OPCJC Task Group on Product Composition Teleconference
Teleconference Summary
April 21, 2008

Participants

David Bronner- CHAIR- *Dr. Bronner's Magic Soaps;* Dave Herbst- *Berje*; Curt Valva- *Aubrey Organics, Inc.;* & Lorna Badman – *NSF International*

Action Item

L. Badman will draft the response memos for D. Bronner to complete.

Discussion

Lorna Badman read the Anti- trust statement and took roll call. David Bronner called the meeting to order. The purpose of the teleconference was to address the comments received during the ballot and public comment period.

The following are the comments received on Annex G and sections 4 & 5:

CTFA
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.

The EWG is not mentioned in the body of the document. It is referenced in the Annex E, which is not a normative part of the Standard. Annex E is providing guidance/reference point to the user of the Standard

At The Joint Committee Meeting on April 26, 2008 it was agreed to drop these references.

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.

An illustrative list vs. a positive list was discussed. The use of a positive list would not allow the use of cucumber juice, which could possible be certified as organic. A positive list would be more restrictive. Whereas, the use of a illustrative list would allow a product like cucumber juice to be used. The thought was to take the BDIH list and positive list and form an illustrative list to be included in Annex G. The BDIH list has other ingredients such as minerals, and aluminum. It was suggested to include minerals on the illustrative list. Iron oxides are different than an aluminum compound and could be looked at separately. It could be suggested to make one broad stroke to include mined minerals. A safety issue or process issue would need to be added if mined minerals were allowed. It was suggested to exclude minerals in the Illustrative List and specify in the body of the Standard the allowed compounds or aluminum could be removed from the list. C. Valva does not have an issue with mined minerals being included even though they are not agricultural in nature provided the processes used are allowed – would not want nanoparticles included.

The BDIH type list will be used as the illustrative but aluminum will be removed. Mined minerals will be included in the body as specified on the illustrative list. Mined minerals would be limited to nanoparticle cut-off.

If language were added to the document regarding the size limit for nanoparticles, this would apply to all ingredients. This would automatically remove any nanoparticles. Nanoparticles should be disallowed. The 'Safe Campaign' is recommending a 300 cut-off for nanoparticles.

The response to commenters regarding the illustrative list would indicate that the tables in the relevant annexes will include the BDIH List (aluminum will be removed) as an illustrative list. The illustrative list will include a non-exhaustive ingredients list but ingredients not included in the list could be included if they are produced by a process that is defined in this Standard. The illustrative list will provide guidance and serve as a list that will be updated periodically by a Task Group to include ingredients that are no commercially available in organic form.

Final decision to just have illustrative list include ingredients produced by processes specifically listed in 5.3, and not include minerals or NOP produced ingredients/botanicals. So list will NOT look like BDIH list, and will be much shorter, listing commonly used ingredients, and not uncommon/esoteric ones.

D. Bronner and C. Valva would like to see certified companies have a 12-month time period to comply with changes in the standard. New certified companies will have to meet the requirements immediately. Specifically, that when a processed ingredient is deemed to be available in organic form.

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.

Cognis would like to move to testing the end product not using a signed affidavit. This is one of the three items in the organic industry that is required and moving to end product testing would not be acceptable. The source supplier has to provide a signed affidavit that there is no GM feedstock in ingredients of concern (corn and soy). Currently, there is no way around this.

Language could be added to the section of the Standards that discusses GM testing regarding corn and soy and ingredients of concern such as tocopherol, citric acids, & coco-glucosides.

Cognis supported the 'volume credit' concept. Instead of shutting down one run to start an inefficient run, have a mixed product line of organic vs. non-organic product run. This could open Pandora's box and allow several other ingredients lines to participate. Large companies would like to use the 'volume credit' for several other ingredients that are using several times more than a smaller manufacturer. This issue deals with commercial availability. The definition would need to be very narrow. Can the 'volume credit' concept be addressed in a future stage? A similiar comment is made down the line. This issue can be addressed later.

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

The tables in the relevant annexes will include an illustrative list. The illustrative list will include a non-exhaustive ingredients list but ingredients not included in the list could be included if they are produced by a process that is defined in this Standard. The illustrative list will provide guidance and serve as a list that will be updated periodically by a Task

Group to include ingredients that are no commercially available in organic form. Decyl Glucoside and Lauryl Glucoside will be specifically included.

Use PCR analysis to substantiate non-GMO material

Non-GMO is one of the three items in the organic industry that is required and moving to end product testing would not be acceptable. The source supplier has to provide a signed affidavit that there is no GM feedstock in ingredients of concern (corn and soy). Currently, there is no way around this.

