



## **Organic Trade Association's**

# ***Comparative Analysis of the United States National Organic Program (7 CFR 205) and the European Union Organic Legislation (EEC 2092/91 & Amendments)***

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<sup>1</sup> FAS/HTP: Foreign Agriculture Service/Horticulture & Tropical Plants – AMS/NOP: Agricultural Marketing Service & National Organic Program – FAS/Brussels: Foreign Agriculture Service, Brussels



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## ***Comparative Analysis of the United States National Organic Program (7 CFR 205) and the European Union Organic Legislation (EEC 2092/91 & Amendments)***

### Overview of Similarities and Differences

#### **I. Both systems are similar and share the following:**

- A. Third Party Certification
- B. Audit Trails
- C. Annual Inspections
- D. Accreditation
- E. Materials Lists
- F. Defined Conversion Periods
- G. Sustainable Farm Plan

#### **II. Cultural and political differences are substantial**

- A. Cultural – while States in the US use one language and have similar cultures, EU member States have differing languages and cultures.
- B. Political – Federal laws supercede State laws in the US while the EU consists of 15 sovereign State governments, each of which can grant exceptions to established EU 2092/91 rules and regulations

#### **III. Some cropping standards differ**

- A. Agriculture Conversion Period – Conversion (transition) periods as written in the EU Regulations may be interpreted as shorter than the three-year, no exceptions, rule found in the US.
  1. US – requires a three year conversion period with no exceptions
  2. EU – generally requires two years for annuals and three years for perennials, with some exceptions
- B. Manure Restrictions - The EU has load limits on manure applications for livestock and other organic cropping operations, while the US requires minimum periods prior to harvest.
  1. US – manure must be composted if applied within 120 days of harvest
  2. EU – manure from organic farms is preferred and load limits on a per acre basis are required
- C. Buffer Zones – The US requires buffer zones, the EU does not require buffer Zones

#### **IV. Livestock regulations contain potential barriers to US / EU trade**

- A. Slaughter - US regulations call for transition from the last third of gestation for slaughter stock and one year for dairy, while the EU regulations contain reduced conversion periods and are species specific.
- B. Livestock husbandry - The US has general requirements for livestock husbandry practices while the EU requirements are highly prescriptive including minimum slaughter ages per species.
- C. Milk production. May be certified as organic in the U.S. after 12 months on 100% organic program whereas EU rules allow for organic production at 6 months.

- D. Organic feedstuffs - In-Conversion allowances (30-60%) of transitional and conventional feedstuffs for organic livestock production in the EU are not found in the US (requiring 100%).
- E. Healthcare - No antibiotics or hormones are allowed in the US, however, the EU does include exemptions for synthetic veterinary medicines and allows for treatments up to 3x per year

## **V. Processing**

The US observes detailed handling regulations where EU processing regulations are referenced in EU inspection regulations, and the certifier verifies organic compliance.

## **VI. Labeling requirements are similar**

- A. "Organic" - both agree that at least 95% of the ingredients must be organic.
- B. "Made With" – both agree that 70% of the ingredients must be organic. In the EU the remaining 30% must be on published lists of "not commercially available ingredients." This list is subject to interpretation by the certifier or Member State.
- C. "Below 70%" - EU does not allow organic to appear anywhere on the label. US allows identification of organic ingredients on the information panel in products containing 50% or more organic ingredients.
- D. Percent organic declarations in the US are not mandatory, but in some EU situations declaration may be required.
- E. Under EU regulations, "transition to organic" labeling is allowed. In the US, such labeling is not allowed.

## **VII. Materials and the materials process**

- A. Materials generally must be listed in the EU, while in the US natural materials are allowed unless prohibited and synthetics are prohibited unless allowed
- B. Materials process - the US requires published criteria and is based on a public process including scientific reviews and NOSB hearings. The EU publishes rulings based on Member State requests.

## **VIII. Accreditation**

Federal authority dictates accreditation and the USDA accredits certifiers. Accreditation in the EU is by designated accreditation bodies and peer review. Each EU Member State is responsible for ensuring that certifiers operate according to the inspection requirements laid down in Annex III.

