6.4.2)*

In this formulation other manufacturing processes are missing such as e.g. extraction using CO₂ or the extraction of resins. This is why the wording should be changed and the definition under 6.4.2 included:

6.4.2 Essential oil

Essential oils expressed, distilled, or extracted from organic plant material shall be considered fully organic.

3.19 ethoxylation: *A chemical process in which a raw material is catalyzed with potassium hydroxide and dried under vacuum, after which ethylene oxide is added as a reagent to form a new material.*

This wording only describes a selection of possibilities. It would be better to use the generally applicable formulation:

A chemical process in which ethylene oxide or another alkyl epoxide is added as a reagent to form a new material.

3.20 excluded method: *A method not permitted in this Standard, including genetically engineered organisms (GEO) or their products.*

Reason: Clarification. GEOs are excluded in 4.2.2 - Prohibited labeling practices in all categories.

3.38 nonagricultural substance: *A substance that is not a product of agriculture, such as a mineral.*

Non-agricultural covers a great deal more (salt, water, wild-crafted plants etc.). It would be more precise to offer a definition of "agricultural".

3.40 organic: *A term used to describe a finished product or ingredients within a product that have been produced and or processed according to this Standard or the NOP regulations.*

This formulation should definitely be changed to:

A term used to describe a finished product or ingredient that has been produced and/ or processed according to this Standard, the NOP regulations or equivalent organic regulations (e.g. the European "COUNCIL REGULATION (EEC) N° 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs").

Rationale:

Most of the producers of agricultural raw materials outside the USA are not certified according to NOP. If the only raw materials that count as "organic" are those which were cultivated according to NOP then US-American firms will only be able to draw on very few agricultural raw materials that have been cultivated in other countries. It would still be the case that no European natural cosmetic articles could be labelled with the NSF

label since they primarily utilize organic raw materials that are cultivated according to the European standards for organic farming.

3.42 organic production: *A production system that is managed in accordance with this Standard or the NOP regulations.*

See note on 3.4. Here the IFOAM should count as the collective standard.

3.49 processing aid: *(a) A substance that is added to a food during the processing of such food but is removed in some manner from the food before it is packaged in its finished form; (b) a substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; or (c) a substance that is added to a food for its technical or functional effect in the processing but is present in the finished food at insignificant levels and does not have any technical or functional effect in that food.*

This formulation is another example of the exclusive reference to foodstuffs. Since the NSF draft is supposed to deal with the definition of natural und organic cosmetics the formulation should be adapted to refer to cosmetics.

3.56 salt: *Sodium chloride, unless otherwise specified*

6.3.2 Salt

Salt is sodium chloride, not containing any additives or flow agents that are not specifically allowed on the National List.

For a standard for cosmetics the definition of salt should include all inorganic salts not just table salt as for a foodstuffs standard.

3.65 surfactant: *A compound designed to reduce the surface tension of a liquid or to reduce the interfacial tension between two liquids, or between a liquid and a solid.*

The wording should be changed to:

A compound designed to reduce the interfacial tension.

Access Business Group

"cosmetics", as "soaps" and as "drugs". These are long standing categories. Introducing a new formal category in this standard is likely to result in confusion for consumer/users of the standard. Therefore, I propose the standard follow the recognized nomenclature of FDA regulation.

* The definition section should agree with and cite agreement with the official definition of cosmetic and soap as used by the FDA.

* The definition section on several occasions redefines standard terms when it is not necessary to have a definition unique to the standard. An example is "volatile content".

This is defined under a number of analytical standards with descriptive conditions. This standard limits it to volatile content of plant materials. This is not appropriate since volatile content could be used with its normal meaning and plant materials specified within the standard instead of in the definition. This makes the standard more plainly readable without having to refer to a key unexpectedly.

TerrEsentials

3.355 -- There must be a definition of nanoparticle. This is particularly important as the UK Soil Association has implemented a complete ban on nanoparticles in organic personal care products.

3.40 -- Incorrect! The term "organic" does NOT apply to products in the "made with" category.

3.66 -- The definition of the word "synthetic" should be unchanged from the USDA National Organic Program federal regulations definitions. It should NOT be changed to allow synthetics as "non-synthetics." It would be unethical to do so.

OCA

The definition of “non-synthetic” (3.39) and “synthetic” (3.66) are contradictory. Section 3.39 states that a non-synthetic ingredient is one that does not undergo a synthetic process. Yet Section 3.66 states that ingredients that go through the various synthetic processes allowed under this new NSF “made with standard” are not considered “synthetic”. It’s misleading to consumers to suggest that highly processed ingredients not found in nature can be considered “non-synthetic” under this standard, simply because it benefits the majority of industry players in this group.

Section 4

Na True

4.2.1 Non-organic ingredients

The non-organic ingredients shall not be produced using excluded methods, sewage sludge, ionizing radiation or genetically engineered organisms (GEOs) or its product, nor shall they contain any petroleum compounds except as allowed for specifically in this Standard. Reason: ‘genetically engineered organism or its product’ added. It is important to exclude not only GEOs but their products as well.

4.2.2.1 *The labeling of whole products or ingredients as organic is prohibited if those products or ingredients are created using any of the following:*

(...)

– Ingredients that have been made using any GEOs or its product;

C.3.1 First suggested screening method

Non-organic materials for “made with” products should be supplied with:

– an affidavit that a product is not from a GE (genetically engineered)/GMO (genetically modified organism) source or process;

The formulation should be changed to:

The use of genetically manipulated plants is forbidden. For certain raw materials it would have to be proved, using PCR, that they contain no genetically modified ingredients.

Rationale:

The aim is to protect the consumer against GMO s. This will be ensured by the requirement, which has to be fulfilled, that the raw ingredients be PCR negative.

This requirement should in any case be regulated according to raw materials. The problem of GMO only exists for some individual raw materials. It requires a great deal of effort if a GMO certificate is demanded for each and every raw material. For BDIH the target of only demanding such a certificate for critical raw materials (e.g. soya) has proved very effective.

4.2.2.1 The labeling of whole products or ingredients as organic is prohibited if those products or ingredients are created using any of the following:

(...) – Ingredients that have been processed with ionizing radiation;

Better: It is forbidden to treat raw materials of plant or animal origin and finished cosmetic products using ionizing radiation.

Ionizing radiation should be rejected because it causes structural changes. This is not the case for minerals. They are sterilised but their structure remains unchanged. For this reason the ban on ionizing radiation should refer to organic substances and finished products. This requirement is covered by the definition for "ionizing radiation". It reads as follows:

3.31 ionizing radiation: *Electromagnetic radiation whose waves contain energy sufficient to overcome the binding energy of electrons in atoms or molecules. Also (imprecisely) called radioactivity.*

According to this definition the term irradiation can only be used when the input energy is greater than the binding energy of the electrons in the atoms or molecules. This is not true in the case of the irradiation of minerals.

4.2.2.1:

See note on 3.4. Under 4.2.2.1 a very limited selection of processes are described. It would be more consumer-friendly to integrate a comprehensible list of the manufacturing processes allowed and the raw materials allowed, as an appendix to the NSF Standard.

TerrEssentials

4.2.1 -- NO petroleum compounds whatsoever should be allowed.

Section 5

Na True

Table 5.1:

We would like to question why the use of certain processes means that certification as "organic" should no longer be possible.

Consumers see the difference between "made with organic xxx" and "95% organic" only as an expression of the organic material it contains, and not as a reflection of the manufacturing process of the raw materials.

We are of the opinion that for all those processes allowed under the NSF Standard the labelling as "organic" must be possible.

As already described above, for the calculation of "organic" that amount of the substance that has the potential to be organic (e.g. in glucosidation 98%) should be taken.

5.3. Cooking vegetable oils or animal fats with NOP-allowed alkali to make soap

Only vegetable fats should be allowed here.

5.3.2 Mined Ingredients

The wording should be changed to: Ingredients of mineral origin

Table 5.4. is far from complete. A great many mineral dyes are missing. So e.g. Mica CI 77019, Blue CI 77510, White CI 77163, Chlorophyll Copper CI 75810, Iron Oxides...

In the positive list of the BDIH over 20 mineral dyes and a great many other mineral raw materials are listed. Here too, it is apparent that a positive list which creates transparency for the consumer is necessary.

5.3.3 Prohibited Ingredient Types/Classes and Prohibited Specific ingredients

The numbering at this point is confusing: 5.3.3. should be changed to 5.4 and 5.3.4. to 5.5.

Arch Chemicals

The NSF's list of preservatives acceptable for "made with organic ingredients" products is quite limited. The following is a list of preservatives approved for use in certified "Made With Organic" products:

1. Benzoic Acid
2. Grapefruit Seed Extract
3. Potassium Lactate

4. Potassium Sorbate
5. Sodium Benzoate
6. Sorbic Acid
7. Benzyl Alcohol

This list is constricting to most, if not all, formulators and suppliers striving to create certified organic cosmetics.

Proposal:

Cosmocil CQ is a globally approved synthetic preservative with a low toxicity profile. It is not a paraben, isothiazolone, nor a formaldehyde donor and does not contain iodine. Made up of 20% solution of polyaminopropyl biguanide (PHMB), Cosmocil CQ is currently used in eye care (contact lens cleaner), baby products, and many other personal care products. In addition to its excellent safety profile, Cosmocil CQ is a broad spectrum, fast acting bactericide effective against both Gram negative and Gram positive bacteria, including *Staphylococcus aureus* and *E. Coli*, as well as the antibiotic resistant bacteria (MRSA and VRE) and other odor causing bacteria.

Arch Chemicals, Inc. proposes that Cosmocil CQ be included in the Preservatives Allowed in "Made With Organic" Products within the NSF Standard for Organic Personal Care Products.

TerrEssentials

5.1 -- (In describing the allowed processes of organic ingredients, the term "otherwise manufacturing" is a meaningless escape clause that opens the door for, essentially, any manufacturing process.) This section should be identical to the NOP.

5.3 -- Under "allowed processes," "cooking" processes that result in new compounds that are clearly synthetic should be disallowed.

5.3.1 -- Chemical preservatives, including "grapefruit/citrus seed extract," should NOT be allowed.

5.3.4 -- Commercial availability should go beyond the NOP, in that any manufacturer claiming an exemption for an agricultural ingredient as "commercially unavailable" should implement a plan, in writing, to grow that agricultural product so that they will have it for their manufactured product or re-formulate that product so as to not have any "unavailable" ingredients.

OCA

Minerals that have not undergone chemical washing or processing should be considered neutral in formulations.

* The Commercial Availability clause is a slippery slope. Currently, the majority of proposed processes would result in synthetic ingredients that are not currently allowed under the NOP. This is confusing to consumers, as indicated by results of surveys of organic consumers developed by the subcommittee last year (contact me if you would like a copy of those results).

On the issue of Commercial Availability, subcommittee votes resulted in a 50/50 split between those that thought the standard should allow conventionally derived feedstock (from genetically engineered and pesticide laden plants) and those that indicated that processed ingredients not allowed under the NOP should be required to be derived from organic feedstock. Our consumer surveys showed conclusively that people buying a product labeled as "Made with organic" would expect it to be in accordance with the NOP, or, at the very least, have the highly processed synthetic ingredients derived from organic feedstock. Despite this 50/50 split on the original vote, the proposed standard reflects the weaker side of that vote. I still feel this should be opened up for a wider vote when the committee addresses comments made on the standard.

If a Commercial Availability clause is the result of that vote, then this document needs to have more elaborate definitions of the criteria for assessing what specifically should be considered "Commercially Available" and what is not as well as who monitors the industry for changes to the current list. The current 3.11 definition of "Commercial Availability" is insufficient and vague. To note, it's next to impossible to remove something from the current NOP National List, and I suspect, this standard will be no different unless more verbiage is added --- assuming the majority of the committee even wants the Commercial Availability clause, which is questionable at this point, given the past vote. To exemplify, if this is not better defined, an ingredient that is considered in high enough quantity and commercially available to a modest sized manufacturer may not be considered "commercially available" to the Wal-marts of the world, thus creating zero impetus for a company to produce or use one of these synthetic ingredients made from an organic feedstock. In short, with the current ambiguity, what's currently on this list will likely permanently remain on this list, which is a deep concern.

Dr. Bronner's Magic Soap

Section 5.3 notes that:

"Table 5.1 specifies Ecological Agricultural-Based Botano-chemical Processes that make ingredients that are not permitted under the NOP but are allowed for "Made with Organic" products under this Standard. The organic content contribution of the resulting ingredient to a finished product is also specified. Organic forms of ingredients made by these processes shall be used in "Made with Organic" products, if commercially available."

This is a straightforward requirement to use organic forms of ingredients produced by these processes, if commercially available. If they are not, then conventional may be used. However, in the Appendix, in table G2, is a position that is even more strict, in noting many ingredients that may never be used in conventional form, only organic form,

regardless of whether that ingredient is commercially available. This stricter version reflects debates within the Composition Committee that went back and forth how strict to make things.

I believe though, that the position that is reflected in the actual body of the standard, is the correct and better version, in being more straightforward, and that the G2 table in the Appendix should remove the category designation "Ingredients currently not available in organic form, and not allowed in conventional form, but allowed once organic form is available". There should simply be a representative list of ingredients available in organic form, and not yet available in organic form.

* Also, there was a lot of back and forth on whether clays and mined minerals should be considered neutral like salt and water under the NOP. The current standard does not treat such mined minerals and clays as neutral: I believe because there is a fair amount of processing/washing of many clays and mined minerals that makes such a designation questionable. I tend to think we should just leave things as is, but wanted to note this.

* 5.3 Allowed Processes and Ingredients

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Table 5.1

Add the term 'hydrolysis' between catalyzed and esterification in the third row. The proposed sentence should read: Mineral Acid-catalyzed hydrolysis, esterification or transesterification

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See Annex E.2. for clarification of particular ecological agricultural-based botano-chemical processes. The reagents and catalysts allowed under NSF that individually or in various combinations enable the more intensive NSF-allowed processes to happen are:

Potassium/Sodium Hydroxide
Metal Catalysts (Nickel, Platinum, Palladium)
Copper Chromite
Zinc Oxide
Strong Mineral Acids (Sulfuric, Phosphoric, HCl)
Strong Hybrid ChlorSulfonic Acid
Methanol
Phosphorous Trichloride or Thionyl Chloride
Hydrogen
Sulfur/Sulfur Trioxide

5.3.1 Preservatives

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The following row should be added to Table 5.2:
Salicylic Acid and its salts

The following language should be added to 5.3.1

Any other ingredient with anti-microbial activity may be used, insofar as it is made by approved processes allowed under this standard. See Annex G. (E.g. Glyceryl Caprate).

Proposed change for 5.3.2:

ALLOWED MINED & PROCESSED MINERALS

Chalk, Clays, Pumice, Titanium Dioxide, Zinc Oxide and any others specified in Annex G.

NOTE – A restriction of minimum 100 nanometers should be observed for nanoparticles.

NSF'S POSITIVE INGREDIENT LIST

The NSF Positive List mirrors the German natural BDIH standard Positive List, supplemented with the NOP list, since the BDIH standard has identical restrictions on allowed processes as NSF. The NSF Positive List is a clear comprehensive reference for certifiers and manufacturers to determine what is and is not allowed in NSF certified products. Any ingredient not on the Positive List that is made by an NSF allowed process can be petitioned to the NSF Joint Committee for placement on the Positive List. Should a notable safety or environmental issue arise for a given ingredient on the list, that ingredient may be de-listed under a sunset review. Organic forms of ingredients made by processes described in 5.3 shall be used when commercially available.

Hello All:

A big stumbling block for the development of the surfactants allowed under NSF from organic material, is the problem of scale in getting fatty alcohols produced from certified organic oils; fatty alcohols are the basic surfactant building block/sub-ingredient for various surfactants. Fatty alcohols are also utilized extensively in their own right, in lotions and hair conditioners allowed under the NSF standard. To make fatty alcohols, triglyceride oils are transesterified with methanol to make methyl esters, which then need to be hydrogenated at extremely high pressure to produce fatty alcohols. The operations that do this are very capital-intensive huge-volume operations, and impossible to get a small dedicated batch run with certified organic oil exclusively within any reasonable cost/efficiency structure. I believe something like 300 MT minimum runs is what we were looking at, as we have an all-purpose cleaning product based on coco glucoside and SCS, and so have spent time looking into this.

According to “Branded! How the Certification Revolution is Transforming Global Corporations” the FSC implemented a change to the straight % FSC claim that, one, allowed a “volume-credit” as I outlined below to happen, while two, implementing tighter controls on the non-certified content (no GMO, no old growth, no illegal harvested wood, no “social turmoil”/trampling of worker/indigenous rights). This was to respond to the fact that Sweden had the largest proportion of FSC certified forest, but Swedish processors were not bothering to certify much actual output product.