NATRUE

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:

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.

The Standard will refer to both the USDA NOP list and an illustrative list. The USDA NOP is a stable list. The illustrative list will allow ingredients that are not included on the NOP List. USDA NOP list is restrictive. The references to the NOP List will not impact this Standard.

NATRUE is trying to incorporate the European Model into this document. The European approach does not include any information that includes any governmental agency at any time because of the amount of time needed to make changes to regulations. This Standard took the opposite approach so not to have to re-create everything. The specified allowed processes and illustrative ingredient list will help resolve their concern. This Standard is self-containing and a change in the NOP would not directly impact the Standard. The only time a company would need to go to the NOP would be to certify O95 and O100 products.

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.

The tables in the relevant annexes would include an illustrative list. The illustrative list will include a non-exhaustive ingredients list but ingredients not included in the list could be included if they are produced by a process that is defined in this Standard. The illustrative list will provide guidance and serve as a list that will be updated periodically by a Task Group to include ingredients that are no commercially available in organic form.

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.

The PCR is a weaker technique than a signed affidavit. The signed affidavit states there is no GM added to the product. GMO is not allowed in the NOP.

Language will be added to re GM prohibited in non-organic ingredients (section 4) indicating that a signed affidavit is required for ingredients of concern such as tocopherol, citric acids, & coco-glucosides in corn and soy or any derivate of soy and corn.

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".

The definition is from the USDA NOP. The USDA NOP doesn't actually have a good definition. The term 'agricultural' is also defined under NOP.

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 that are cultivated according to the European standards for organic farming.

NATRUE is suggesting adding the European Council regulations to the Standard. In general, a if a product is not certified to the USDA NOP but with a foreign certificate will your NOP certifier re-certify the ingredient as NOP. Experience shows a 50/50 chance this will occur. It is based on the US certifier's knowledge of the accuracy of the foreign certificate. Many foreign certificates are suspect. If this occurs, this could cause a loophole for the purist's. The products would need to be certified to the European "COUNCIL REGULATION (EEC) N° 2092/91 of 24 June 1991. The European Regulations has trivial differences from the USDA NOP, the major prohibitions are the same. This is not the same as the Ecocert or Soil Association Standard. Private certifier standards are not allowed. Permitting EC certified ingredients alongside USDA should be specified, as ingredients are generally certified to one or the other in the world.

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.

The illustrative list is better from a permitted reaction or manufacturing process Standard. The Standard should not go extreme lengths to define each esoteric allowed ingredient.

The tables in the relevant annexes would include an illustrative list. The illustrative list will include a non-exhaustive ingredients list but ingredients not included in the list could be included if they are produced by a process that is defined in this Standard. The illustrative list will provide guidance and serve as a list that will be updated periodically by a Task Group to include ingredients that are now commercially available in organic form.

Table 5.1 &
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.

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.

Two concerns are being raised. NATRUE do not like the 'made with organic'. If NATRUE has a sulfated organic coconut fatty alcohol, then they would like it to be considered "organic" outright, not "made with Organic". Secondly, NATRUE is asking why should an ingredient count against organic content if an organic form is not available? They are saying ingredients such as sulfates, water and sodium chloride should be neutral. Water and salt are unique ubiquitous ingredients are given special consideration. If you were going to react fatty alcohol with a sulfur tri-oxide, you cannot create an argument that it should not be used against your organic content. The Standard is not counting against the organic count it is not just counting it toward the organic content.

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

Organic meat, dairy and fish are available. These products are certified against the USAD NOP. Someone could use organic milk in the formula for a cream or shampoo. Just because it is an animal by-product does not mean it is any less of an organic product. The language will remain as written.

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.

The tables in the relevant annexes would include an illustrative list. The illustrative list will include a non-exhaustive ingredients list but ingredients not included in the list could be included if they are produced by a process that is defined in this Standard. The illustrative list will provide guidance and serve as a list that will be updated periodically by a Task Group to include ingredients that are no commercially available in organic form.

Mined mineral's are defined in the body of the Standard and is limited. Some are unsure of how NATRUE is defining mineral dies are mined minerals. Names are suspicious; they should be dealt with individually. Mined minerals will be removed from the illustrative list and included in the body of the Standard. Iron oxides are not necessarily dies. It is not the actual color of the iron oxide but the process involved and how the light refracts through the iron oxides, which give it the color. Iron oxide is used in several mineral make-ups. The Standards definition for mineral content might be the same as NATRUEs.