## **IX. Import Authorizations**

US umbrella certification allows shipping to all of the US. Under EU rules, Transaction Certificates will be required with each shipment after November 2002

## **X. Access to Markets**

US -Federal authority – Access to all states

EU – does not guarantee access to the 15 sovereign States

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205                      | EU Reference<br>EEC 2092/91   | Exceptions<br>(Derogations)   |
|--|---|---|
| <b>Subpart A - Definitions</b>                 | <b>Article 4</b>  |   |
| 205.1 Meaning.                                 | No direct 2092/91<br>reference                                      |   |
| 205.2 Terms defined.<br>Livestock              | Article 4 #11   | EU livestock definition includes reference to aquatic species farmed in water not included in NOP rules.    |
| 205.2 Terms defined<br>Transition feedstuffs   | Article 4 #24   | Definition of in-conversion (transition) feedingstuffs/feed materials not allowed in US.                    |
| <b>Subpart B - Applicability</b>               | <b>Article 1, Article 2,<br/>Article 5, Annex III,<br/>Annex VI</b> |   |
| 205.100 What Has to be<br>Certified.           | Article 1   |   |
| 205.100(a) What has to be<br>certified         | Article 1 1.(a) - (c)   | Specific animal species not covered in EU regs must still comply with labeling and inspection requirements. |
| 205.100(b) Anniversary date                    | No direct reference   |   |
| 205.100(c)(1) Violations -<br>selling/labeling | No direct reference   | Civil & criminal penalties set out by US rules. EU lets each Member State prosecute violations.             |
| 205.100(c)(1) Violations -<br>False statements | No direct reference   | Civil & criminal penalties set out by US rules. EU lets each Member State prosecute violations.             |
| 205.101 Exemptions &<br>Exclusions.            | Article 1, Article 5  |   |

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| US Reference<br>7 CFR 205   | EU Reference<br>EEC 2092/91     | Exceptions<br>(Derogations)   |
|---|---------------------------------|---|
| 205.101(a)(1) \$5000 limit  | Article 1 1.(a) - (c)           | EU has no provision for low income exemptions. Exempted operations must comply with organic standards although certification is not required.   |
| 205.101(a)(2) Retail operations   | No direct reference             | EU does not require retailers to prevent contact with prohibited substances. Does not impact international trade.   |
| 205.101(a)(3) <70% ingredients  | Article 5 5a.(a) - (h)          | While such products are not necessarily exempt from certification, EU labeling laws prevent identification of these products as organic.  |
| 205.101(a)(4)(i) - (iii)<br>Ingredient identification only requirements | Article 5 5a.(a) - (h)          | EU prevents identification of organic for products containing less than 70% organic ingredients in the ingredient statement.  |
| 205.101(b)(1) Prepackaged handling exclusion                            | No direct reference             | By omission, EU has no exclusion of certification for prepackaged organically labeled handlers and products, particularly for EU importers and US exporters.  |
| 205.101(b)(2) Retail ready to eat foods                                 | No direct reference             |   |
| 205.101(c)(1) - (2) Records needed                                      | No direct reference             | EU does not require retailers to maintain records.  |
| 205.101(c)(2) Record maintenance  | No direct reference             | EU does not require retailers to maintain records.  |
| 205.102 Use of the term "Organic."                                      | Article 2                       |   |
| 205.102)a) - (b) Terms of use   | Article 2                       | EU regulates 11 Member State languages designating identification of organic production. The US only recognizes the term "organic." It appears that the US will not allow other member designations of organic. |
| 205.103 Record keeping by Certified Operations.                         | Article 8, Article 9, Annex III |   |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205   | EU Reference<br>EEC 2092/91  | Exceptions<br>(Derogations)  |
|---|--|--|
| 205.103(a) Label categories for record keeping  | No direct reference  |  |
| 205.103(b)(1) - (4) Recording requirements  | EC 2491/2001 (amends Article 8 & 9) Annex III A.1.4., A.2.4., B.4. |  |
| 205.103(c) Availability of records  | Annex III A.1.7., A.1.4., B.2.5                                    |  |
| 205.105 Allowed / Prohibited Substances, Methods, & Ingredients in Organic Production & Handling. | Article 5, Article 6, Article 7, Annex II, Annex VI                |  |
| 205.105(a) Synthetic substances   | Article 5 3.(c), 5a.(d), Article 7 1., 1a.                         | EU allows any products not authorized at date of adoption to be used for plant pest or disease control, or for cleaning and disinfecting livestock buildings and installations under the conditions listed in Article 7. Article 7 also exempts products in common use before the adoption of 2092/91. |
| 205.105(b) Nonsynthetic substances  | No direct reference  | EU has no provisions for the allowance on nonsynthetic substances (as the US does) not found in Annex II & Annex VI or other sections of 2092/91. EU listing is closed except that Member States may authorize additional materials.   |
| 205.105(c) Nonagricultural products in processed products   | Article 5 3.(c), 5a.(d)  | Specific material differences discussed in section on Materials.   |
| 205.105(d) Nonorganic agricultural substances   | Article 5 3.(b), 5a.(b)  | EU listing is closed except that Member States may authorize additional materials. US allows any agricultural product provided they are not commercially available as organic and comply with other parts of the NOP.  |



## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205                                       | EU Reference<br>EEC 2092/91   | Exceptions<br>(Derogations)  |
|---|---|--|
| 205.105(e) Excluded methods                                     | Article 5 5.(f), 5a.(i), Article 6 1.(d), 2.(a)   |  |
| 205.105(f) Ionizing radiation                                   | Article 5 3.(e), 5a.(f)   |  |
| 205.105(g) Sewage Sludge  | No direct reference   | Being a material, not being listed by the EU results in a de facto prohibition.  |
| <b>Subpart C - Organic Production and Handling Requirements</b> | <b>Article 1, Article 3, Article 4, Article 5, Article 6, Annex I, Annex II, Annex III, Annex VI, Annex VII, Annex VIII</b> |  |
| 205.200 General.  | Article 6, Annex I B.1.2., 1.4., 7.6.   | EU does not specifically require the maintenance and improvement of the natural resources of the operation, except in the sections on land conversion and organic livestock (stockfarming & manure storage.) |
| 205.201 Organic Production and handling system plan.            | Annex III   |  |
| 205.201(a) Production & handling plan                           | Annex III A.1.2., A.1.4., A.2.1., A.2.4., B.1., B.2., C.1., C.2.  | EU regulations specifically require importers to comply with Plan provisions, while the US covers them under handlers, unless specifically excluded from certification (handling only prepackaged items.)    |
| 205.201(a)(1) - (5) Plan described                              | Annex III A.1.2., A.1.3., A.1.4., A.2.1., A.2.3., A.2.4., B.1., B.2., C.1., C.2.  | EU production and handling plans do not require description and frequency of monitoring practices.   |
| 205.201(b) Substitute plan                                      | No direct reference   |  |
| 205.202 Land requirements.                                      | Article 6, Annex I, Annex III   |  |

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| US Reference<br>7 CFR 205  | EU Reference<br>EEC 2092/91                                | Exceptions<br>(Derogations)  |
|--|--|--|
| 205.202(a) Cropping requirements                                       | Article 6 1., 2.   |  |
| 205.202(b) 3 year rule   | Annex I A.1., B.2.1.1., 2.1.2.                             | EU conversion period is generally two years for annuals with three years for perennials. However, this period may be reduced even further under certain specified conditions. EU also has specific conversion periods for pasture, which may be as little as one year. However, the EU requires a mandatory conversion plan on split operations. |
| 205.202(c) Buffer zones  | Annex III A.1.9.2.   | EU has no provisions for mandatory cropping buffer zones except for perennial crops on split operations.   |
| 205.203 Soil fertility and crop nutrient management practice standard. | Article 6, Annex I, II                                     |  |
| 205.203(a) Tillage & cultivation                                       | Article 6 1.(a), Annex I A.2.1.(a), A.3.                   | EU requirements do not refer to minimizing soil erosion.   |
| 205.203(b) Crop nutrients & soil rotation                              | Article 6, Annex I A.2.1.(a), 2.1.(b), 2.1.(c), 2.2., 2.4. |  |
| 205.203(c) Plant & animal materials that avoid soil contamination      | Annex 1 A.2.1.(b), 2.1.(c)                                 | EU regulations do not specifically state that materials must avoid contamination of agricultural resource by pathogenic organisms, heavy metals, or prohibited substance residues.   |
| 205.203(c)(1) Raw animal manure  | Annex I A.2.1.(b), 2.2., B.7.                              | <b>US Position:</b> Sets limits on time of application prior to harvest of edible crops.   |
| 205.203(c)(1) Raw animal manure  | Annex I A.2.1.(b), 2.2., B.7.                              | <b>EU Position:</b> Sets limits on total amounts of manure applied on crops, as measured in kg of nitrogen per hectare.  |