Page 89-90: “The volume-credit system allowed companies to place an FSC logo on products coming out of a mill in direct proportion to the FSC-certified inputs going into the mill over a defined period of time. For example, if the mill could show that 50

percent of the pine or fir it purchased for making the windows during a given month or quarter came from FSC-certified forests, it could place the FSC logo on 50 percent of the windows produced with that wood during that period.

“From the point of view of some FSC stakeholders, this change came with a high psychological cost. If you purchased a window with the FSC logo on it, you could no longer be absolutely certain that the wood in that window actually came from trees harvested from an FSC-certified forest. You could, however, be confident that by purchasing that window you were providing direct support to the improvement of forest management worldwide. It required trust in the system. To bolster that trust, environmental advocacy groups agreed to the introduction of the volume-credit system only if a system for improving the control of uncertified wood was strengthened....

“The volume-credit system proved to be useful in unexpected places. Representatives of the social chamber argued, at the 2005 general assembly, that small-scale indigenous and community based certified forests were finding it easier to convince local mills to become CoC (Chain of Custody) certified because the standards no longer required that they implement costly physical segregation for small batches of certified timber.”

(Me aain) In a similar vein, buying “green energy” off the grid doesn’t deliver any dedicated green energy different from the brown energy everyone else gets off the grid. You still get the same brown energy, but your funds are allocated to and enable scale-up of green energy sources that are feeding energy into the overall grid.

I’d like to propose under NSF that for fatty alcohols made from certified organic oils, and potentially steam-splitting organic oils to make glycerin and fatty acids too (the other main basic sub-ingredients for NSF processes) which also has similar scale issues, that on a temporary basis that sunsets after enough market volume is reached, that the NSF standard enable certification of a fatty alcohol output volume (and potentially fatty acids and glycerin) proportional to the certified organic oil input that’s diluted into a larger conventional oil input volume. So for instance, if 50 MT certified organic coconut oil is mixed with 250 MT of conventional coconut oil feeding into a fatty alcohol operation, then 50 MT of the resulting fatty alcohols and glycerin would be certified under NSF as “Coco Alcohol/Glycerin made with Organic Coconut Oil”, even though the actual certified fatty alcohol would be diluted per the input organic/conventional oil ratio of the overall run. The certified Coco Alcohol could then be sulfated, or combined with organic glucose in a glucosidation reaction, to produce “Sodium Coco Sulfate / Coco Glucoside made with Organic Coconut Oil”.

I think this is the advantage of the “made with Organic” nature of the NSF standard, that we can build in this kind of flexibility. A straight “Organic” product designation would require the high-bar NOP standard of complete authenticated/certified purity, free of any commingling of conventional material. But under the NSF “made with” standard, I think we can be flexible here, and address the fundamental chicken/egg problem of getting certified fatty alcohol, fatty acid and glycerin produced efficiently from certified organic material. This accords with the realities that FSC and green energy schemes have to deal

with as well. And this allowance would hopefully be sunsetted after a couple years under a sunset review, that will determine whether market volumes are able to justify dedicated certified runs at the scale fatty alcohol/acid/glycerin manufacturers work at.

This isn't without controversy but is similar to green energy purchasing, and USDA certifiers can easily certify that the certified output volumes correspond to certified organic input volumes. (USDA certifiers generally certify the much more strict total segregation of organic versus conventional in production).

Depending on the scale of the actual downstream sulfation and glucosidation operations of major players like Cognis, that make alkyl glucoside surfactants (eg. Decyl glucoside, coco glucoside, etc.), we might want to implement a similar scheme for them as for the fatty alcohol/acid/glycerin producers.

To the issue that organic consumers associate "organic" products and ingredients with a higher degree of health and safety, this isn't really an issue with the more intense NSF-allowed "made with Organic" processes we're talking about. The degree of processing and use of intermediate reagents like methanol that is fossil-fuel-based/non-renewable/toxic, makes the "health" of actual organic versus conventional feedstock pretty moot in the case of fatty alcohols. Ie Whatever trace pesticide residuals are present and of concern in the source material, is swamped by the processing intensity and synthetic inputs of the process itself. Also "made with Organic" products generally use conventional ag material anyway in the non-organic allowance. The progressive consumer interest here is more focused on promoting the organic health/sustainability/ecology of the agricultural practices and farms that provide the feedstock for core processed ingredients in NSF "made with Organic" certified products.

The USDA NOP "organic" category of personal care provides consumers with the ideal of comprehensive pure pesticide-residue-free organic ingredients with limited processing.

Best, David Bronner

Proposal 3:

In a relevant part of Section 5.3, insert a statement something like:

"For production of fatty alcohols, fatty acids and glycerin from certified organic material, the basic sub-ingredients for esters and surfactants as well as extensively used in personal care in their own right, in recognition of the prohibitive scale of a dedicated certified organic feedstock run for producers that run extremely large batch or continuous operations, a "volume-credit" system will apply.

This means that if 50 MT of certified organic coconut oil is fed into an operation along with 250 MT conventional, that 50 MT of fatty alcohols and glycerin output may be certified under NSF as "made with Organic Coconut Oil" with an organic content of 98%

as specified in 5.3 (versus 300 MT of fatty alcohols certified to have less than 20% organic content which won't work for downstream NSF manufacturers).

Oh, Oh Organic, Inc

1 – 5.3.2 – I have, as a distributor of “organic and organic compliant” cosmetic materials been unable to find a clay that is not irradiated.

2 – Table 5.2 - “Natural Source” is used to describe preservatives, however it is not defined. What is “natural sourced”?

Section 6

Na True

3.17 essential oil: *The non-aqueous oil obtained from plant matter that may be volatilized by steam. Citrus oil is considered an essential oil because of its composition (to be adopted to point 6.4.2)*

In this formulation other manufacturing processes are missing such as e.g. extraction using CO₂ or the extraction of resins. This is why the wording should be changed and the definition under 6.4.2 included:

6.4.2 Essential oil

Essential oils expressed, distilled, or extracted from organic plant material shall be considered fully organic.

3.19 ethoxylation: *A chemical process in which a raw material is catalyzed with potassium hydroxide and dried under vacuum, after which ethylene oxide is added as a reagent to form a new material.*

This wording only describes a selection of possibilities. It would be better to use the generally applicable formulation:

A chemical process in which ethylene oxide or another alkyl epoxide is added as a reagent to form a new material.

3.56 salt: *Sodium chloride, unless otherwise specified*

6.3.2 Salt

Salt is sodium chloride, not containing any additives or flow agents that are not specifically allowed on the National List.

For a standard for cosmetics the definition of salt should include all inorganic salts not just table salt as for a foodstuffs standard.

6.3.1 Water

Water used as an ingredient or processing aid shall meet or exceed the USEPA National Primary Drinking Water Regulations (40 CFR part 141) or the WHO Guidelines for Drinking-Water Quality.

This point can be deleted, since it is already covered by 3.68.

6.3.2 Salt

Salt is sodium chloride, not containing any additives or flow agents that are not specifically allowed on the National List.

This point can be deleted, since it is already covered by 3.56.

6.2 Calculating organic percentage

In addition to water and salt all minerals should be listed here - for they too can never be organic.

6.3.1.1 Reconstitution

When a standard of identity exists or there is an onsite scientific method used to remove moisture from a plant, water can be added back into that plant product and still be considered as part of the original plant. For instance, a concentrate that fulfills the organic requirements of this Standard can be rehydrated back to single strength or back to the same moisture content it had when harvested or first tested; the added water shall be considered part of the organic content of that ingredient or product.

Added water shall be included in the organic content of an ingredient only under the following circumstances:

- Reconstituting juice concentrates back to their USDA single strength standard of identity; and*
- Reconstituting aloe concentrates to single strength based on Aloe Council compliance and standards. Water content of extracts and hydrosols are specified in 6.4 of this Standard.*

NOTE – Water added to rehydrate dried powders or dried plant material is counted as added water. Manufacturer-specific 'standards of identity' regarding water content, single strength values, or moisture content are not acceptable.

We consider this approach to be inconclusive. If water is extracted then it should, as a matter of principle, not be re-included in the calculations. Why is it that concentrates and aloe receive different treatment here to other drugs? There is a danger that because of the exceptions made for juices and aloe e.g. a small amount of 0.3% of a dried aloe extract will be used 200:1. Using reconstitution a very high percentage of organic can be achieved from this small amount (in certain circumstances over 50%). This is misleading for the consumer.

6.5 Organic percentage of a reacted ingredient

The values in table 5.1 shall be used in calculating the organic percentage of a final product using reacted ingredients. Although most of the products of the specified

reactions are likely to be restricted to the “made with” label category, the percentage listed shall not be the final determinant of that category.

See commentary on *Table 5.1*.

Table 5.1:

We would like to question why the use of certain processes means that certification as "organic" should no longer be possible.

Consumers see the difference between "made with organic xxx" and "95% organic" only as an expression of the organic material it contains, and not as a reflection of the manufacturing process of the raw materials.

We are of the opinion that for all those processes allowed under the NSF Standard the labelling as "organic" must be possible.

As already described above, for the calculation of "organic" that amount of the substance that has the potential to be organic (e.g. in glucosidation 98%) should be taken.

Terressentials

6.2/6.3 -- Minimally, simple water and/or filtered, processed NOP compliant mined minerals should be neutral ingredients, as are water and salt. This is referred to in 7.2.1.

6.4.2 -- Essential oils should NOT be "extracted" with solvents.

Oh, Oh Organic, Inc

Under 6.2 the responsibility for determining the “organic content” is solely assigned to the handler – there does not appear to a requirement that the “organic content” be verified by the certifier. This appears to be self certification. Was this intended?

6.3.2 – Which “National List”?

6.4.3.2 – What does “fully organic” mean? Is this 100%, 95% . . .??

Section 7

Personal Care Products Council

Order of ingredients (7.7.1)

The Draft Standard’s order of ingredient listing is not consistent with federal law and may be confusing or potentially misleading. In the Draft, NSF states:

Ingredients at a concentration of more than 1% shall be listed on the label in descending order of predominance, in their concentration by weight. Ingredients that are present at a concentration of 1% or less shall be listed in any order after the ingredients present at a concentration of more than 1% or as required by federal regulation.

This ingredient listing conflicts with FDA regulation and mandated by the Fair Package Labeling Act. Legally, a cosmetic product's order of ingredients may appear in one of three ways. The Draft Standard's ordering scheme is inconsistent with federal law and, if followed, may cause a product's label to be misleading.

c. Ingredient Labeling (7.7)

In the Draft Standard, NSF outlines ingredient labeling practices that augment current regulatory and INCI standards. NSF lacks authority to revise regulation or INCI nomenclature. In Section 7.7 of the Draft, NSF states:

Each organic personal care product shall list the ingredients on its label using the International Nomenclature for Cosmetic Ingredients (INCI) labeling system as found in the most recent edition of the International Cosmetic Ingredient (ICI) Dictionary and Handbook as applicable. The list of ingredients shall appear on the outer label of the personal care product. Extra descriptive or marketing terminology, unless specified in 7, shall not be deemed acceptable in the ingredient list.

Emphasis added. The wording in the Standard "unless specified in 7" indicates that there are exceptions to FDA labeling regulations.

Also, in Section 7.5.2 of the Draft Standard, NSF states:

products in packages described in 7 CFR 205.301(c) shall: – In the ingredient statement, identify each organic ingredient with the word "organic" or with an asterisk or other reference mark that is defined below the ingredient statement to indicate that the ingredient is organically produced.

NSF has no authority to make such changes to INCI nomenclature or federal regulation

Na True

7.1 Use of the term "organic"

The term "organic" shall only be used on labels and in labeling of raw or processed agricultural products, including ingredients, that have been produced and handled in accordance with the requirements of this Standard. The term "organic" shall not be used in a product name unless the product meets USDA-NOP criteria or criteria defined in this Standard.

In the draft version at these points (where it is not simply a selection that is being dealt with) reference is made to the NOP/the National List. There are various reasons which would make the development of a separate positive list desirable:

- a) A reference to the NOP entails a dependency (e.g. any future changes in the NOP).
- b) The NOP is a state program. The development of a separate positive list would give the NFS standard more the character of an international standard. This would be very desirable from the point of view of the producers as well as the consumers.
- c) Only a positive list of the permissible raw materials and manufacturing processes makes it possible to clearly define what may be used and what not. And it is only thus that transparency is created for the consumers who are otherwise forced to collect information themselves from various programmes and lists.

In Germany a committee of experts, working for the BDIH, spent several years compiling a list of raw materials which may be used in the production of natural cosmetics. In our opinion a similar positive list made available to the NSF standard as quickly as possible by NaTrue would be the simplest solution.

7.5.1 Personal care packaged products labeled "made with organic"

Personal Care products in packages described in 7 CFR 205.301(c) may display on the principal display panel, information panel, and any other panel and on any labeling or market information concerning the product:

– The statement: “Made with organic [specified ingredients or ingredient groups],” provided that the statement does not list more than three organically produced ingredients. The text shall not exceed one-half the size of the largest type size on the panel. This statement shall be made in the same type size, style, and color without highlighting; or Reason: ‘or ingredient groups’ added. This allows categorical claims, such as “made with organic oils, fragrances, and colors” if all ingredients in those categories were organically produced. This construction is more consistent with the NOP rule, reducing consumer confusion.

The appended addition "and ingredient groups" should be deleted.

TerrEssentials

7.2 -- The term in company names and in a company's marketing/promotional materials should not be used in a manner that conflicts with the contents of any product. The word organic should NOT be used in a company name if that company does not produce predominantly certified organic products.

7.7. -- Labeling of ingredients

This entire section should be eliminated as it is covered by FDA regulations. Any other sections that contain information that is covered by current FDA regs/guidelines should also be removed.

Dr. Bronner's Magic Soap

7.5.2 Agricultural packaged products

Agricultural products in packages described in 7 CFR 205.301(c) shall:

– In the ingredient statement, identify each organic ingredient with the word "organic" or with an asterisk or other reference mark that is defined below the ingredient statement to indicate that the ingredient is organically produced. Water, mined minerals, and salt included as ingredients shall not be identified as organic. For ingredients made with organic materials produced by processes allowed under this Standard but not the NOP, a separate asterisk should refer to the statement "Made with Organic Ingredients".

For example, on the ingredients declaration of a hypothetical NSF certified shampoo:

Ingredients: Water, Aloe Vera*, Sodium Coco Sulfate**, Coco Glucoside**, Soy Protein*, Benzoic Acid

* Organic

** Made with Organic Ingredients

Oh, Oh Organic, Inc

7.2 – These statements do not appear to discriminate between NOP certified materials and NSF certified materials. Is there any difference?

7.2.1 – Does this section apply to NOP compliant materials? If a product is certified organic to the NOP, why should there be any obligation to disclose the process?

“Personal Care products in packages described in 7 CFR 205.301(c)” is a mis-statement. “Personal Care products” are not described anywhere in 7 CFR Part 205 – so what is this sentence about?

7.5.1 - Note to Lorna – this section should refer to Annex A – 3.1 immediately to prevent certifiers from confusion.

7.6 – This section requires more info on a wholesale package than the NOP requires – this means that you are asking companies certified to the NOP to go beyond NOP requirements. Will suppliers be willing to do this? Is it necessary?

7.7.1 – Is this section parallel to the regulations stated in the US and Canada (the most likely export market for US cosmetics)?

Annex A

Oh, Oh Organic, Inc

Annex A.3 –there are 10 ISO 65 accredited certifiers to the NOP program. I am not sure what other agencies work with ISO 65. Information regarding how to find an Iso 65 certifier would be very helpful to an applicant.

Annex A . 3 . 11 - Public notice – note: this is note required under the NOP for Certifiers. NOP must do this. I suspect this has something to do with the federally mandated appeals process. Should a statement regarding “due process” be included in this section?

Annex B

TerrEssentials

B.3.4.4 -- The term "agent" should be changed to "agent or strategy."

OCA

B.3.4.2 addresses the use of the deviations of the word “organic” in brand names. The text addresses issues where the certifier can administer control over labeling of such products (example, smaller font size in brand name). Both instances of the use of the word “may” should be replaced with the word “should”. As a result the last two sentences should read: “In an effort to achieve this, third party certifying organizations SHOULD place restrictions on the size of the word or label. For instance, a certifying organization SHOULD require that the word "organic" not be more that 50% larger than the largest type size on the front”

Oh, Oh Organic, Inc

Annex B . 3 . 2 – The statement below could be read as referring to the NOP “Standard” or this NSF “Standard”. I think it deserves more clarity. It is sort of hard to know what it means in any case.

NOTE – Certifying organizations should clarify that information is not required for sale to the end user in situations where the materials are certified to the Standard. However, certifying organizations may request files to verify compliance if they have additional standards or policies that require such files.

Annex B . 3 . 4. 2 – This section will certainly result in prejudicial choice of certifiers based on policies. Seems very problematic to me.