This Standard does not count mined minerals as neutral. If we do not count the mined minerals as neutral, how can we state the dies are neutral? Iron oxide should be added to the processed, not mined, minerals list. Language similar to the following will be added: Iron oxide, titanium oxide and zinc oxides are acceptable processed mineral compounds. All other highly processed mineral compounds are excluded from this Standard.

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.

The tables in the relevant annexes would include an illustrative list. The illustrative list will include a non-exhaustive ingredients list but ingredients not included in the list could be included if they are produced by a process that is defined in this Standard. The illustrative list will provide guidance and serve as a list that will be updated periodically by a Task Group to include ingredients that are now commercially available in organic form.

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.

The list should be reviewed. Since the last review, additional ingredients could have become available and be added to the list. A standing committee should be formed to review the lists on an annual basis. In Europe once a product makes and anti-microbial claim, several new regulations are required to be met. Not making a label claim, it would just be listed as an ingredient.

Little is currently know about Cosmocil CQ. This is a living document and can be added in the future, when more is known. New preservatives will be considered in the next revision of the Standard. The standing committee that is formed will address this issue in the future.

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, alkya 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 C5H11NO2, 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 chromatographicly 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 materail comes from nature.
Infact, many of our clients have Ecocert for their products containing betaine.

We hope this infomation 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.

Natural betaine is from sugar beets and will be available on the illustrative list. Betaines in surfactants are petroleum-derived and are prohibited.

Bob Hamilton – 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.

The annexes in this Standard are informative and provide guidance. The annex notes information in other documents and do not define requirements. Marketplace realities are being stated in the annexes. Annexes do not conflict with the body of the Standard. However, per our face to face, we will remove these references.

DAVID HERBST - BERJE

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

The Standard requires products making an O95 claim to go to the USDA. Based on this response, D. Herbst withdraws his comment.

Theoretically, a product can make a 99% made with organic claim under this Standard. At what point does a manufacturer have to default to another Standard? I can say 'organic' at 95% using the NOP but can make a 99% 'made with organic' claim under this Standard. Wine is an example under the USDA. If a wine does not have any sulfites and contains 99% organic content it can claim 'organic'. But if a wine manufacturer puts sulfites into a wine with a 99% organic content, the wine has to be labeled as 'Wine made with organic grapes' not "Organic wine". The manufacturer has to choose between preserving the flavor with sulfites and having a 'made with' claim or not using a preservative and making an 'organic' claim. This Standard will allow a 99% 'made with organic' claim. An organic product is free of synthetic preservatives.

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

The organic industry requested congress to re-write the relevant sections in the regulation to preserve everything. The section on commercial availability did change. Previously, Harvey indicated that you had to work with your individual certifiers when having an issue with obtaining organic ingredients. The certifiers would allow you to use conventional. The problem was some certifiers were more lenient than others. Regulation now indicates that it is not up to the individual certifier. The NSOB list contains commercial available lists. If an ingredient is not on the NSOB List, a manufacturer must use an organic form.

The NSF standard is using a more permissive form of commercial availability but is somewhat opposite of the NOP. NOP list a group of ingredients that are not commercially available. However, this Standard allows processed ingredients most of which are not yet available in organic form, so it's more relevant to note ingredients that now available in organic form, versus noting ingredients not available in organic form.

A vote was taken on this issue in a pervious JC meeting. D. Herbst and Tim had the minority view point. D. Herbst will speak with Tim regarding his concern to make sure all of their concerns were addressed with the new congressional action. It is believed that the congressional change was made after the meeting in question.

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
4 - allow natural products.

If an organic starting material is used and all type of permitted chemical reactions are used, troubles occur with balancing off and then saying if you have something natural but not organic, the natural product can not be used. Organic and natural are not the same. If a manufacturer makes an O95 product adds a flavor, the flavor does not have to be organic but can be natural. If a manufacturer's making a personal care product wants to add a fragrance, the fragrance and the flavor act identically according to the industry. The manufacturer should be able to use a natural fragrance not worry whether it is or organic – reverting to the commercial availability clause. All non-organic natural would be allowed as long as they were not available in organic form. A manufacturer should not have to organic in every instance without using the commercial availability and proving how many kilos a customer will need. A precedent exists in the USDA NOP. The same approach should be used.