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| US Reference<br>7 CFR 205  | EU Reference<br>EEC 2092/91                                       | Exceptions<br>(Derogations)   |
|--|---|---|
| 205.203(c)(2) Composted materials                                      | Annex 1 2.1.(c), 2.3.   | <b>US Position:</b> requires specific compost practices (establishes C:N ratios and minimum temperatures .).  |
| 205.203(c)(2) Composted materials                                      | Annex 1 2.1.(c), 2.3.   | <b>EU Position:</b> Materials must first come from organic operations, and/or where inadequate nutrition results from such use. Also, composted animal manure is subject to total nitrogen limits as noted in part B.7. of Annex I. |
| 205.203(c)(3) Uncomposted plant materials                              | Annex 1 2.1.(c), 2.2.   | EU requires uncomposted plant materials must come from organic operations first. Exceptions to this rule apply if adequate plant nutrition is not possible by these materials.  |
| 205.203(d) - (1) Materials to manage crop nutrients and soil fertility | Article 6 1.(b), Article 7 1.(a), (b), Annex I A.2.2., 2.3., 2.4. |   |
| 205.203(d)(2) - (3) Mined substances                                   | Article 6 1.(b), Annex I A.2.2.                                   | EU does not mention these materials directly except as listed in Annex II. There are no high solubility mined substances on that list.  |
| 205.203(d)(4) Ash  | Annex II  | Specifically listed in Annex II as allowed.   |
| 205.203(d)(5) Plant or animal materials chemically altered             | Article 7 1.(a), (b), Annex II                                    | EU must specifically list in Annex II to be allowed, except for reasons cited in Article 7.   |
| 205.203(e)(1) Prohibited plant and animal materials                    | Annex II  | EU list (Annex II) is a closed list meaning that a product must be listed to be allowed. US allows any natural plant or animal material provided it does not contain synthetic materials not on the National List.                  |
| 205.203(e)(2) Sewage sludge  | No direct reference   | EU does not specifically prohibit sewage sludge, although it does not appear in Annex II, creating a de facto prohibition.  |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205                             | EU Reference<br>EEC 2092/91     | Exceptions<br>(Derogations)   |
|---|---------------------------------|---|
| 205.203(e)(3) Crop residue burning                    | No direct reference             | EU does not prohibit burning of crop residues. US prohibits except for suppression of disease or seed germination.  |
| 205.204 Seeds and planting stock practice standard.   | Article 6, 6a                   |   |
| 205.204(a) Organic seeds, seedlings, & planting stock | Article 6 3.(a),(b), Article 6a | EU will allow non organic seeds and planting stock until Dec 2003 with Member State approval. Organic seedling exception expired in 1997. US requires organic seeds, seedlings and planting stock except for lack of commercial availability. US also requires organic seeds for edible sprouts, no exceptions. |
| 205.204(a)(1) Commercial availability of seeds, etc.  | Article 6 3.(a), (b)            | EU exception for commercial availability of organic seeds and planting stock expires in Dec 2003, although this period may be extended as noted in 3.b. of Article 6.   |
| 205.204(a)(2) Allowed seed treatments                 | Article 6 3.(a)                 |   |
| 205.204(a)(3) Seedling variance                       | No direct reference             | EU has no provisions for temporary variances for non organic seedlings. The EU exception expired in 1997.   |
| 205.204(a)(4) Planting stock                          | Article 6 1.(a),(b), 2.(b)      | EU requires planting stock for perennials to be organically produced for two growing seasons. The US requires only 1 year of organic management for planting stock.   |
| 205.204(a)(5) Phytosanitary exceptions                | Article III                     | EU does not provide specific exceptions for phytosanitary conditions, although susceptible crops and products are subject to other similar EU provisions.   |