Annex C

Cognis

Second, confirmation of non-GMO material should be substantiated by PCR Analysis and the associated absence of GMO material in line with other natural/organic

certification organizations. This modification would help address the issue of commercial availability of key raw materials for production, while still guaranteeing GMO-free products.

Proposal

Use PCR analysis to substantiate non-GMO material

Annex D

Oh, Oh Organic, Inc

Annex D – I am a supplier – I know that only then manufacturers can legally be held to the sort so statements made on this form. I needs to be signed by a responsible party – not by some distributor (like me) who does not know synthesis chemistry. I wouldn't even use this for the NOP program and their managers have told the certifiers that this sort of form is unacceptable.

Annex E

Access Business Group

Within Annex E which is provided as "informative", there are judgements for each of the reference chemical processes under E.2. These judgements exceed the bounds of the standard as following the NOP guidance. Additional notes are provided which are interpretive and do not cite an official source, for example "SLS is controversial". Also there is uneven use of reference bodies. EWG is cited when that organization is providing an interpretation of ingredient safety and is not subject in there report to external review. BDIH is cited when that is the collective judgement of an industry association. Ecocert is cited and is representative of a certifying organization which does endeavor to qualify under the certifying organization criteria in appendix 3. this uneven citing of organizations without noting qualification is unacceptable and there should be a standard of acceptance if any such interpretive judgement is to be presented. Within the scope of the standard as presented, I propose that any such information be limited to NOP recognition.

ABITEC Corporation

Comment:

The reaction temperature listed in the reaction conditions section should be increased to 250°C maximum. Typically in the industry, noncatalyzed esterifications of glycerin and fatty acids for food and cosmetic use are run at that temperature in order to reduce the AV (Acid Value) to less than 0.1. They are also more typically run under vacuum, not pressure, as is stated in the same section.

Proposal:

The reaction temperature should be 250°C maximum and the pressure can be a vacuum of less than 1 mm Hg up to 60 psig.

Annex F

Personal Care Products Council

The Draft Standard includes information on GMPs. This is well beyond the scope of this document, is of limited utility, and appears to be written for food handling. If a standard is to reference GMP, a much more thorough treatment would be needed and should be consistent with existing international standards (i.e., ISO 22716:2007).

Access Business Group

GMP for cosmetic products is discussed by FDA and although there is not an official standard established. The guidance provided by FDA should be cited and the essential compliance that the product not be found to be adulterated should be cited as the goal for GMP.

John Leffel

F.7.5 comment - products that are produced for the US shall meet the USEPA Primary Drinking Water Regulations (40 CFR part 141) - The WHO guidelines for drinking water quality are in fact guidelines that may be used or may not be used to establish other country's drinking water standards - Just because they use the guidelines does not ensure that they use the entire guidelines and these are not comparable with EPA drinking water standards. I am very uncomfortable in allowing a company to submit a product that may have been produced with water that was contaminated and there are no tests to determine the safety of the product or a contamination introduced through the manufacturing process ie toys from china with lead.

Also I believe there should be some level of testing added to the standard for bacteriological contaminants - especially heavy metals since this is applied topically and can be inhaled if used in the shower.

Proposal

Reword the document to state that water used for processing products made for consumption or use within the US must meet or exceed the USEPA national primary drinking water regulations (40 CFR part 141). I do not have a solution for other countries consumption of this product

Annex G

Cognis

First, under the “made with organic” classification outlined in table G.2, we propose that Decyl Glucoside and Lauryl Glucoside be added to the “ingredients temporarily permitted in conventional form” category so that they are in line with the classification of Coco-Glucoside. The rationale being that these products derive from the same approved Glucosidation process outlined in Table 5.1 of the Standard and represent surfactants made from natural-renewable raw materials. Once sufficient 100% organic feedstocks to produce the glucosides are available, the products would then be moved to the “Ingredients available in organic form” list.

Proposal

Add Decyl Glucoside and Lauryl Glucoside to the “ingredients temporarily permitted in conventional form” category

Na True

Modified raw materials, which are not yet available in organic quality, should be regulated as a positive list (compare *Table G.2*) and considered as neutral.

Annex G

The selection of raw materials in the appendices (particularly in appendix G2) is, in some cases, not comprehensible. Why should the use of a raw material such as "decyl glycoside" not be permissible unless it is available in organic quality, while this restriction does not apply to a great many comparable raw materials?

Regulation of the raw materials allowed via a positive list, as described in the commentary on 3.4., would offer a great deal more transparency to consumers.

Finnfeeds Finland (Part of Danisco)

We have recently noticed that betaine is on the list of prohibited ingredient types in the NSF Standard for Organic Personal Care Products.

Our understanding is that this is a mistake and we would like to introduce our product Betafin BP and Natural Extract AP more in detail. Our product is very often mixed with the synthetic type of surfactant betaines, alkyl amido betaine etc. The INCI name of our product is betaine

Our product trade names are Betafin BP 20 and Natural Extract AP. They are both trimethylglycine, that is betaine, in crystalline form in anhydrous and in monohydrate forms, respectively. The chemical formula of our product is $C_5H_{11}NO_2$, monohydrate

form contains also one H₂O molecule attached. The CAS numbers of our products are 107-43-7 and 590-47-6.

This betaine occurs in many plants and animals even in humans. We separate it from Sugar Beet molasses. The process is essentially simple. The molasses is extracted from sugar beet with water, then it is chromatographically separated using water as eluent and then it is crystallised. There is no chemical reactions involved nor there is any solvents used in this process. The raw material comes from nature.

Infact, many of our clients have Ecocert for their products containing betaine.

We hope this information will help to explain this confusion.

If you have any additional questions please contact me or our Business manager Kirsti Jutila (kirsti.jutila@danisco.com, tel. +358104314336)

Proposal:

We would like to propose a solution that the natural product with INCI name Betaine wouldn't be on the list of prohibited common ingredient types.

TerrEssentials

G.2 -- There should be NO synthetic ingredients temporarily permitted in conventional form!

Dr. Bronner's Magic Soap

ANNEX G

NSF POSITIVE INGREDIENT LIST

The NSF Positive List mirrors the German natural BDIH standard Positive List, supplemented with the USDA NOP list, since the BDIH standard has identical restrictions on allowed processes as NSF. The NSF Positive List is a clear comprehensive reference for certifiers and manufacturers to determine what is and is not allowed in NSF certified products. Any ingredient not on the Positive List that is made by an NSF allowed process can be petitioned to the NSF Joint Committee for placement on the Positive List. Should a notable safety or environmental issue arise for a given ingredient on the list, that ingredient may be de-listed under a sunset review. Organic forms of ingredients made by processes described in 5.3 shall be used when commercially available.

Oh, Oh Organic, Inc

Annex G – Organic glycerin is now available.

Annex G – Org. maltodextrin is available.

Annex G –2 – why is tocopherol acetate allowed? There is non-gmo mixed tocopherol that fill the need of a effective anti- oxidant for personal care products.

Proposed Draft Standard Comments

NOTE – Highlighted comments have been incorporated into the appropriate Standard section.

Carrie Gregory - Personal Care Products Council (formerly CTFA)

Comment:

The Personal Care Products Council (the “Council”) (formerly the Cosmetic, Toiletry, and Fragrance Association) is providing these comments in response to the NSF Draft Standard 305: Organic Personal Care Products (“Draft” or “Draft Standard”). Based in Washington, D.C., the Council is the leading national trade association representing the \$250 billion global cosmetic and personal care products industry. Founded in 1894, the Council's more than 600 member companies manufacture, distribute, and supply the vast majority of finished personal care products marketed in the U.S. As the makers of a diverse range of products that millions of consumers rely on everyday, from sunscreens, toothpaste and shampoo to moisturizer, lipstick and fragrance, personal care products companies are global leaders committed to product safety, quality and innovation.

The Council represents the vast majority of stakeholders that would be affected by NSF’s Draft Standard once adopted by the American National Standard (“ANS”). Thus, we urge NSF to seriously consider the comments contained herein. Issues with the Draft NSF Standard for Organic Personal Care Products The Council finds that the Draft Standard is substantially flawed and far from ready to advance to ANS at this time. We urge NSF to continue development of the Draft and allow for more opportunities for public comment prior to advancing the standard to ANS.

While not an exhaustive list, we find examples of deficiencies in four major areas:

1. Draft Standard includes provisions that are in conflict with federal law.
2. Draft Standard Annexes contain issues of concerns.
3. The Draft Standard references sources that are not authoritative.
4. Draft Standard contains confusing inconsistent information.

1. Draft Standard includes provisions that are in conflict with federal law.
The Draft Standard is not consistent with current federal law. NSF appears to recast a number of terms in a way that conflicts with longstanding statutory and regulatory standards.

a. Over-the-counter

In the Draft Standard, NSF defined “over-the-counter” as: “(Of drugs and non-drugs) Sellable without a prescription and without a visit to a medical professional.” This definition is in direct conflict with FFDCA in that there is no legally recognized non-drug OTC.

b. Order of ingredients (7.7.1)

The Draft Standard's order of ingredient listing is not consistent with federal law and may be confusing or potentially misleading. In the Draft, NSF states: Ingredients at a concentration of more than 1% shall be listed on the label in descending order of predominance, in their concentration by weight. Ingredients that are present at a concentration of 1% or less shall be listed in any order after the ingredients present at a concentration of more than 1% or as required by federal regulation.

This ingredient listing conflicts with FDA regulation and mandated by the Fair Package Labeling Act. Legally, a cosmetic product's order of ingredients may appear in one of three ways. The Draft Standard's ordering scheme is inconsistent with federal law and, if followed, may cause a product's label to be misleading.

c. Ingredient Labeling (7.7)

In the Draft Standard, NSF outlines ingredient labeling practices that augment current regulatory and INCI standards. NSF lacks authority to revise regulation or INCI nomenclature. In Section 7.7 of the Draft, NSF states:

Each organic personal care product shall list the ingredients on its label using the International Nomenclature for Cosmetic Ingredients (INCI) labeling system as found in the most recent edition of the International Cosmetic Ingredient (ICI) Dictionary and Handbook as applicable. The list of ingredients shall appear on the outer label of the personal care product. Extra descriptive or marketing terminology, unless specified in 7, shall not be deemed acceptable in the ingredient list.

Emphasis added. The wording in the Standard "unless specified in 7" indicates that there are exceptions to FDA labeling regulations.

Also, in Section 7.5.2 of the Draft Standard, NSF states:

products in packages described in 7 CFR 205.301(c) shall: – In the ingredient statement, identify each organic ingredient with the word "organic" or with an asterisk or other reference mark that is defined below the ingredient statement to indicate that the ingredient is organically produced.

NSF has no authority to make such changes to INCI nomenclature or federal regulation.

2. Draft Standard Annexes contain issues of concerns.

The Draft Standard includes information on GMPs. This is well beyond the scope of this document, is of limited utility, and appears to be written for food handling. If a standard is to reference GMP, a much more thorough treatment would be needed and should be consistent with existing international standards (i.e., ISO 22716:2007).

3. Draft Standard use of Annexes is inappropriate.

In the Draft Standard, some of the information contained in the Annexes appears to be an integral part of the meaning of the standard itself. In footnote format, NSF states:

The information contained in this Annex is not part of this American National Standard (ANS) and has not been processed in accordance with ANSI's requirements for an ANS. As such, this Annex may contain material that has not been subjected to public review or a consensus process. In addition, it does not contain requirements necessary for conformance to the Standard.

NSF cannot exclude the annexes or separate them from the standards development process as they appear to contain information necessary for conformance to the Draft Standard. In addition, alkaline, alkylation, audit, batch, biodegradable, catalyst, and many other terms are defined within the Draft Standard, but never used within the document; and the definitions are not necessarily the same in the Draft Standard and the annexes.

4. The Draft Standard references sources that are not authoritative.

The Draft Standard references sources that are not authoritative. For example, NSF's reference to EWG reports is not appropriate. To the extent that data or opinions are referenced, the source of the data or the opinions should be by a recognized, authoritative body. Environmental Working Group ("EWG") is not an authoritative body; but rather a nonprofit organization that synthesizes data from primary references in a way that is not necessarily consistent with the conclusions of authoritative bodies, such as the Cosmetic Ingredient Review or Europe's Scientific Committee for Cosmetic Products.

5. Draft Standard contains confusing inconsistent information.

Providing accurate and consistent information is critical to the development and use of a meaningful standard. We found a number of deficiencies throughout the Draft Standard including confusing definitions and inconsistent use of terms.

a. Personal Care Product and Cosmetics

The Draft Standard uses the terms "cosmetics" and "personal care products" interchangeably. Specifically, NSF states, "[t]his Standard does not differentiate between requirements for personal care products and requirements for cosmetics. Therefore, for the purposes of this Standard, cosmetics are considered personal care products."

However, each term has a different meaning and it is not appropriate to treat them synonymously.

The following are NSF's definitions for "cosmetics" and "personal care products":

• "Personal care product: A non-medicinal consumable product that is intended to be used in the topical care and grooming of the body and hair and that is rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to a body, human or animal, for cleansing, beautifying, promoting attractiveness, or altering the appearance without affecting the body's structure or functions. Personal care products are specifically

for use in such activities as cleansing, toning, moisturizing, hydrating, exfoliating, conditioning, anointing, massaging, coloring/decorating, soothing, deodorizing, perfuming, and styling.”

· Cosmetic: (1) an article intended to be rubbed, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) an article, other than soap, intended for use as a component of any such articles.

Furthermore, NSF’s definition for “personal care product” appears internally flawed. For example, the term is defined as a product “...intended to be used in the topical care and grooming...” but then states it can be “... introduced into... a human or animal...”
Emphasis added.

b. Section 1.2 Scope

The scope of the Draft Standard (as defined by NSF) renders the standard confusing and its application unclear. The Federal Food, Drug, and Cosmetic Act (“FFDCA”) defines cosmetics by their intended use, as “articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body...for cleansing, beautifying, promoting attractiveness, or altering the appearance.”

However, in the Draft Standard the NSF changes the fundamental definition of cosmetic to one of end use application:

Items covered by this Standard include, but are not limited to, rinse-off and leave-on personal care and cosmetic products that are applied or used externally on any part of the body (e. g., hair, face, hands, and feet) as well as oral care and personal hygiene products.

This scope also creates internal confusion within the Draft Standard as it does not appear to comport with NSF’s (or FDA’s) definition for cosmetics.

Proposal

In light of the non-exhaustive list of examples we have highlighted above, we believe NSF has a considerable amount of development work to undertake before finalizing the Draft Standard; allowing for several opportunities for public comment and following the ANSI Essential Requirements: Due process requirements for American National Standards.

Denise Peterson – Cognis

After reviewing the proposed NSF Standard for Organic Personal Care Products, Cognis would like to offer the following comments for consideration:

First, under the “made with organic” classification outlined in table G.2, we propose that Decyl Glucoside and Lauryl Glucoside be added to the “ingredients temporarily permitted in conventional form” category so that they are in line with the classification of Coco-Glucoside. The rationale being that these products derive from the same approved Glucosidation process outlined in Table 5.1 of the Standard and represent surfactants made from natural-renewable raw materials. Once sufficient 100% organic feedstocks to produce the glucosides are available, the products would then be moved to the “Ingredients available in organic form” list.

Second, confirmation of non-GMO material should be substantiated by PCR Analysis and the associated absence of GMO material in line with other natural/organic certification organizations. This modification would help address the issue of commercial availability of key raw materials for production, while still guaranteeing GMO-free products.

Thank you for considering these requests. At Cognis, innovative products based on natural raw materials, environmentally compatible manufacturing processes, and the highest safety standards are all fully implemented in our daily sustainability policies.

Cognis is a global manufacturer of natural, renewable raw materials for the personal care industry and we see sustainability as part of our business model. We support the move to sustainable production practices and welcome the development of standards such as the Organic Personal Care Products Standard.

Proposal:

* Add Decyl Glucoside and Lauryl Glucoside to the “ingredients temporarily permitted in conventional form” category

- Use PCR analysis to substantiate non-GMO material

Michael Leuenberger – Na True

Comments on the NSF draft from the European lobby group NaTrue

NaTrue is a quality initiative from the pioneers in natural cosmetics:
Laverana/Lavera, Logocos/Logona, Primavera, Santaverde,
Wala/Dr. Hauschka, Weleda AG

The lobby group of the European producers of natural cosmetics NaTrue (European Natural and Organic Cosmetics Interest Group E.E.I.G.) warmly welcomes the work done by NSF towards establishing guidelines for natural and organic cosmetics. The draft version released for feedback contains many interesting basic approaches, among others the calculation of the percentage of certified organic ingredients.

At the moment there are various international guidelines in which natural and organic cosmetics are defined (e.g. Ecocert, BDIH, Soil Association etc.). This is confusing for the consumers and companies are then faced with the challenge of having to have their products variously certified.