If 3 kilos of an organic fragrance is needed, some manufacturers can comply with this easily but if 30,000 kilos of an organic fragrance is needed, some manufacturers will not be able to comply. Commercial availability will have to be used. What is easy for a smaller company might not be easy for a larger company. From a fairness point, some might not be able to participate in the development of this standard if certain allowances are only available to smaller companies. It is believed that the example given is a commercial availability instance. Is the quantity sufficient to supply the demand and if it is not available to meet demand, then it is not commercially available. The manufacturer does not want to deal with the NSOB to prove an equivalent does not exist. Keep in mind this is a 'made with claim' and there is that type of flexibility availability. The language in commercial needs to clarify that it is not just about whether something exists but it must exist in a sufficient quantity by demand and is not precluded somewhere else in the document.

At The Joint Committee Meeting on April 26, 2008 it was clarified, the requirement to use organic forms of ingredients under this standard, is confined ONLY to ingredients produced by the specified processes in 5.3.

Curt Valva - Aubrey Organics, Inc.
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.

The lists have not been updated in several months and changes have been made to the lists. Including an illustrative list is a huge improvement. The formation of a standing committee will help this concern.

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.

This topic has been discussed and it has been determined there is a place in the market for further allowances in 'made with organic' personal care products, so long as petroleum compounds are not present in final ingredients, and organic agriculture is incentivized for the key processes allowed under 5.3, under a commercial availability requirement.

4.2.1 -- NO petroleum compounds whatsoever should be allowed.

It was determined that some preservatives would be allowed (i.e. potassium sorbate).

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.

This topic has been discussed at it has been determined there is a place in the market for 'made with organic' products.

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

The NOP allows cooking to produce a new substance.

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

Limited allowances exist in the NOP for preservatives like sulfites. This is a 'made with' standard and those processes are 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.

All that can be done is, document when a ingredient becomes commercially available and whoever wants to use the ingredient must be proactive in making it organically available. This is a supply and demand theory.

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

According to the definition for essential oils, they are not extracted with a petroleum derived solvent. The processes allowed are either steam distillation or cold pressing. Steam distillation is a solvent. Hexane is not allowed. Ethanol is allowed to make an extract. Essential oils and extraction are two different terms. Whether talking about absolute or concentrates, it can be done with organic solvents.

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

The commenter would like the term 'synthetic' not used but the point of this Standard is going to allow certain ingredients and processes. When an organic product can be used it should. An ingredient can be considered the same as a chemical. The purpose of this Standard is to make certain processes and ingredients possible, that emply reagents and catalysts to modify organic agricultural material into functional ingredients, that do not involve petroleum compounds.

Proposal:
Use the USDA NOP standard only.

This topic has been discussed and it has been determined there is a place in the market for further allowances for 'made with organic' products.

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 change allow manufacturers to make stronger claims (within reason) and utilize more organic ingredients.

The JC discussed this issue and made an overwhelming decision that this document will only include a 'made with organic' claim. If a manufacturer wanted to make an O95 or O100 claim, they would need to pursue a USDA NOP certification. Too much progress has been made. This is the wrong place and wrong time for this discussion.

CRAIG MINOWA - OCA
Nanoparticles are not even addressed under this standard. Nanoparticles should be restricted at a size not less than 100 nanometers.

Safe campaign is 300 nanomaters. This is an emerging issue, although this issue is a little different in the organic industry. Soil Association is looking at this currently. The Soil Association's website indicates that the benefits out weigh the perceived damage that a nanoparticle might do. The size seems to be a moving target. It was suggested to include the following language: Nanoparticles should not be used. Remember safety was not to be part of this Standard. Just ignore the issue at this time. Nanoparticles should be avoided. The language is non-binding. What is the point? If you mention nanoparticle, then the term will need to be defined. Limits for nanoparticles should be addressed when more information is available. This topic will be revisited on an annual basis by this committee.

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 subsommittee 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.

The 'volume credit' suggestion is discussed. For basic ingredients in the processes at issue, glycerin, fatty alcohol, and fatty acids, and downstream esters or surfactants. Given the size of the continuous operation at issue, a company can not shutdown to make a small, segregated organic line. This is a progressive, creative idea for some, but the purists will have issue. It will help to drive expanded organic agriculture and the industry forward to a sustainable basis. It will be cheaper to manufacturer certain ingredients. The process would need to be managed. An audit process would be a concern. Documentation would be required. If the volume credit suggestion is accepted, fatty alcohol, fatty acids and

glycerin made under this process would be available under a volume credit system in commercial availability. It would be certified under volume credit.