NaTrue is therefore of the opinion that a single standard, recognised worldwide, should be developed. This set of norms would include both the definition of natural cosmetics (i.e. a ban on certain processes and ingredients), as well as a definition of organic cosmetics (the definition of how organic raw materials are included in the calculation of natural cosmetic). The initial aim would be one set of guidelines, which would cover the criteria for the following products on offer:

- a) Natural cosmetics (without a set percentage requirement of organic ingredients)
- b) "Made with organic" natural cosmetics, which would have to contain at least 60% organic ingredients
- c) ">95%" or "100%" organic natural cosmetics

We welcome the NSF approach which states that for percentage calculations, only that amount of the contents of a plant which really end up in the product, will be included in the calculation.

We suggest that all raw materials which can be organic should be included in the calculation of organic. Thus for sulphated castor oil, according to *table 5.1.*, a maximum of 60% organic ingredients would be possible, while the remaining 40% could never be organic and would thus have to be calculated in as neutral. The advantages of such a basis for calculation are greater transparency for the consumers as well as increased pressure on the producers of the raw materials to use organic plants even in the production of modified raw materials. This pressure would be even greater if an international standard were to be agreed upon.

Modified raw materials, which are not yet available in organic quality, should be regulated as a positive list (compare *Table G.2*) and considered as neutral.

At the moment the NSF draft is designed as a purely US-American norm. This is made clear by the fact that the NOP is used as its basis and e.g. no raw materials are recognised as organic if they are certified according to other guidelines, e.g. that of the European Oeko-VO.

In our opinion the NSF draft should cover both natural and organic cosmetics. However in certain areas it covers foodstuffs and is not thoroughly adapted to the situation in cosmetics. This for example can be seen in point 3.28, where it is written:

ingredient: *A substance used in the preparation of an agricultural product that is still present in the final commercial product.*

This formulation would have to be changed for a cosmetic standard to:

ingredient: *A substance used in the preparation of a cosmetic product that is still present in the final commercial product.*

We consider it necessary that further work be done on the NSF draft, in order to develop a standard adapted to cosmetics and to eliminate ambiguities.

For the reasons listed we recommend that the NSF draft should be developed further according to the IFOAM guidelines with regard to organic ingredients.

(See on this point: http://www.ifoam.org/about_ifoam/standards/norms.html).

The members of NaTrue have many years of experience in the definition of natural and organic cosmetics and are happy to offer their services as competent contact persons.

NaTrue

European Natural Organic Cosmetics Interest Group E.E.I.G.

Moritz Aebersold, President

Below we present remarks on individual aspects of the NSF draft:

1.1 Purpose

This Standard encourages participation in the manufacturing of personal care products using organically grown ingredients within the supply chain.

This sentence should be changed to: This standard encourages participation in the manufacturing of natural personal care products using organically grown ingredients within the supply chain.

Rationale:

The standard does not only define the content of “organic” raw materials, but also defines “natural cosmetics” according to the definition of the manufacturing processes and raw materials allowed.

The term “natural” should be explained under 3 – *Definitions*

3.4 allowed synthetic: *A substance that is included on the National List (National Organic Program, 7 CFR Part 205) of synthetic substances allowed for use in organic production or handling, and/or that is further allowed within this Standard for use in specific situations.*

3.36 National List: *A list of allowed and prohibited substances as provided for in National Organic Program, 7 CFR 205.600-606.*

3.39 non-synthetic (natural): *A substance that is derived from mineral, plant, animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Act*

(7 U.S.C. 6502(21)). For the purposes of this part, non-synthetic is used as a synonym for natural as the term is used in the Act. (National Organic Program, 7 CFR Part 205).

3.66 synthetic:

A substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources. This term shall not apply to substances created by naturally occurring biological processes permitted under the NOP, nor does it apply to Ecological Agricultural-Based Oleochemical Ingredients defined and allowed in this Standard for products labeled "made with organic".

7.1 Use of the term "organic"

The term "organic" shall only be used on labels and in labeling of raw or processed agricultural products, including ingredients, that have been produced and handled in accordance with the requirements of this Standard. The term "organic" shall not be used in a product name unless the product meets USDA-NOP criteria or criteria defined in this Standard.

In the draft version at these points (where it is not simply a selection that is being dealt with) reference is made to the NOP/the National List. There are various reasons which would make the development of a separate positive list desirable:

- d) A reference to the NOP entails a dependency (e.g. any future changes in the NOP).
- e) The NOP is a state program. The development of a separate positive list would give the NFS standard more the character of an international standard. This would be very desirable from the point of view of the producers as well as the consumers.
- f) Only a positive list of the permissible raw materials and manufacturing processes makes it possible to clearly define what may be used and what not. And it is only thus that transparency is created for the consumers who are otherwise forced to collect information themselves from various programmes and lists.

In Germany a committee of experts, working for the BDIH, spent several years compiling a list of raw materials which may be used in the production of natural cosmetics. In our opinion a similar positive list made available to the NSF standard as quickly as possible by NaTrue would be the simplest solution.

3.17 essential oil: The non-aqueous oil obtained from plant matter that may be volatilized by steam. Citrus oil is considered an essential oil because of its composition (to be adopted to point 6.4.2)

In this formulation other manufacturing processes are missing such as e.g. extraction using CO₂ or the extraction of resins. This is why the wording should be changed and the definition under 6.4.2 included:

6.4.2 Essential oil

Essential oils expressed, distilled, or extracted from organic plant material shall be considered fully organic.

3.19 ethoxylation: *A chemical process in which a raw material is catalyzed with potassium hydroxide and dried under vacuum, after which ethylene oxide is added as a reagent to form a new material.*

This wording only describes a selection of possibilities. It would be better to use the generally applicable formulation:

A chemical process in which ethylene oxide or another alkyl epoxide is added as a reagent to form a new material.

3.20 excluded method: *A method not permitted in this Standard, including genetically engineered organisms (GEO) or their products.*

Reason: Clarification. GEOs are excluded in 4.2.2 - Prohibited labeling practices in all categories.

4.2.1 Non-organic ingredients

The non-organic ingredients shall not be produced using excluded methods, sewage sludge, ionizing radiation or genetically engineered organisms (GEOs) or its product, nor shall they contain any petroleum compounds except as allowed for specifically in this Standard. Reason: ‘genetically engineered organism or its product’ added. It is important to exclude not only GEOs but their products as well.

4.2.2.1 *The labeling of whole products or ingredients as organic is prohibited if those products or ingredients are created using any of the following:*

(...)

– Ingredients that have been made using any GEOs or its product;

C.3.1 First suggested screening method

Non-organic materials for “made with” products should be supplied with:

– an affidavit that a product is not from a GE (genetically engineered)/GMO (genetically modified organism) source or process;

The formulation should be changed to:

The use of genetically manipulated plants is forbidden. For certain raw materials it would have to be proved, using PCR, that they contain no genetically modified ingredients.

Rationale:

The aim is to protect the consumer against GMO s. This will be ensured by the requirement, which has to be fulfilled, that the raw ingredients be PCR negative. This requirement should in any case be regulated according to raw materials. The problem of GMO only exists for some individual raw materials. It requires a great deal of effort if a GMO certificate is demanded for each and every raw material. For BDIH the

target of only demanding such a certificate for critical raw materials (e.g. soya) has proved very effective.

3.38 nonagricultural substance: *A substance that is not a product of agriculture, such as a mineral.*

Non-agricultural covers a great deal more (salt, water, wild-crafted plants etc.). It would be more precise to offer a definition of "agricultural".

3.40 organic: *A term used to describe a finished product or ingredients within a product that have been produced and or processed according to this Standard or the NOP regulations.*

This formulation should definitely be changed to:

A term used to describe a finished product or ingredient that has been produced and/ or processed according to this Standard, the NOP regulations or equivalent organic regulations (e.g. the European "COUNCIL REGULATION (EEC) N° 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs").

Rationale:

Most of the producers of agricultural raw materials outside the USA are not certified according to NOP. If the only raw materials that count as "organic" are those which were cultivated according to NOP then US-American firms will only be able to draw on very few agricultural raw materials that have been cultivated in other countries. It would still be the case that no European natural cosmetic articles could be labelled with the NSF label since they primarily utilize organic raw materials that are cultivated according to the European standards for organic farming.

3.42 organic production: *A production system that is managed in accordance with this Standard or the NOP regulations.*

See note on 3.4. Here the IFOAM should count as the collective standard.

3.49 processing aid: *(a) A substance that is added to a food during the processing of such food but is removed in some manner from the food before it is packaged in its finished form; (b) a substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; or (c) a substance that is added to a food for its technical or functional effect in the processing but is present in the finished food at insignificant levels and does not have any technical or functional effect in that food.*

This formulation is another example of the exclusive reference to foodstuffs. Since the NSF draft is supposed to deal with the definition of natural und organic cosmetics the formulation should be adapted to refer to cosmetics.

3.56 salt: *Sodium chloride, unless otherwise specified*

6.3.2 Salt

Salt is sodium chloride, not containing any additives or flow agents that are not specifically allowed on the National List.

For a standard for cosmetics the definition of salt should include all inorganic salts not just table salt as for a foodstuffs standard.

3.65 surfactant: *A compound designed to reduce the surface tension of a liquid or to reduce the interfacial tension between two liquids, or between a liquid and a solid.*

The wording should be changed to:

A compound designed to reduce the interfacial tension.

4.2.2.1 *The labeling of whole products or ingredients as organic is prohibited if those products or ingredients are created using any of the following:*

(...) – Ingredients that have been processed with ionizing radiation;

Better: It is forbidden to treat raw materials of plant or animal origin and finished cosmetic products using ionizing radiation.

Ionizing radiation should be rejected because it causes structural changes. This is not the case for minerals. They are sterilised but their structure remains unchanged. For this reason the ban on ionizing radiation should refer to organic substances and finished products. This requirement is covered by the definition for "ionizing radiation". It reads as follows:

3.31 ionizing radiation: *Electromagnetic radiation whose waves contain energy sufficient to overcome the binding energy of electrons in atoms or molecules. Also (imprecisely) called radioactivity.*

According to this definition the term irradiation can only be used when the input energy is greater than the binding energy of the electrons in the atoms or molecules. This is not true in the case of the irradiation of minerals.

4.2.2.1:

See note on 3.4. Under 4.2.2.1 a very limited selection of processes are described. It would be more consumer-friendly to integrate a comprehensible list of the manufacturing processes allowed and the raw materials allowed, as an appendix to the NSF Standard.

Table 5.1:

We would like to question why the use of certain processes means that certification as "organic" should no longer be possible.

Consumers see the difference between "made with organic xxx" and "95% organic" only as an expression of the organic material it contains, and not as a reflection of the manufacturing process of the raw materials.

We are of the opinion that for all those processes allowed under the NSF Standard the labelling as "organic" must be possible.

As already described above, for the calculation of "organic" that amount of the substance that has the potential to be organic (e.g. in glucosidation 98%) should be taken.

5.3. Cooking vegetable oils or animal fats with NOP-allowed alkali to make soap

Only vegetable fats should be allowed here.

5.3.2 Mined Ingredients

The wording should be changed to: Ingredients of mineral origin

Table 5.4. is far from complete. A great many mineral dyes are missing. So e.g. Mica CI 77019, Blue CI 77510, White CI 77163, Chlorophyll Copper CI 75810, Iron Oxides...

In the positive list of the BDIH over 20 mineral dyes and a great many other mineral raw materials are listed. Here too, it is apparent that a positive list which creates transparency for the consumer is necessary.

5.3.3 Prohibited Ingredient Types/Classes and Prohibited Specific ingredients

The numbering at this point is confusing: 5.3.3. should be changed to 5.4 and 5.3.4. to 5.5.

6.3.1 Water

Water used as an ingredient or processing aid shall meet or exceed the USEPA National Primary Drinking Water Regulations (40 CFR part 141) or the WHO Guidelines for Drinking-Water Quality.

This point can be deleted, since it is already covered by 3.68.

6.3.2 Salt

Salt is sodium chloride, not containing any additives or flow agents that are not specifically allowed on the National List.

This point can be deleted, since it is already covered by 3.56.

6.2 Calculating organic percentage

In addition to water and salt all minerals should be listed here - for they too can never be organic.

6.3.1.1 Reconstitution

When a standard of identity exists or there is an onsite scientific method used to remove moisture from a plant, water can be added back into that plant product and still be considered as part of the original plant. For instance, a concentrate that fulfills the organic requirements of this Standard can be rehydrated back to single strength or back to the same moisture content it had when harvested or first tested; the added water shall be considered part of the organic content of that ingredient or product. Added water shall be included in the organic content of an ingredient only under the following circumstances:

- Reconstituting juice concentrates back to their USDA single strength standard of identity; and*
- Reconstituting aloe concentrates to single strength based on Aloe Council compliance and standards. Water content of extracts and hydrosols are specified in 6.4 of this Standard.*

NOTE – Water added to rehydrate dried powders or dried plant material is counted as added water. Manufacturer-specific 'standards of identity' regarding water content, single strength values, or moisture content are not acceptable.

We consider this approach to be inconclusive. If water is extracted then it should, as a matter of principle, not be re-included in the calculations. Why is it that concentrates and aloe receive different treatment here to other drugs? There is a danger that because of the exceptions made for juices and aloe e.g. a small amount of 0.3% of a dried aloe extract will be used 200:1. Using reconstitution a very high percentage of organic can be achieved from this small amount (in certain circumstances over 50%). This is misleading for the consumer.

6.5 Organic percentage of a reacted ingredient

The values in table 5.1 shall be used in calculating the organic percentage of a final product using reacted ingredients. Although most of the products of the specified reactions are likely to be restricted to the “made with” label category, the percentage listed shall not be the final determinant of that category.

See commentary on Table 5.1.

7.5.1 Personal care packaged products labeled “made with organic”

Personal Care products in packages described in 7 CFR 205.301(c) may display on the principal display panel, information panel, and any other panel and on any labeling or market information concerning the product:

- The statement: “Made with organic [specified ingredients or ingredient groups],” provided that the statement does not list more than three organically produced ingredients. The text shall not exceed one-half the size of the largest type size on the panel. This statement shall be made in the same type size, style, and color without highlighting; or Reason: ‘or ingredient groups’ added. This allows categorical claims, such as “made with organic oils, fragrances, and colors” if all ingredients in those categories were organically produced. This construction is more consistent with the NOP rule, reducing consumer confusion.*

The appended addition "and ingredient groups" should be deleted.

Annex G

The selection of raw materials in the appendices (particularly in appendix G2) is, in some cases, not comprehensible. Why should the use of a raw material such as "decyl glycoside" not be permissible unless it is available in organic quality, while this restriction does not apply to a great many comparable raw materials?

Regulation of the raw materials allowed via a positive list, as described in the commentary on 3.4., would offer a great deal more transparency to consumers.

Judith Bernabe – Arch Chemicals

The NSF's list of preservatives acceptable for "made with organic ingredients" products is quite limited. The following is a list of preservatives approved for use in certified "Made With Organic" products:

1. Benzoic Acid
2. Grapefruit Seed Extract
3. Potassium Lactate
4. Potassium Sorbate
5. Sodium Benzoate
6. Sorbic Acid
7. Benzyl Alcohol

This list is constricting to most, if not all, formulators and suppliers striving to create certified organic cosmetics.

Proposal:

Cosmocil CQ is a globally approved synthetic preservative with a low toxicity profile. It is not a paraben, isothiazolone, nor a formaldehyde donor and does not contain iodine. Made up of 20% solution of polyaminopropyl biguanide (PHMB), Cosmocil CQ is currently used in eye care (contact lens cleaner), baby products, and many other personal care products. In addition to its excellent safety profile, Cosmocil CQ is a broad spectrum, fast acting bactericide effective against both Gram negative and Gram positive bacteria, including *Staphylococcus aureus* and *E. Coli*, as well as the antibiotic resistant bacteria (MRSA and VRE) and other odor causing bacteria.

Arch Chemicals, Inc. proposes that Cosmocil CQ be included in the Preservatives Allowed in "Made With Organic" Products within the NSF Standard for Organic Personal Care Products.

Siiri Vikari - Finnfeeds Finland (Part of Danisco)

Comments:

We have recently noticed that betaine is on the list of prohibited ingredient types in the NSF Standard for Organic Personal Care Products.

Our understanding is that this is a mistake and we would like to introduce our product Betafin BP and Natural Extract AP more in detail. Our product is very often mixed with the synthetic type of surfactant betaines, alkyl amido betaine etc. The INCI name of our product is betaine

Our product trade names are Betafin BP 20 and Natural Extract AP. They are both trimethylglycine, that is betaine, in crystalline form in anhydrous and in monohydrate forms, respectively. The chemical formula of our product is $C_5H_{11}NO_2$, monohydrate form contains also one H_2O molecule attached. The CAS numbers of our products are 107-43-7 and 590-47-6.

This betaine occurs in many plants and animals even in humans. We separate it from Sugar Beet molasses. The process is essentially simple. The molasses is extracted from sugar beet with water, then it is chromatographically separated using water as eluent and then it is crystallised. There is no chemical reactions involved nor there is any solvents used in this process. The raw material comes from nature. Infact, many of our clients have Ecocert for their products containing betaine.

We hope this information will help to explain this confusion.

If you have any additional questions please contact me or our Business manager Kirsti Jutila (kirsti.jutila@danisco.com, tel. +358104314336)

Proposal:

We would like to propose a solution that the natural product with INCI name Betaine wouldn't be on the list of prohibited common ingredient types.

Bob Hamilton – Access Business Group

Comments:

"cosmetics", as "soaps" and as "drugs". These are long standing categories. Introducing a new formal category in this standard is likely to result in confusion for consumer/users of the standard. Therefore, I propose the standard follow the recognized nomenclature of FDA regulation.

* The definition section should agree with and cite agreement with the official definition of cosmetic and soap as used by the FDA.

* GMP for cosmetic products is discussed by FDA and although there is not an official standard established. The guidance provided by FDA should be cited and the essential compliance that the product not be found to be adulterated should be cited as the goal for GMP.

* The definition section on several occasions redefines standard terms when it is not necessary to have a definition unique to the standard. An example is "volatile content". This is defined under a number of analytical standards with descriptive conditions. This standard limits it to volatile content of plant materials. This is not appropriate since volatile content could be used with its normal meaning and plant materials specified within the standard instead of in the definition. This makes the standard more plainly readable without having to refer to a key unexpectedly.

* Within Annex E which is provided as "informative", there are judgements for each of the reference chemical processes under E.2. These judgements exceed the bounds of the standard as following the NOP guidance. Additional notes are provided which are interpretive and do not cite an official source, for example "SLS is controversial". Also there is uneven use of reference bodies. EWG is cited when that organization is providing an interpretation of ingredient safety and is not subject in there report to external review. BDIH is cited when that is the collective judgement of an industry association. Ecocert is cited and is representative of a certifying organization which does endeavor to qualify under the certifying organization criteria in appendix 3. this uneven citing of organizations without noting qualification is unacceptable and there should be a standard of acceptance if any such interpretive judgement is to be presented. Within the scope of the standard as presented, I propose that any such information be limited to NOP recognition.

Proposal:

See comments

David Herbst - Berje Inc.

Comments:

1 - I object to reopening the vote after the original stated deadline. There was no discussion concerning this by the JC.

2 - I do not believe the document is cosistent with the intent of NOP O95

3 - I do not believe the document propoerly addresses the consequences of the Harvey decision and its ramifications as to how this standard was drafted.

4 - the balance between allowing for significant chemical reactions to be carried out on "organic" starting materials v. the prohibition of other "natural" products needs to be revisited

Proposal:

1 - let the original vote results stand and let the chips fall where they may.

2 - harmonize with O95

3 - take out the restrictive consequences of the Harvey decision

4 - allow natural products.

Monna Manning – ABITEC Corporation

Comment:

The reaction temperature listed in the reaction conditions section should be increased to 250°C maximum. Typically in the industry, noncatalyzed esterifications of glycerin and fatty acids for food and cosmetic use are run at that temperature in order to reduce the AV (Acid Value) to less than 0.1. They are also more typically run under vacuum, not pressure, as is stated in the same section.

Proposal:

The reaction temperature should be 250°C maximum and the pressure can be a vacuum of less than 1 mm Hg up to 60 psig.

Karen Ash –

Comments:

While I applaud the development of standards for organic products, I could not find two things in this that tie into the organic mindset. The first being, is the packaging organic? The oil used to make the plastic that is often not recyclable (being a 5 or 6 in the recycling triangle) plus the use of a packaging that is not made from recycled materials in itself makes it non organically friendly to me. Secondly, is the product, the whole product, unlike Bath and Body Works which states the "finished" product is not tested on animals, tested on animals? Any type of animal testing on any part of any product that is stated to be organic in nature disavows that it is truly what organic mindset is about.

I do not see anything related to either of these subjects in the testing criteria for organic products. A product could be grown perfectly but if it is tested on animals or put into a container that is not made from recycled materials or is recyclable in itself is not my type of organic product.

Proposal:

Include in the testing criteria, and the definition of organic, that the product, anywhere down the line, is not tested on animals. Nothing that is used to develop the product is tested on animals. No where no how is any animal harmed to make my product, unless of course it is an organic chicken, fish, cow, pig etc then it should be what Whole Foods

does and that is follow the production of that animal from birth to death, to see it is treated humanely. Secondly, the packaging requirement of organic products must be organic in itself, recycled materials used and recyclable products used. Period. When we get to that point, I will swallow the organic bit.

Curt Valva - Aubrey Organics, Inc.

Comment 1:

In general I am in support of this standard. I do need some clarification on the 'organic' claim. 95 or 100 % is to default to the NOP. ok - but is NSF going to completely defaulting to the NOP and NOT certify to that standard (NOP) at all? In other words if I have products in both categories of organic and MWO, do I need to go to two different certification processes ... one with NSF and one with USDA? If so, why? Which seal do we use ... USDA or NSF?

Proposal 1:

I propose NSF certifies personal care TO the NOP standard at the 95+ categories. My belief as a consumer of organic products is that I want one certification for personal care . It keeps it clean and understandable. I can and do understand that there is a difference between food and personal care as there is with say textiles or fertilizers ... and so on.

Comment 2:

I do believe that at the time the standard was written, it was fairly up to date. Some time has passed and because it is assumed (I HOPE) that this is a LIVING DOCUMENT, some of the allowed ingredients and processes at the MW level need current sub-committee reviews. New ingredients are coming to light each and every day.

Proposal 2:

Some of the information needs current review and revision. I encourage sub-committee involvement in this task asap and NSF needs to spearhead this involvement asap.

James Hahn – TerrEssentials

Comment:

We believe that there should NOT be a separate, different, standard for personal care products other than the USDA NOP.

Numerous studies have shown that consumers are very confused by the various organic categories under the NOP and also by "organic" standards from other countries. Adding other "organic" standards further confuses consumers.

Having said that, we submit the following comments:

Our comments regarding the NSF proposed standard items numbered per the standard.

2.1 -- Normative references -- National Organic Program is identified as USFDA should be USDA NOP.

From the definitions section --

3.355 -- There must be a definition of nanoparticle. This is particularly important as the UK Soil Association has implemented a complete ban on nanoparticles in organic personal care products.

3.40 -- Incorrect! The term "organic" does NOT apply to products in the "made with" category.

3.66 -- The definition of the word "synthetic" should be unchanged from the USDA National Organic Program federal regulations definitions. It should NOT be changed to allow synthetics as "non-synthetics." It would be unethical to do so.

4.2.1 -- NO petroleum compounds whatsoever should be allowed.

From the scope section --

5.1 -- (In describing the allowed processes of organic ingredients, the term "otherwise manufacturing" is a meaningless escape clause that opens the door for, essentially, any manufacturing process.) This section should be identical to the NOP.

5.3 -- Under "allowed processes," "cooking" processes that result in new compounds that are clearly synthetic should be disallowed.

5.3.1 -- Chemical preservatives, including "grapefruit/citrus seed extract," should NOT be allowed.

5.3.4 -- Commercial availability should go beyond the NOP, in that any manufacturer claiming an exemption for an agricultural ingredient as "commercially unavailable" should implement a plan, in writing, to grow that agricultural product so that they will have it for their manufactured product or re-formulate that product so as to not have any "unavailable" ingredients.

From Determining Percent Organic --

6.2/6.3 -- Minimally, simple water and/or filtered, processed NOP compliant mined minerals should be neutral ingredients, as are water and salt. This is referred to in 7.2.1.

6.4.2 -- Essential oils should NOT be "extracted" with solvents.

From Labeling --

7.2 -- The term in company names and in a company's marketing/promotional materials should not be used in a manner that conflicts with the contents of any product. The word organic should NOT be used in a company name if that company does not produce predominantly certified organic products.

7.7. -- Labeling of ingredients

This entire section should be eliminated as it is covered by FDA regulations. Any other sections that contain information that is covered by current FDA regs/guidelines should also be removed.

B.3.4.4 -- The term "agent" should be changed to "agent or strategy."

From Annex G --

G.2 -- There should be NO synthetic ingredients temporarily permitted in conventional form!

Proposal:

Use the USDA NOP standard only.

Tim Schaeffer – Natural Resource Group

Comments:

To me, the standard has two goals: 1) Support organic agriculture by creating a marketplace for such goods and 2) Uniformity in organic label claims.

I believe great progress has been made with this standard, but I feel the standard can be strengthened in how it supports organic agriculture. Namely, I'm not confident that the labeling system and allowed ingredients will create products that have above-average appeal to the consumer. While the standard could likely help normalize the industry with respect to uniform label claims, without heightened appeal I don't see the standard contributing to the growth of organic agriculture. To me, it only satisfies half of the equation.

Proposal:

While I originally voted to use the USDA 095 for personal care, I've come to believe that was a mistake. I think we should revisit an organic (95%) category specifically tailored to personal care. Moreover, I believe we should allow an organic label claim.

Combined, these two changes allow manufacturers to make stronger claims (within reason) and utilize more organic ingredients.

Craig Minowa - Organic Consumers Assoc.

Comment:

Craig Minowa's Comments on NSF Personal Care Standard:

The Organic Consumers Association supports the USDA organic standard as the “gold standard” for personal care products. Therefore, we fully support the NSF standard’s determination that the 095 category remain in the realms of the current USDA standards. As determined by consumer surveys and feedback from our consumer base, and given that we are the only consumer voice on the panel, we abstain from the vote due to discrepancies between the current draft standard and consumer expectations in such a standard. If the following comments were addressed to a reasonable degree, our vote would change to a “yes”.

- 1) Nanoparticles are not even addressed under this standard. Nanoparticles should be restricted at a size not less than 100 nanometers.
- 2) The definition of “non-synthetic” (3.39) and “synthetic” (3.66) are contradictory. Section 3.39 states that a non-synthetic ingredient is one that does not undergo a synthetic process. Yet Section 3.66 states that ingredients that go through the various synthetic processes allowed under this new NSF “made with standard” are not considered “synthetic”. It’s misleading to consumers to suggest that highly processed ingredients not found in nature can be considered “non-synthetic” under this standard, simply because it benefits the majority of industry players in this group.
- 3) B.3.4.2 addresses the use of the deviations of the word “organic” in brand names. The text addresses issues where the certifier can administer control over labeling of such products (example, smaller font size in brand name). Both instances of the use of the word “may” should be replaced with the word “should”. As a result the last two sentences should read: “In an effort to achieve this, third party certifying organizations SHOULD place restrictions on the size of the word or label. For instance, a certifying organization SHOULD require that the word “organic” not be more than 50% larger than the largest type size on the front”
- 4) Minerals that have not undergone chemical washing or processing should be considered neutral in formulations.
- 5) The Commercial Availability clause is a slippery slope. Currently, the majority of proposed processes would result in synthetic ingredients that are not currently allowed

under the NOP. This is confusing to consumers, as indicated by results of surveys of organic consumers developed by the subcommittee last year (contact me if you would like a copy of those results).

On the issue of Commercial Availability, subcommittee votes resulted in a 50/50 split between those that thought the standard should allow conventional agriculturally derived feedstock (from genetically engineered and pesticide laden plants) and those that indicated that processed ingredients not allowed under the NOP should be required to be derived from organic feedstock. Our consumer surveys showed conclusively that people buying a product labeled as "Made with organic" would expect it to be in accordance with the NOP, or, at the very least, have the highly processed synthetic ingredients derived from organic feedstock. Despite this 50/50 split on the original vote, the proposed standard reflects the weaker side of that vote. I still feel this should be opened up for a wider vote when the committee addresses comments made on the standard.

If a Commercial Availability clause is the result of that vote, then this document needs to have more elaborate definitions of the criteria for assessing what specifically should be considered "Commercially Available" and what is not as well as who monitors the industry for changes to the current list. The current 3.11 definition of "Commercial Availability" is insufficient and vague. To note, it's next to impossible to remove something from the current NOP National List, and I suspect, this standard will be no different unless more verbiage is added --- assuming the majority of the committee even wants the Commercial Availability clause, which is questionable at this point, given the past vote. To exemplify, if this is not better defined, an ingredient that is considered in high enough quantity and commercially available to a modest sized manufacturer may not be considered "commercially available" to the Wal-marts of the world, thus creating zero impetus for a company to produce or use one of these synthetic ingredients made from an organic feedstock. In short, with the current ambiguity, what's currently on this list will likely permanently remain on this list, which is a deep concern.

Proposal:

See comment for proposed solutions.

David Bronner – Dr. Bronner's Magic Soaps

Comment 1:

Section 5.3 notes that:

"Table 5.1 specifies Ecological Agricultural-Based Botano-chemical Processes that make ingredients that are not permitted under the NOP but are allowed for "Made with Organic" products under this Standard. The organic content contribution of the resulting ingredient to a finished product is also specified. Organic forms of ingredients made by these processes shall be used in "Made with Organic" products, if commercially available."

This is a straightforward requirement to use organic forms of ingredients produced by these processes, if commercially available. If they are not, then conventional may be used. However, in the Appendix, in table G2, is a position that is even more strict, in noting many ingredients that may never be used in conventional form, only organic form, regardless of whether that ingredient is commercially available. This stricter version reflects debates within the Composition Committee that went back and forth how strict to make things.

I believe though, that the position that is reflected in the actual body of the standard, is the correct and better version, in being more straightforward, and that the G2 table in the Appendix should remove the category designation "Ingredients currently not available in organic form, and not allowed in conventional form, but allowed once organic form is available". There should simply be a representative list of ingredients available in organic form, and not yet available in organic form.

As a separate matter, the JC should consider the addition of a statement restricting the size of nano particles to not less than 100 nanometers for Zinc Oxide and Titanium Dioxide, per general accepted cutoffs. This is an issue that has emerged in the past year especially.

Also, there was a lot of back and forth on whether clays and mined minerals should be considered neutral like salt and water under the NOP. The current standard does not treat such mined minerals and clays as neutral: I believe because there is a fair amount of processing/washing of many clays and mined minerals that makes such a designation questionable. I tend to think we should just leave things as is, but wanted to note this.

Proposal 1:

See above for solutions as well as comments.

Comment 2:

See "Analysis of NOP 'Organic' vs NSF 'made with Organic' Personal Care" email on OTA PCTF listserve, or write me at allone@drbronner.com (too long to post here)

Attached

From: David Bronner [<mailto:allone@drbronner.com>]

Sent: Thursday, January 24, 2008 9:08 PM

To: 'Personal Care Forum'

Subject: Analysis of NOP "Organic" vs NSF "made with Organic" Personal Care

Hello All:

The NSF decision-making process extended over many years, with its origins in the OTA's Personal Care Task Force. It involved a multi-stakeholder group, including industry, consumer and regulatory/trade representation. Originally the NSF standard was going to be a two-tiered standard, certifying both outright "Organic" product claims as well as "made with Organic" product claims. This follows the USDA model, where the "Organic" category is more strict in organic content and non-organic allowances, than the "made with Organic" category. For instance, under the NOP, sulfur dioxide is allowed in "made with Organic" wines, but not "Organic" wines.

At a certain point late in the NSF process, we realized that the NSF "Organic" category was more or less exactly the same as the existing USDA NOP Organic category, as far as processes and allowances. Numerous soap, lotion and balm products had already been introduced and certified under the USDA NOP. Thus by a large majority vote, the NSF Personal Care Group decided to just have "Organic" personal care continue to be certified to the existing USDA NOP "Organic" standard, and confine the NSF standard to delimiting/expanding the universe of "made with Organic" claims for personal care.

Section 5.3 **Allowed Processes and Ingredients** of the NSF standard notes that:

All processes allowed under the NOP are allowed for this Standard. Of particular relevance are the following:

- Cooking vegetable oils or animal fats with NOP-allowed alkali to make soap;**
- Utilizing NOP-allowed enzymes or alkali to hydrolyze organic proteins, and carbohydrates, and;**
- Cooking organic oil and alcohol together, optionally in the presence of NOP-allowed alkali, to make organic ester ingredients.**

Organic is about very limited processing of organic agricultural material, and the NOP synthetic allowances are generally for simple single-step "kitchen chemistry" processing. For example, calcium sulfate is allowed under the NOP, and is used to make tofu out of soybeans. Similarly, making soap with NOP-allowed alkali has been allowed and certified under the USDA NOP ever since the program launched in 2002. This is because soap-making is more similar to making tofu than it is to modern surfactant synthesis, where even relatively ecological plant-based surfactants are much more process- and input-intensive. No non-soap surfactant can be produced in a kitchen, and in the factories where they are made, very little so far have been produced from organic material owing to the intensive hydrogenation reaction necessary to make fatty alcohols, which is the basic sub-ingredient needed for most modern plant-based surfactants. The categorical and historical difference between traditional simple soap-making versus modern process-intensive surfactant manufacture, is reflected in the exemption of soap from the FDA regulation of cosmetics. Soap has and continues to be made from organic oils in very simple home kitchen-style operations as well as factories, and there are numerous boutique home soap-crafters. The back-to-nature soap-crafter movement of the last few decades parallels the general organic movement as a whole, that rejected "Better Living through Chemistry" that characterizes modern process/synthetic-intensive agriculture, food and personal care.