FSC, who certifies sustainable forests, in Sweden have the highest proportion of certified forests. The issue revolves around the minimal amount of FCS certified products. The mills and wood processors operate on a scale that the incurred cost with a shutdown to do a dedicated run with no uncertified material was prohibitive. Therefore it was not done. FSC is demand driven to an extent. If there is a logo, the consumer become familiar with the logo and then demands product with the logo. FSC developed the 'volume credit'. If processors could document over a given time period the proportion of certified input vs. the uncertified input, they would get a volume credit on their output product. Even though the product is a mixture of certified vs. uncertified input product, a certain percentage would be considered certified product while the remainder would be considered uncertified. This could be applied to this organic application (i.e. of getting certified fatty alcohol, fatty acid and glycerin produced efficiently from certified organic material). A manufacturer would need to have documentation of the percentages in a certain time period. D. Bronner has proposed language, which could be reviewed on an annual basis.

DAVID BRONNER – DR. BRONNER'S

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.

The tables in the relevant annexes would include an illustrative list. The illustrative list will include a non-exhaustive ingredients list but ingredients not included in the list could be included if they are produced by a process that is defined in this Standard. The illustrative list will provide guidance and serve as a list that will be updated periodically by a Task Group to include ingredients that are no commercially 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.

Safe campaign is 300 nanomaters. This is an emerging issue, although this issue is a little different in the organic industry. Soil Association is looking at this currently. The Soil Association's website indicates that the benefits out weigh the perceived damage that a nanoparticle might do. The size seems to be a moving target. It was suggested to include the following language: Nanoparticles should not be used. Remember safety was not to be part of this Standard. Just ignore the issue at this time. Nanoparticles should be avoided. The language is non-binding. What is the point? If you mention nanoparticle, then the term will need to be defined. Limits for nanoparticles should be addressed when more information is available. This topic will be revisited on an annual basis by this committee.

5.3 Allowed Processes and Ingredients
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

D. Bronner's proposed modification will be incorporated into the draft.

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

This addresses processing aids or reagents used in the allowed processes. This language can just be inserted into the annex. This would list the various reagents and catalysts involved in the various processes. The above modification will be made in the document.

5.3.1 Preservatives.
The following row should be added to Table 5.2:
Salycylic Acid and its salts

Table 5.2 will be modified to include sorbic acids and esters; salicylic acids and esters; and benzoic acids and esters.

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).

D. Bronner's proposed modification will be incorporated into the draft. The language will include more examples.

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.

Mineral allowances will be removed from the illustrative list. Additions will be added to the body of the standard when more information is available with the exception being iron oxides. The title addresses the concern. This is a positive list for minerals. Language will be included to include zinc oxide and iron oxides indicating that other minerals can be submitted for review at a later date.

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.

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.

The tables in the relevant annexes would an illustrative list. The illustrative list will include a non-exhaustive ingredients list but ingredients not included in the list could be included if they are produced by a process that is defined in this Standard. The illustrative list will provide guidance and serve as a list that will be updated periodically by a Task Group to include ingredients that are no commercially available in organic form. D. Bronner will update the language and drop the reference to BDIH.

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.

Accoring 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, than 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 extenviely used in personal care in their own right, in recognition of the prohibitive scale of a dedicated certifeid organic feedstock run for producers that run extremely large batch or continuous operations, a "volume-credit" systme 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).

D. Bronner's proposed modification will be incorporated into the draft with edits. D. Bronner will re-work this section and send it out for review. He will also propose a definition for 'volume credit'. This will be limited to fatty acids, fatty glycerin, and fatty alcohols.

GAY TIMMONS – OH, OH, ORGANIC
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.

Mined clays are irradiated and create organic damage or changes in molecular structure. This is not an issue with minerals. Wherever the prohibition in the Standard (section 4.2) is on irradiation should include an exception for mined minerals.

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

The source needs to be non-synthetic. The language will be updated in 5.2.

4 – 6.3.2 – Which "National List"?

The term 'NOP' will be added in front of National List throughout the Standard.

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

The term 'fully' will be deleted.

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

This applies to the NSF allowed processes.

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?

Language such as 'for ingredients that are not NOP certified but produced by process allowed under this Standard' will be added to this section.

17 – Annex G – Organic glycerin is now available.

Glycerin will be included in the illustrative list.

18 – Annex G – Org. maltodextrin is available.

Maltodextrin will be included in the illustrative list.

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.

Tocopherol acetate is an ester produced by a NSF allowed process.

JOHN LEFFEL
Comment 2

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

Proposal 2

substiture potable water for tap water in document

'Tap' is used to distinguish regular non-agricultural water, non-plant water and non-organic water, versus 'plant' or 'agricultural material'. The water is not used for drinking.

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 Standard allows for some strong preservatives. Products that will be certified to this Standard will likely be using allowed preservatives or otherwise ensuring robust preservation through concentration, pH, etc.; therefore shelf-life is not a concern.