Just as the organic movement is a reaction to modern synthetic-reliant conventional agriculture and food-processing, USDA NOP organic personal care is a reaction to the highly-processed synthetic-dominated formulations of pseudo "natural" and even "organics" positioned brands. True organic USDA NOP personal care does not utilize any synthetic preservatives, instead relying on concentration, low water-activity, pH, packaging, essential oil blends, ethanol and other natural ingredients as necessary, in a holistic approach to robust broad-spectrum preservation. Natural saponins like Quillaja Extract are used as emulsifiers instead of modern mineral-acid-catalyzed ester products. Natural unrefined oils and waxes are used as emollients and moisturizers, instead of hydrogenated fatty alcohols and synthetic silicones. Traditional simple soaps are used in hand and body washes, instead of modern surfactants.

There is however a big difference between modern surfactants that are based solely on renewable plant-based resources, versus those which are made in part or entirely from petroleum compounds. So while processes like hydrogenation and sulfation have no part in "Organic" personal care products, they do not utilize carbon compounds from petroleum, so have a place in "made with Organic" personal care products, which is what the NSF standard is all about. Under NSF, the "made with Organic" claim is accurate and truthful, representing the commendable practice of utilizing certified organic versus conventional agricultural material in these more intensive processes. The NSF standard incentivizes as a crucial goal, the use of organic material in the more intensive processes it allows, through a requirement that once a given processed ingredient is made from organic material, that organic form of the ingredient must be used by certified companies using that ingredient, and no longer the conventional form.

The NSF standard certifies a "Made with Organic (up to 3 specified) Ingredients" OR "xx% Organic" claim for personal care where:

- 1) 1) **Various processes and associated non-organic reagents/catalysts, as well as certain synthetic preservatives, are allowed that are not allowed under the USDA NOP.**
- 2) 2) **Organic forms of processed ingredients must be used if commercially available.**
- 3) 3) **Minimum 70% organic content by non-water/non-salt weight.**

Thus, under the NSF unlike the NOP, coconut oil can be transesterified with methanol (from natural gas) to produce methyl esters, which can be then hydrogenated with hydrogen (also derived from natural gas) at extremely high pressure in the presence of a metal catalyst to produce coco fatty alcohol. The coco fatty alcohol can then be sulfated with sulfur trioxide (the sulfur being derived from coal-refining), in a falling film reactor, and then finally neutralized with sodium hydroxide (derived by running electricity through salt water and the only substance in the process allowed by NOP other than the coconut oil). Alternatively, the coco alcohol could be combined with glucose in the presence of a very strong hybrid acid to make coco glucoside. Both Sodium Coco Sulfate and Coco Glucoside are biodegradable plant-based surfactants, but they are categorically more process-intensive than NOP allowed soap-making, and unlike liquid soaps, are difficult to preserve without synthetic preservatives, some of which are also allowed under the NSF standard, but which are anathema to true "Organic" products.

The Organic Consumers Association has reluctantly endorsed the NSF standard with the understanding that organic materials are incentivized to be used in the intensive non-NOP processes allowed under NSF, such as hydrogenation and sulfation. **But crucially no outright "Organic" product claims are permitted, versus more restricted "made with Organic" claims.** E.g. It is not "Organic Shampoo" based on "Organic Sodium Coco Sulfate", but "Shampoo" with an "xx% Organic" claim, based on "Sodium Coco Sulfate made with Organic Coconut Oil."

It is important to address Tom's first post regarding what synthetic substances, particularly reagents and catalysts in addition to synthetic preservatives, are included in the NSF standard, that one day may be petitioned to USDA for inclusion for "made with Organic" personal care. The allowed reagents and catalysts are noted explicitly in the Appendix to the standard in the context of the listed allowed processes. So in addition to the NOP-allowed enzymes and alkali (**Potassium/Sodium Hydroxide**), the reagents and catalysts allowed under NSF are:

Metal Catalysts (Nickel, Platinum, Palladium)
Copper Chromite
Zinc Oxide
Strong Mineral Acids (Sulfuric, Phosphoric, HCl)
Strong Hybrid ChlorSulfonic Acid
Methanol
Phosphorous Trichloride or Thionyl Chloride

Hydrogen Sulfur/Sulfate

These individually or in various combinations enable the following more intensive NSF-allowed processes to happen:

Steam-splitting of oils to produce fatty acids
Mineral Acid-catalyzed esterification or transesterification (acid-catalyzed hydrolysis also)
Hydrogenation of oils
Hydrogenolysis of methyl or ethyl esters of an oil with hydrogen to make fatty alcohols
Glucosidation
Sulfation
Protein fragment (non-petroleum) acylation

The above reagents and catalysts should probably be listed in the Appendix separately, along with the NOP list in its entirety of allowed substances that are also automatically allowed under NSF. **The NOP List is inserted below at the end for review.**

The issue of preservation has come up, and there are quite a few more preservative compounds that can be used under NSF than are specifically noted in the body of the standard, that are enabled primarily by the processes of hydrolysis, hydrogenation and esterification. The specific listed preservatives are (note I think salicylic acid and its salts should be listed here, but got dropped):

Benzoic Acid (natural source only)
Grapefruit Seed Extract
Potassium Lactate
Potassium Sorbate
Sodium Benzoate (natural source only)
Sorbic Acid
Benzyl Alcohol (natural source only)

As Curt pointed out, GSE can be made by a sequence of processes allowed under NSF, so does not technically need to be separately listed. Similarly, natural-source benzoic acid, sodium benzoate and benzyl alcohol are also made by NSF allowed processes (and associated reagents and catalysts) from natural Cinnamic Aldehyde from Cassia Oil, via Benzaldehyde => Benzoic Acid => Benzyl Alcohol OR Sodium Benzoate.

But the main point on preservative ingredients under NSF, in addition to the more holistic formulation approach that Curt outlined, is there are a number of other preservative compounds that can be made with NSF-allowed processes, and something that would benefit the NSF standard, is to include in the Appendix the exhaustive "Positive List" from the German "Natural" standard BDIH. The BDIH standard has an identical allowance of processes and synthetics to NSF, so the overall Positive List of ingredients should be identical and could just be swapped in from BDIH. I'm including the BDIH list in its entirety under the NOP List for people to review at the end of this email, to realize what specific ingredients can be made and used under the NSF standard via the allowed processes and synthetic allowances. It is important to note, at the largest natural products show in the world, Biofach in Germany, that no personal care company may exhibit in the personal care hall that does not comply with the BDIH standard for all products. In particular for preservatives, the following can be produced by NSF-allowed processes and are thus permitted under NSF, which are on the BDIH list but which are not separately listed in the NSF standard:

Capryloyl Glycine
Glucose & Lactoperoxidase & Glucose Oxidase
Glyceryl Caprate

Glyceryl Caprylate
Glyceryl Laurate
Lauroyl Lysine
Undecylenoyl Glycine

Note these are all anti-microbials. Citric acid for chelating effects, and its salts is allowed on the NOP list as well as BDIH list. So are tocopherols, ascorbic acid and tartaric acid for anti-oxidant effects, all of which are thus permitted under NSF. But gluconic acid is another good natural chelating simple organic acid, that BDIH allows that NSF should as well. Basically, by incorporating the BDIH positive list, as having identical process and ingredient allowances and screens, the NSF standard will be improved in clarity, usability and comprehensiveness. In contributing to the Natural Products Association's new "Natural Standard", I made sure both the basic NSF allowed process list, and the exhaustive BDIH positive ingredient list, were included. Under BDIH, if an ingredient is not on the list, than it cannot be used until it has been petitioned for inclusion as meeting the BDIH requirements. A similar approach makes sense for NSF, and a lot of work can be saved by simply copying the BDIH list in. I will be posting this e-mail in its entirety to the NSF site as a comment for review, with this particular recommendation a key relevant one to make.

So in conclusion, I think the NSF effort is a worthwhile effort for delimiting the "made with Organic" space in personal care, and a great step towards addressing the rampant abuse of organic claims in the US market. However, it is crucial that efforts that attempt to conflate an NSF "Made with Organic" type standard with true "Organic" products as defined by the USDA NOP, be rejected. Organic consumers are mobilizing to ensure that companies greedy for outright "Organic" product designations on personal care products based on hydrogenated and/or sulfated ingredients preserved with synthetic preservatives as allowed under NSF, are not conflated with "Organic" personal care certified under the USDA NOP. We at Dr. Bronner's are pleased to be introducing at Expo West eighteen new products ranging from body washes to shaving gels to a hair conditioning rinse, all bearing the USDA organic seal. These products are categorically different from products that would be certified under NSF, and the outright Organic designation should be reserved for such NOP products, versus the "made with Organic" designation certified under the NSF standard. Not only ourselves, but many other brands are figuring out how to formulate high-performance products under the USDA NOP standards.

So let's celebrate and recognize where each product category is, and how the NSF "made with Organic" standard complements USDA NOP "Organic" personal care. I look forward to the day, sooner versus later, when there is comprehensive federal regulation of personal care in the US, such that "Organic" products must comply with current USDA NOP Organic regulations, and "made with Organic" claims must comply with the emerging NSF standard.

Best,

David Bronner
Dr. Bronner's Magic Soaps

NOP Nonsynthetics allowed:

- Animal enzymes – (Rennet - animals derived; Catalase – bovine liver; Animal lipase; Pancreatin; Pepsin; and Trypsin).
- Bentonite.
- Acids (Alginic; Citric - produced by microbial fermentation of carbohydrate substances; and Lactic).
- Agar-agar.
- Calcium carbonate.
- Calcium chloride.

- Calcium sulfate - mined.
- Carageenan.
- Colors, nonsynthetic sources only.
- Dairy cultures.
- Diatomaceous earth - food filtering aid only.
- Enzymes--must be derived from edible, nontoxic plants, nonpathogenic fungi, or nonpathogenic bacteria.
- Flavors, nonsynthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservative.
- Glucono delta-lactone – production by the oxidation of D-glucose with bromine water is prohibited.
- Kaolin.
- Magnesium sulfate, nonsynthetic sources only.
- Nitrogen - oil-free grades.
- Oxygen--oil-free grades.
- Perlite--for use only as a filter aid in food processing.
- Potassium chloride.
- Potassium iodide.
- Sodium bicarbonate.
- Sodium carbonate.
- Tartaric acid.
- Waxes - nonsynthetic (Carnauba wax; and Wood resin).
- Yeast - nonsynthetic, growth on petrochemical substrate and sulfite waste liquor is prohibited (Autolysate; Bakers; Brewers; Nutritional; and Smoked - nonsynthetic smoke flavoring process must be documented).

NOP Synthetics allowed:

- Alginates.
- Ammonium bicarbonate - for use only as a leavening agent.
- Ammonium carbonate - for use only as a leavening agent.
- Ascorbic acid.
- Calcium citrate.
- Calcium hydroxide.
- Calcium phosphates (monobasic, dibasic, and tribasic).
- Carbon dioxide.
- Cellulose - for use in regenerative casings, as an anti-caking agent (non-chlorine bleached) and filtering aid.
- Chlorine materials - disinfecting and sanitizing food contact surfaces, Except, That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act (Calcium hypochlorite; Chlorine dioxide; and Sodium hypochlorite).
- Ethylene - allowed for postharvest ripening of tropical fruit and degreening of citrus.
- Ferrous sulfate - for iron enrichment or fortification of foods when required by regulation or recommended (independent organization).
- Glycerides (mono and di) - for use only in drum drying of food.
- Glycerin - produced by hydrolysis of fats and oils.
- Hydrogen peroxide.
- Lecithin - bleached.
- Magnesium carbonate - for use only in agricultural products labeled "made with organic (specified ingredients or food group(s))," prohibited in agricultural products labeled "organic."
- Magnesium chloride - derived from sea water.

- Magnesium stearate - for use only in agricultural products labeled "made with organic (specified ingredients or food group(s))," prohibited in agricultural products labeled "organic."
- Nutrient vitamins and minerals, in accordance with 21 CFR 104.20, Nutritional Quality Guidelines For Foods.
- Ozone.
- Pectin (low-methoxy).
- Phosphoric acid - cleaning of food-contact surfaces and equipment only.
- Potassium acid tartrate.
- Potassium carbonate.
- Potassium citrate.
- Potassium hydroxide - prohibited for use in lye peeling of fruits and vegetables except when used for peeling peaches during the Individually Quick Frozen (IQF) production process.
- Potassium iodide - for use only in agricultural products labeled "made with organic (specified ingredients or food group(s))," prohibited in agricultural products labeled "organic."
- Potassium phosphate - for use only in agricultural products labeled "made with organic (specified ingredients or food group(s))," prohibited in agricultural products labeled "organic."
- Potassium tartrate made from tartaric acid.
- Silicon dioxide.
- Sodium citrate.
- Sodium hydroxide - prohibited for use in lye peeling of fruits and vegetables.
- Sodium phosphates - for use only in dairy foods.
- Sulfur dioxide - for use only in wine labeled "made with organic grapes," Provided, That, total sulfite concentration does not exceed 100 ppm.
- Tartaric acid.
- Tocopherols - derived from vegetable oil when rosemary extracts are not a suitable alternative.
- Xanthan gum.

BDIH Positive List

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|----------------------------------|--|
| • Abelsonchus Moschatus | • Althea Officinalis |
| • Abies Alba | • Alumina |
| • Abies Balsamea | • Aluminium / Magnesium Hydroxide Stearate |
| • Abies Grandis | • Aluminium Hydroxide |
| • Abies Spectabilis | • Aluminium Oxide |
| • Acacia Dealbata | • Aluminium Stearate |
| • Acetic Acid | • Aluminum Sulfate |
| • Acetum | • Ammonium Alum |
| • Acetylated Lanolin Alcohol | • Ammonium Glycyrrhizate |
| • Achillea Millefolium | • Ammonium Sulfate |
| • Aesculus Hippocastanum | • Amyl cinnamal |
| • Alanine | • Amylcinnamyl alcohol |
| • Alcohol | • Angelica Archangelica |
| • Alcohol denat. | • Aniba Rosaeodora |
| • Aleurites Fordii oil Copolymer | • Anisyl alcohol |
| • Aleurites Moluccana | • Anthemis Nobilis |
| • Algae | • Anthocyanins |
| • Algin | • Anthyllis Vulneraria |
| • Aloe Barbadensis | • Aqua |

- Arachidyl Alcohol
- Arachis Hypogaea
- Arctium Lappa
- Arctium Majus
- Arctostaphylos Uva Ursi
- Argania Spinosa
- Arginine
- Arnica Montana
- Aroma
- Artemisia Abrotanum
- Ascophyllum Nodosum Extract
- Ascorbic Acid
- Ascorbyl Dipalmitate
- Ascorbyl Palmitate
- Asparagopsis Armata Extract
- Aspergillus Ferment
- Astragalus Gummifer
- Avocado Oil Unsaponifiables (Avocado Sterols)
- Azulene
- Bambusa Arundinacea
- Bambusaidea
- Behenyl Alcohol
- Behenyl Beeswax
- Bellis Perennis
- Bentonite
- Benzoic Acid
- "1. Benzyl alcohol
2. Benzyl alcohol"
- Benzyl benzoate
- Benzyl cinnamate
- Benzyl salicylate
- beta Glucan
- Beta Vulgaris
- Beta-Carotene
- Betaine
- Betula Alba
- Bioflavonoids
- Bisabolol
- Borago Officinalis
- Boswellia Carterii
- Boswellia Sacra
- Boswellia Serrata
- Brassica Campestris
- Brassica Campestris (Rapeseed) Sterols
- Brassica Campestris / Aleurites Fordi Oil Polymer
- Brassica Napus
- Brassica Nigra
- Brassica Oleracea Italica
- Bursera Delpechiana
- Butter
- Butyris Lac
- Butyrospermum Parkii
- Butyrum
- Buxus Chinensis (= Simmondsia Chinensis)
- C12-20 Alkylglucoside
- C14-22 Alkylalcohol
- Caesalpinia Echinata
- Caffeine
- Calcium Alginate
- Calcium Ascorbate
- Calcium Carbonate
- Calcium Fluoride
- Calcium Lactate
- Calcium Sulfate
- Calendula Officinalis
- Callitris Intratropica
- Camelia Oleifera
- Camelia Sinensis
- Camphor
- Cananga Odorata
- Candelilla Cera
- Cannabis Sativa
- Canola
- Caprae Lac
- Caprylic / Capric / Stearic Triglyceride
- Caprylic / Capric Triglyceride
- Capryloyl Glycine
- Caprylyl / Capryl Glucoside
- Capsicum Frutescens
- Caramel
- Carnauba
- Carrageenan
- Carthamus Tinctorius
- Cassia Obovata
- Cedarwood Oil (Cedrus Atlantica Bark Oil)
- Cedrus Atlantica
- Cellulose
- Cellulose Gum
- Centaurea Cyanus
- Cera Alba
- Cera Flava
- Ceramide 3
- Ceramide 6 II
- Ceramides
- Ceratonia Siliqua
- Cerium Oxide
- Cetearyl Alcohol
- Cetearyl Glucoside
- Cetearyl Olivat
- Cetearyl Wheat Bran Glycosides

- Cetearyl Wheat Straw Glycosides
- Cetraria Islandica
- Cetyl Acetate
- Cetyl Alcohol
- Cetyl Palmitate
- Cetyl Ricinoleate
- Chamaemelum Nobile
- Chamomilla Recutita
- Chitosan
- Cholesterol
- CI 73000
- CI 75100
- CI 75120 (Anatto)
- CI 75135 (Xanthophyll)
- CI 75300
- CI 75470
- CI 75810
- CI 75815
- CI 77000
- CI 77007 (Ultramarine)
- CI 77019
- CI 77163
- CI 77288
- CI 77289
- CI 77400
- CI 77491 (Iron Oxides)
- CI 77492 (Iron Hydroxides)
- CI 77499 (Iron Oxides)
- CI 77510
- CI 77742
- CI 77745
- CI 77891 (Titanium Dioxide)
- CI 77947
- Cinnamal
- Cinnamic Acid
- Cinnamomum Camphora
- Cinnamomum Cassia
- Cinnamomum Verum
- Cinnamomum Zeylanicum
- Cinnamyl alcohol
- Cistus Incanus
- Cistus Labdaniferus
- Citral
- Citral
- Citric Acid
- Citronellal
- Citronellol
- Citrus Amara
- Citrus Aurantifolia
- Citrus Aurantium
- Citrus Aurantium Dulcis
- Citrus Bergamia
- Citrus Deliciosa
- Citrus Dulcis
- Citrus Grandis
- Citrus Limonum
- Citrus Medica
- Citrus Medica Limonum
- Citrus Nobilis
- Citrus Paradisi
- Citrus Reticulata
- Citrus Sinensis
- Coco Glucoside
- Cocoglycerides
- Coconut Acid
- Coconut Alcohol
- Cocos Nucifera
- Cocoyl Glutamic Acid
- Coffea Arabica
- Colophonium
- Commiphora Gileadensis
- Commiphora Molmol
- Commiphora Myrrha
- Copper Oxide
- Coriandrum Sativum
- Corylus Avellana
- Coumarin
- Crambe Abyssinica Oil
- Crataegus Monogina
- Cucumis Sativus
- Cuminum Cyminum
- Cupressus Sempervirens
- Curcuma Longa
- Curcuma Zedoaria
- Cyanopsis Tetragonalba
- Cymbopogon Citratus
- Cymbopogon Flexuosus
- Cymbopogon Martini
- Cymbopogon Nardus
- Cymbopogon Schoenanthus
- Cymbopogon Winterianus
- Cysteine
- Daucus Carota
- Decyl Glucoside
- Decyl Cocoate
- Decyl Oleate
- Dehydro Xanthan Gum
- Dextrin Palmitate
- DHA
- DI C12-C13 Alkyl Malate
- Diacetin
- Dicalcium Phosphate Dihydrate
- Dipalmitoylhydroxyproline
- Dipotassium Glycyrrhizate
- Disodium Cocopolyglucose Citrate
- Disodium Cocopolyglucose Tartrate

- Disodium Cocoyl Glutamate
- Disodium Phosphate
- d-Limonene
- Echinacea Angustifolia
- Echinacea Pallida
- Echinacea Purpurea
- Eisen (II) Gluconat
- Elaeis Guineensis
- Eleutherococcus
- Equisetum Arvense
- Erythulose
- Escin
- Esculin
- Ethyl Linoleate
- Ethyllactate
- Eucalyptus Globulus
- Eucalyptus Radiata
- Eugenia Caryophyllus
- Eugenol
- Eugenol
- Euphrasia Officinalis
- Evernia Furfuracea Extract
- Evernia Prunastri Extract
- Faex
- Farnesol
- Farnesol
- Fermented Grain Extract
- Filipendula Ulmaria
- Foeniculum Vulgare
- Fructose
- Galactoarabinan
- Gallic Acid
- Gentiana Lutea
- Geraniol
- Geraniol
- Geranium
- Geranium Robertianum
- Geum Rivale
- Ginkgo Biloba
- Gluconic Acid
- Glucose
- Glucose Glutamate
- Glucose Oxidase
- Glutamic Acid
- Glycerin
- Glyceryl Caprate
- Glyceryl Caprylate
- Glyceryl Citrate
- Glyceryl Cocoate
- Glyceryl Dioleate
- Glyceryl Distearate
- Glyceryl Lactate
- Glyceryl Laurate
- Glyceryl Linoleate
- Glyceryl Linolenate
- Glyceryl Oleate
- "Glyceryl Oleate Citrate
- Caprilic/Capric Triglyceride"
- Glyceryl Palmitate
- Glyceryl Ricinoleate
- Glyceryl Stearate
- Glyceryl Stearate Citrate
- Glyceryl Stearate SE
- Glyceryl/Cocoate/Citrate/Lactate
- Glycine
- Glycine Soja
- Glycine Soja Sterol
- Glycolic Acid
- Glycosphingolipids
- Glycyrrhiza Glabra
- Guaiazulene
- Haematoxylon Campechianum
- Hamamelis Virginiana
- Hectorite
- Hedera Helix
- Helianthus Annus
- Helichrysum Italicum
- Heliotropine
- Henna
- Hibiscus Sabdariffa
- Hippophae Rhamnoides
- Humulus Lupulus
- Hyacinthus Orientalis
- Hyaluronic Acid
- Hydrated Silica
- Hydrogenated Castor Oil
- Hydrogenated Coco-Glycerides
- Hydrogenated Coconut Oil
- Hydrogenated Jojoba Oil
- Hydrogenated Lanolin
- Hydrogenated Lecithin
- Hydrogenated Olive Oil
- Hydrogenated Olive Oil Unsaponifiables
- Hydrogenated Palm Glycerides
- Hydrogenated Palm Glycerides Citrate
- Hydrogenated Palm Kernel Glycerides
- Hydrogenated Palm Oil
- Hydrogenated Vegetable Oil
- Hydrolyzed Beeswax
- Hydrolyzed Corn Starch
- Hydrolyzed Egg Protein
- Hydrolyzed Milk Protein
- Hydrolyzed Oats

- Hydrolyzed Silk
- Hydrolyzed Sweet Almond Protein
- Hydrolyzed Wheat Gluten
- Hydrolyzed Wheat Protein
- Hydrolyzed Wheat Starch
- Hydroxylated Milk Glycerides
- Hydroxyprolin
- Hypericum Perforatum
- Hyssopus Officinalis
- Illicium Verum
- Indigofera Argentea
- Indigofera Tinctoria
- Inositol
- Iris florentina
- Iris germanica
- Isoamyl p-Methoxycinnamate
- Isoeugenol
- Jasminum Grandiflorum
- Jasminum Officinale
- Jasminum Sambac
- Jojoba Esters
- Juglans Regia
- Juniperus Communis
- Juniperus Virginiana
- Kalanchoe Daigremontiana
- Kaolin
- Krameria Triandra
- Lac
- Lactic Acid
- Lactis Proteinum
- Lactoferrin
- Lactoperoxidase
- Lactose
- Lanolin
- Lanolin Alcohol
- Lanolin Cera
- Lauric Acid
- Lauroyl Lysine
- Laurus Nobilis
- Lauryl Alcohol
- Lauryl Glucoside
- Lauryl Lactate
- Lavandula Angustifolia
- Lavandula Hybrida
- Lavandula Latifolia
- Lavandula Officinalis
- Lawsonia Inermis
- L-Carvone
- Lecithin
- Leptospermum Scoparium
- Leptospermum Scoparium Mel
- Levulinic Acid
- Limnantes Alba
- Linalool
- Linoleic Acid
- Lippia Citriodora
- Liquidambar Orientalis
- Lithospermum Officinale
- Lithotamnium Calcarum
- Litsea Cubeba
- Lupinus albus
- Lysolecithin
- Macadamia Ternifolia
- Magnesium Aluminium Silicate
- Magnesium Ascorbyl Phosphate
- Magnesium Carbonate
- Magnesium Lactate
- Magnesium Oxide
- Magnesium Silicate
- Magnesium Stearate
- Magnesium Sulfate
- Malachite
- Malic Acid
- Malpighia Punicifolia
- Malt Extract
- Maltodextrin
- Malva Silvestris
- Mangifera Indica
- Manihot Esculenta
- Mannitol
- Maris Sal
- Meadowfoam Delta Lactone
- Meadowfoam Estolide
- Mel
- Melaleuca Alternifolia
- Melaleuca Leucadendra
- Melaleuca Viridiflora
- Melia Azadirachta
- Melilotus Officinalis
- Melissa Officinalis
- Mentha Arvensis
- Mentha Piperita
- Mentha spicata
- Mentha Viridis
- Menthol
- Mercurialis Perennis
- Methionine
- Mica
- Michelia Champaca
- Microcrystalline Cellulose
- Mimosa Tenuiflora
- Mourera Fluvatilis
- Myrica Cerifera
- Myristic Acid
- Myristica Fragrans
- Myristyl Alcohol

- Myristyl Lactate
- Myristyl Myristate
- Myrtus Communis
- Narcissus Poeticus
- Nardostachys Jatamansi
- Nasturtium Officinale
- Nigella Sativa
- Ocimum Basilicum
- Oenothera Biennis
- Olea Europaea
- Olea Europaea (Olive) Oil
- Unsaponifiables
- Oleic Acid
- Oleic/Linoleic/Linolenic
- Polyglycerides
- Oleyl Alcohol
- Oleyl Erucate
- Oleyl Oleate
- Olibanum
- Olive Oil Unsaponifiables
- Olus
- Orbignya Oleifera
- Origanum Vulgare
- Origanum Majorana
- Ormenis Multicaulis
- Oryza Sativa
- Oryzanol
- Osmanthus Fragrans
- Ovum
- Palm Acid
- Palm Kernel Acid
- Palm Kernel Fatty Acid
- Palmitic Acid
- Palmitoyl Hydrolyzed Wheat Protein
- Panax Ginseng
- Parfum
- Passiflora Edulis
- Passiflora Incarnata
- PCA Ethyl Cocoyl Arginate
- PCA Glyceryl Oleate
- Pectin
- Pelargonium Graveolens
- Persea Gratissima
- Persea Gratissima (Avocado) Oil
- Unsaponifiables
- Phenethyl Alcohol
- Phospholipids
- Phytic Acid
- Picea Excelsa
- Pimenta Acris
- Pimpinella Anisum
- Pine Oil (Pinus Sylvestris Oil)
- Pinus (alle Arten)
- Pinus Cembra
- Pinus Laricio
- Pinus Mugo
- Pinus Pinea
- Pinus Sylvestris
- Piper Methysticum
- Piper Nigrum
- Pistacia Lentiscus
- Plantago Lanceolata
- Pogostemon Cablin
- Pogostemon Patchouli
- Polianthes Tuberosa
- Polyglyceryl_5-Laurate
- Polyglyceryl-10 Laurate
- Polyglyceryl-10 Monolaurate
- Polyglyceryl-2 Caprate
- Polyglyceryl-2
- Dipolyhydroxystearate
- Polyglyceryl-2 Laurate
- Polyglyceryl-2 Sesquioleate
- Polyglyceryl-
- 2_Dipolyhydroxystearate
- Polyglyceryl-3 Diisostearate
- Polyglyceryl-3 Laurate
- Polyglyceryl-3 Oleate
- Polyglyceryl-3 Palmitate
- Polyglyceryl-3 Polyricinoleate
- Polyglyceryl-3 Ricinoleate
- Polyglyceryl-3 Stearate
- Polyglyceryl-4 Caprate
- Polyglyceryl-6 Dicaprate
- Polyglyceryl-6 Distearate
- Polyglyceryl-6 Palmitate
- Pongamol
- Potassium Carbonate
- Potassium Cetyl Phosphate
- Potassium Citrate
- Potassium Cocoate
- Potassium Hydroxide
- Potassium Iodide
- Potassium Jojobate
- Potassium Lactate
- Potassium Laurate
- Potassium Myristate
- Potassium Olivatate
- Potassium Palm Kernelate
- Potassium Palmitate
- Potassium Peanutate
- Potassium Sorbate
- Potassium Stearate
- Potassium Thiocyanate
- Potentilla Erecta
- Proline

- Propolis Cera
- Propolis Wax
- Prunus Amara
- Prunus Amygdalys Dulcis
- Prunus Armeniaca
- Prunus Dulcis
- Prunus Persica
- Prunus Spinosa
- Pterocarpus Santalinus
- Pulsatilla Vulgaris
- Pyrus Cydonia
- Pyrus Malus
- Quercus
- Quillaia Saponaria
- Rapeseed Sterols
- Rhamnus Purshiana
- Rheum Palmatum
- Rhizobian Gum
- Rhus Succedanea
- Rhus Verniciflua Wax
- Ribes Nigrum
- Riboflavin
- Ricinoleic Acid
- Ricinus Communis
- Rosa Canina
- Rosa Centifolia
- Rosa Damascena
- Rosa Gallica
- Rosa Moschata
- Rose Flower Oil
- Rosmarinus Officinalis
- Royal Jelly
- Rubia Tinctorium
- Rumex Acetosella
- Ruscus Aculeatus
- Rutin
- Saccharide Hydrolysate
- Saccharide Isomerate
- Saccharose
- Salicylic Acid
- Salix Alba
- Salvia Hispanica
- Salvia Lavandulifolia
- Salvia Officinalis
- Salvia Sclarea
- Sambucus Nigra
- Santalum Album
- Saponaria Officinalis
- Sclerotium Gum
- Serica
- Sericin
- Serine
- Serine

- Sesamum Indicum
- Shellac
- Shorea Stenoptera
- Silica
- Silver
- Silver Chloride
- Silver Sulfate
- Simmondsia Californica
- Simmondsia Chinensis
- Sodium Alginate
- Sodium Beeswax
- Sodium Benzoate
- Sodium Bicarbonate
- Sodium Caproyl Lactylate
- Sodium Carbonate
- Sodium Cetearyl Sulfate
- Sodium Cetyl Sulfate
- Sodium Chloride
- Sodium Citrate
- Sodium Citronellate
- Sodium Cocoate
- Sodium Cocopolyglucose Tartrate
- Sodium Cocoyl Glutamate
- Sodium Cocoyl Hydrolyzed Soy Protein
- Sodium Cocoyl Hydrolyzed Wheat Protein
- Sodium Cocoyl Sulfate
- Sodium Dihydroxycetyl Phosphate
- Sodium Fluoride
- Sodium Gluconate
- Sodium Glutamate
- Sodium Hyaluronate
- Sodium Hydroxide
- Sodium Lactate
- Sodium Laurate
- Sodium Lauroyl Glutamate
- Sodium Lauroyl Lactylate
- Sodium Lauryl Sulfoacetate
- Sodium Levulinate
- Sodium Magnesium Silicate
- Sodium Metasilicate
- Sodium Monofluorophosphate
- Sodium Myristoyl Glutamate
- Sodium Oleate
- Sodium Oliviate
- Sodium Palm Kernelate
- Sodium Palmate
- Sodium Palmitate
- Sodium PCA
- Sodium Phytate
- Sodium Pyruvate
- Sodium Ricinoleate

- Sodium Rosinate
- Sodium Salicylate
- Sodium Silicate
- Sodium Stearate
- Sodium Stearoyl Lactylate
- Sodium Sulfate
- Sodium Thiosulfate
- Solanum Lycopersicum
- Solidago Virgaurea
- Solum Diatomeae
- Sorbic Acid
- Sorbitan Laurate
- Sorbitan Oleate
- Sorbitan Olivat
- Sorbitan Olivat
- Sorbitan Palmitate
- Sorbitan Sesquioleate
- Sorbitan Stearate
- Sorbitan Tristearate
- Sorbitol
- Sphagnum
- Sphingolipids
- Spiraea Ulmaria
- Spirulina Maxima
- Spirulina Platensis
- Squalane
- Squalene
- Stearic Acid
- Stearyl Alcohol
- Stearyl Beeswax
- Stearyl Caprylate
- Stearyl Citrate
- Stearyl Stearate
- Stevia Rebaudiana
- Styrax Benzoin
- Sucrose
- Sucrose Cocoate
- Sucrose Distearate
- Sucrose Laurate
- Sucrose Palmitate
- Sucrose Polypalmate
- Sucrose Stearate
- Sucrose Tetrastearate Triacetate
- Sulfated Castor Oil
- Symphytum Officinale
- Syringa vulgaris
- Syzygium Aromaticum
- Tagetes Minuta
- Talc
- Tannic Acid
- Tapioca Starch
- Tartaric Acid
- Terpeneol
- Theobroma Cacao
- Threonine
- Thymol
- Thymus Serpyllum
- Thymus Vulgaris
- Tilia Cordata
- Titanium Dioxide
- Tocopherol
- Tocopheryl Acetate
- Tocotrienol
- Totarol
- Tricaprylin
- Triethyl Citrate
- Trifolium Pratense
- Triticum Vulgare
- Triticum Vulgare Gluten Extract
- Tropaeolum Majus
- Tyrosine
- Ubiquinone
- Undecylenoyl Glycine
- Undecylenoyl Phenylalanine
- Urtica Dioica
- Usnea Barbata
- Valeriana Celtica
- Valeriana Officinalis
- Vanilla Planifolia
- Vanillin
- Vegetable Oil
- Verbena Officinalis
- Vetiveria Zizanioides
- Viola Odorata
- Viola Tricolor
- Viscum Album
- Vitis Vinifera
- Wheat Germ Glycerides
- Wheat Germ Oil unsaponifiables
- Xanthan Gum
- Xylitol
- Yogurt
- Yucca Vera
- Zea Mays
- Zinc Acetate
- Zinc Gluconate
- Zinc Lactate
- Zinc Oxide
- Zinc Ricinoleate
- Zinc Stearate
- Zingiber Officinalis

Proposal 2:

5.3 Allowed Processes and Ingredients

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Table 5.1

Add the term 'hydrolysis' between catalyzed and esterification in the third row. The proposed sentence should read: Mineral Acid-catalyzed hydrolysis, esterification or transesterification

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See Annex E.2. for clarification of particular ecological agricultural-based botano-chemical processes. The reagents and catalysts allowed under NSF that individually or in various combinations enable the more intensive NSF-allowed processes to happen are:

Potassium/Sodium Hydroxide
Metal Catalysts (Nickel, Platinum, Palladium)
Copper Chromite
Zinc Oxide
Strong Mineral Acids (Sulfuric, Phosphoric, HCl)
Strong Hybrid ChlorSulfonic Acid
Methanol
Phosphorous Trichloride or Thionyl Chloride
Hydrogen
Sulfur/Sulfur Trioxide

5.3.1 Preservatives

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The following row should be added to Table 5.2:
Salicylic Acid and its salts

The following language should be added to 5.3.1

Any other ingredient with anti-microbial activity may be used, insofar as it is made by approved processes allowed under this standard. See Annex G. (E.g. Glyceryl Caprate).

Proposed change for 5.3.2:

ALLOWED MINED & PROCESSED MINERALS

Chalk, Clays, Pumice, Titanium Dioxide, Zinc Oxide and any others specified in Annex G.

NOTE – A restriction of minimum 100 nanometers should be observed for nanoparticles.

NSF'S POSITIVE INGREDIENT LIST

The NSF Positive List mirrors the German natural BDIH standard Positive List, supplemented with the NOP list, since the BDIH standard has identical restrictions on allowed processes as NSF. The NSF Positive List is a clear comprehensive reference for certifiers and manufacturers to determine what is and is not allowed in NSF certified products. Any ingredient not on the Positive List that is made by an NSF allowed process can be petitioned to the NSF Joint Committee for placement on the Positive List. Should a notable safety or environmental issue arise for a given ingredient on the list, that ingredient may be de-listed under a sunset review. Organic forms of ingredients made by processes described in 5.3 shall be used when commercially available.

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7.5.2 Agricultural packaged products

Agricultural products in packages described in 7 CFR 205.301(c) shall:

– In the ingredient statement, identify each organic ingredient with the word "organic" or with an asterisk or other reference mark that is defined below the ingredient statement to indicate that the ingredient is organically produced. Water, mined minerals, and salt included as ingredients shall not be identified as organic. For ingredients made with organic materials produced by processes allowed under this Standard but not the NOP, a separate asterisk should refer to the statement "Made with Organic Ingredients".

For example, on the ingredients declaration of a hypothetical NSF certified shampoo:

Ingredients: Water, Aloe Vera*, Sodium Coco Sulfate**, Coco Glucoside**, Soy Protein*, Benzoic Acid

* Organic

** Made with Organic Ingredients

ANNEX G

NSF POSITIVE INGREDIENT LIST

The NSF Positive List mirrors the German natural BDIH standard Positive List, supplemented with the USDA NOP list, since the BDIH standard has identical restrictions on allowed processes as NSF. The NSF Positive List is a clear comprehensive reference for certifiers and manufacturers to determine what is and is not allowed in NSF certified products. Any ingredient not on the Positive List that is made by an NSF allowed process can be petitioned to the NSF Joint Committee for placement on the

Positive List. Should a notable safety or environmental issue arise for a given ingredient on the list, that ingredient may be de-listed under a sunset review. Organic forms of ingredients made by processes described in 5.3 shall be used when commercially available.

Comment 3:

Hello All:

A big stumbling block for the development of the surfactants allowed under NSF from organic material, is the problem of scale in getting fatty alcohols produced from certified organic oils; fatty alcohols are the basic surfactant building block/sub-ingredient for various surfactants. Fatty alcohols are also utilized extensively in their own right, in lotions and hair conditioners allowed under the NSF standard. To make fatty alcohols, triglyceride oils are transesterified with methanol to make methyl esters, which then need to be hydrogenated at extremely high pressure to produce fatty alcohols. The operations that do this are very capital-intensive huge-volume operations, and impossible to get a small dedicated batch run with certified organic oil exclusively within any reasonable cost/efficiency structure. I believe something like 300 MT minimum runs is what we were looking at, as we have an all-purpose cleaning product based on coco glucoside and SCS, and so have spent time looking into this.

According to “Branded! How the Certification Revolution is Transforming Global Corporations” the FSC implemented a change to the straight % FSC claim that, one, allowed a “volume-credit” as I outlined below to happen, while two, implementing tighter controls on the non-certified content (no GMO, no old growth, no illegal harvested wood, no “social turmoil”/trampling of worker/indigenous rights). This was to respond to the fact that Sweden had the largest proportion of FSC certified forest, but Swedish processors were not bothering to certify much actual output product.

Page 89-90: “The volume-credit system allowed companies to place an FSC logo on products coming out of a mill in direct proportion to the FSC-certified inputs going into the mill over a defined period of time. For example, if the mill could show that 50 percent of the pine or fir it purchased for making the windows during a given month or quarter came from FSC-certified forests, it could place the FSC logo on 50 percent of the windows produced with that wood during that period.

“From the point of view of some FSC stakeholders, this change came with a high psychological cost. If you purchased a window with the FSC logo on it, you could no longer be absolutely certain that the wood in that window actually came from trees harvested from an FSC-certified forest. You could, however, be confident that by purchasing that window you were providing direct support to the improvement of forest management worldwide. It required trust in the system. To bolster that trust, environmental advocacy groups agreed to the introduction of the volume-credit system only if a system for improving the control of uncertified wood was strengthened....

“The volume-credit system proved to be useful in unexpected places. Representatives of the social chamber argued, at the 2005 general assembly, that small-scale indigenous and community based certified forests were finding it easier to convince local mills to become CoC (Chain of Custody) certified because the standards no longer required that they implement costly physical segregation for small batches of certified timber.”

(Me aain) In a similar vein, buying “green energy” off the grid doesn’t deliver any dedicated green energy different from the brown energy everyone else gets off the grid. You still get the same brown energy, but your funds are allocated to and enable scale-up of green energy sources that are feeding energy into the overall grid.

I’d like to propose under NSF that for fatty alcohols made from certified organic oils, and potentially steam-splitting organic oils to make glycerin and fatty acids too (the other main basic sub-ingredients for NSF processes) which also has similar scale issues, that on a temporary basis that sunsets after enough market volume is reached, that the NSF standard enable certification of a fatty alcohol output volume (and potentially fatty acids and glycerin) proportional to the certified organic oil input that’s diluted into a larger conventional oil input volume. So for instance, if 50 MT certified organic coconut oil is mixed with 250 MT of conventional coconut oil feeding into a fatty alcohol operation, then 50 MT of the resulting fatty alcohols and glycerin would be certified under NSF as “Coco Alcohol/Glycerin made with Organic Coconut Oil”, even though the actual certified fatty alcohol would be diluted per the input organic/conventional oil ratio of the overall run. The certified Coco Alcohol could then be sulfated, or combined with organic glucose in a glucosidation reaction, to produce “Sodium Coco Sulfate / Coco Glucoside made with Organic Coconut Oil”.

I think this is the advantage of the “made with Organic” nature of the NSF standard, that we can build in this kind of flexibility. A straight “Organic” product designation would require the high-bar NOP standard of complete authenticated/certified purity, free of any commingling of conventional material. But under the NSF “made with” standard, I think we can be flexible here, and address the fundamental chicken/egg problem of getting certified fatty alcohol, fatty acid and glycerin produced efficiently from certified organic material. This accords with the realities that FSC and green energy schemes have to deal with as well. And this allowance would hopefully be sunsetted after a couple years under a sunset review, that will determine whether market volumes are able to justify dedicated certified runs at the scale fatty alcohol/acid/glycerin manufacturers work at.

This isn’t without controversy but is similar to green energy purchasing, and USDA certifiers can easily certify that the certified output volumes correspond to certified organic input volumes. (USDA certifiers generally certify the much more strict total segregation of organic versus conventional in production).

Depending on the scale of the actual downstream sulfation and glucosidation operations of major players like Cognis, that make alkyl glucoside surfactants (eg. Decyl glucoside, coco glucoside, etc.), we might want to implement a similar scheme for them as for the fatty alcohol/acid/glycerin producers.

To the issue that organic consumers associate “organic” products and ingredients with a higher degree of health and safety, this isn’t really an issue with the more intense NSF-allowed “made with Organic” processes we’re talking about. The degree of processing and use of intermediate reagents like methanol that is fossil-fuel-based/non-renewable/toxic, makes the “health” of actual organic versus conventional feedstock pretty moot in the case of fatty alcohols. Ie Whatever trace pesticide residuals are present and of concern in the source material, is swamped by the processing intensity and synthetic inputs of the process itself. Also “made with Organic” products generally use conventional ag material anyway in the non-organic allowance. The progressive consumer interest here is more focused on promoting the organic health/sustainability/ecology of the agricultural practices and farms that provide the feedstock for core processed ingredients in NSF “made with Organic” certified products.

The USDA NOP “organic” category of personal care provides consumers with the ideal of comprehensive pure pesticide-residue-free organic ingredients with limited processing.

Best, David Bronner

Proposal 3:

In a relevant part of Section 5.3, insert a statement something like:

"For production of fatty alcohols, fatty acids and glycerin from certified organic material, the basic sub-ingredients for esters and surfactants as well as extensively used in personal care in their own right, in recognition of the prohibitive scale of a dedicated certified organic feedstock run for producers that run extremely large batch or continuous operations, a "volume-credit" system will apply.

This means that if 50 MT of certified organic coconut oil is fed into an operation along with 250 MT conventional, that 50 MT of fatty alcohols and glycerin output may be certified under NSF as "made with Organic Coconut Oil" with an organic content of 98% as specified in 5.3 (versus 300 MT of fatty alcohols certified to have less than 20% organic content which won't work for downstream NSF manufacturers).

Gay Timmons – Oh, Oh Organic, Inc

Comment 1:

A. Will there be any way for consumers to know the level of chemistry expertise of the certifiers that are allowed to "offer" this standard? If they don't have some level of understanding of chemistry, I can't imagine how they will know what the heck they are doing?

B. Also - will there be any training for the inspectors and certifiers?

- C. Will there be info on the NSF web site that supports the concerns/questions of consumers about this standard?
- D. What is the "seal" that is mentioned in the standard?
- E. Is there a cost to use the seal or the standard?
- F. How long will it take to change the standard as the field of 'green chemistry' changes?
- G. Will NSF do surveillance on the use of the "seal"?

Comments on the NSF Standard:

1 – 5.3.2 – I have, as a distributor of “organic and organic compliant” cosmetic materials been unable to find a clay that is not irradiated.

2 – Table 5.2 - “Natural Source” is used to describe preservatives, however it is not defined. What is “natural sourced”?

3 – Under 6.2 the responsibility for determining the “organic content” is solely assigned to the handler – there does not appear to a requirement that the “organic content” be verified by the certifier. This appears to be self certification. Was this intended?

4 – 6.3.2 – Which “National List”?

5 – 6.4.3.2 – What does “fully organic” mean? Is this 100%, 95% . . .??

6 – 7.2 – These statements do not appear to discriminate between NOP certified materials and NSF certified materials. Is there any difference?

7 – 7.2.1 – Does this section apply to NOP compliant materials? If a product is certified organic to the NOP, why should there be any obligation to disclose the process?

8 – “Personal Care products in packages described in 7 CFR 205.301(c)” is a mis-statement. “Personal Care products” are not described anywhere in 7 CFR Part 205 – so what is this sentence about?

9 – 7.5.1 - Note to Lorna – this section should refer to Annex A – 3.1 immediately to prevent certifiers from confusion.

10 – 7.6 – This section requires more info on a wholesale package than the NOP requires – this means that you are asking companies certified to the NOP to go beyond NOP requirements. Will suppliers be willing to do this? Is it necessary?

11. – 7.7.1 – Is this section parallel to the regulations stated in the US and Canada (the most likely export market for US cosmetics)?

12 – Annex A.3 –there are 10 ISO 65 accredited certifiers to the NOP program. I am not sure what other agencies work with ISO 65. Information regarding how to find an Iso 65 certifier would be very helpful to an applicant.

13 – Annex A . 3 . 11 - Public notice – note: this is note required under the NOP for Certifiers. NOP must do this. I suspect this has something to do with the federally mandated appeals process. Should a statement regarding “due process” be included in this section?

14 – Annex B . 3 . 2 – The statement below could be read as referring to the NOP “Standard” or this NSF “Standard”. I think it deserves more clarity. It is sort of hard to know what it means in any case.

NOTE – Certifying organizations should clarify that information is not required for sale to the end user in situations where the materials are certified to the Standard. However, certifying organizations may request files to verify compliance if they have additional standards or policies that require such files.

15 – Annex B . 3 . 4. 2 – This section will certainly result in prejudicial choice of certifiers based on policies. Seems very problematic to me.

16 – Annex D – I am a supplier – I know that only then manufacturers can legally be held to the sort so statements made on this form. I needs to be signed by a responsible party – not by some distributor (like me) who does not know synthesis chemistry. I wouldn’t even use this for the NOP program and their managers have told the certifiers that this sort of form is unacceptable.

17 – Annex G – Organic glycerin is now available.

18 – Annex G – Org. maltodextrin is available.

19 – Annex G –2 – why is tocopherol acetate allowed? There is non-gmo mixed tocopherol that fill the need of a effective anti- oxidant for personal care products.

Proposal 1:

Some solutions are imbedded in the comments, i.e., where technical comments are made with additional information (Comment 17, 18).

A through F are questions that require business policy based responses from NSF, i.e., cost of use of the standard or the seal.

1 through 19 are technical comments only here the standard seems unclear or appears to contain incomplete or antiquated information.

Comment 2:

This NSF Standard specifically and only allows the use of a "Made with Organic" claim, yet it is consistently represented as an "Organic" Standard. It is not an "Organic" Standard and I wonder if this title does not further confuse the public and the industry. I think the announcements should be changed to reflect the actual purpose of the Standard.

thank you

John Leffel

Comment 1

I did not see the establishment of an expiration date for the product.

Proposal 1

Require the same expiration dates as other organic material to be posted on label

Comment 2

there was no definition for potable water and this may be more appropriate to substitute potable water for tap water

Proposal 2

substitute potable water for tap water in document

Ernest Julian – Rhode Island Department of health

Personal care products may be kept in the home for long periods of time. If preservatives are not used due to the organic nature of these products, a concern arises as to the microbiological safety of these products. Could they become a source of bacterial or fungal infections, etc.?

If preservatives are not present, the products should be tested at the end of the shelf life, as part of the standard, to make certain that the products do not present a hazard to the users.

The consumer is purchasing these products under the assumption that they are safer. The NSF seal with "Live Safer" also implies safety. We need to make certain that these products are not, in fact, hazardous.

The proposed standard does also not specify how much organic ingredients need to be present to meet the standard. To avoid misleading the consumer, the percent organic necessary to fall under the standard should be specified. The consumer should also be clear as to the percent organic in the product.