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| US Reference<br>7 CFR 205   | EU Reference<br>EEC 2092/91           | Exceptions<br>(Derogations)  |
|---|---------------------------------------|--|
| 205.205 Crop rotation practice standards.                             | Annex I                               |  |
| 205.205(a) - (d) Crop rotation practices                              | Annex I A.2.1.(a), 2.2., 3.           | Except for direct reference to control soil erosion, EU standards are the same.                                |
| 205.206 Crop pest, weed, and disease management practice standard.    | Article 6, Annex I, Annex II          |  |
| 205.206(a)(1) - (3) Crop management practices                         | Annex I 2.1., 2.2., 3.                | EU does not mention sanitation practices specifically although all other areas in the US standard are covered. |
| 205.206(b)(1) - (3) Pest practices                                    | Article 6 1.(b), Annex I 3., Annex II |  |
| 205.206(c)(1) - 6) Weed control                                       | Article 6 1.(b), Annex I 3., Annex II |  |
| 205.206(d)(1) - (2) Disease control                                   | Article 6 1.(b), Annex I 3., Annex II |  |
| 205.206(e) National list synthetics for pest, weed, & disease control | Article 6 1.(b), Annex I 3., Annex II |  |
| 205.206(f) Arsenate treated lumber                                    | Annex II                              | EU does not specifically prohibit arsenate treated lumber.   |
| 205.207 Wild crop harvesting practice standard.                       | Annex I                               |  |
| 205.207(a) Wild harvest area  | Annex I A.4.                          |  |
| 205.207(b) Harvesting practice  | Annex 1 A.4.                          |  |
| 205.236 Origin of livestock   | Annex I, Annex III                    |  |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205                  | EU Reference<br>EEC 2092/91                | Exceptions<br>(Derogations)  |
|--|--|--|
| 205.236(a) Organic management of livestock | Annex I B.2.2.1., 2.2.2., 3.2., 3.3., 3.4. | EU requires that organic livestock products be managed at least a year for horses and bovines, and lesser times for other species. There are numerous derogations to these standards which further reduce the conversion time. These exceptions expire on Dec 31, 2003. The US makes no species distinct conversion periods.   |
| 205.236(a)(1) Poultry                      | Annex I B.2.2., 3.4., 3.6.                 | EU requires organic management from the 3d day of life, of which there are two derogations for egg laying pullets (must be less than 18 weeks old.)  |
| 205.236(a)(2) Dairy animals                | Annex I B.2.2.1., 3.4., 3.6., 3.8.         | EU allows milk producers under a 6 month transition (in conversion) period starting Jan 1, 2004 (3 mo until then.)<br>Exceptions include first time herd conversions where calves may be up to 6 months old and reared organically since weaning.<br>Goats & ewes must be less than 45 days old and organically managed since weaning.<br>Other exceptions allowed due to unavailability of organic animals or high mortality caused by health or catastrophe allow for conventional animals to be brought in. |
| 205.236(a)(2)(i) -(iii) Dairy animals      | Annex I B.4.2., 4.4., 4.8., 4.9.           | While there is no specific EU provision for first time herd feed allowances of non organic feed, there are many derogations for allowances of either transition (in conversion) feedstuffs or conventional feedstuffs throughout the life of organically managed livestock (slaughter stock included.) Once converted, distinct herds must be managed according to the EU provisions noted in Annex I..  |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205                                  | EU Reference<br>EEC 2092/91                      | Exceptions<br>(Derogations)   |
|--|--|---|
| 205.236(a)(3) Breeder stock                                | Annex I B.3.8., 3.9., 3.10.,<br>3.11.            | Except for small operations and special circumstances noted previously, EU sets a cap on percentages of breeders brought in from non organic operations while the US does not. EU provisions, as noted above, are less stringent for the beginning of organic management of offspring of brought in animals   |
| 205.236(b)(1) Removal of animals from organic management.  | No direct reference                              | The EU does not specifically prohibit removing and bringing back in animals from an organically managed operation.  |
| 205.236(b)(2) Continuous management of breeder/dairy stock | Annex I B.2.2.1., 2.2.2.,<br>3.2. - 3.11.        | EU does not require its animals to be raised from last third of gestation, as noted in previous sections on livestock.  |
| 205.236(c) Livestock identity preservation                 | Annex I 6.3.1., Annex III<br>A.1.4., 2.3.        | EU requires "permanent" identification of livestock while US does not specifically require this, although the practical result is the same.   |
| 205.237 Livestock feed.                                    | Article 6, Annex I                               |   |
| 205.237(a) Total feed ration                               | Article 6 1.(b), Annex I<br>B.1.8., 4.2. - 4.18. | The EU allows both transition (in conversion) feedstuffs and conventional feedstuffs (with a 2005 expiration) for organic livestock feed rations.<br>The EU also imposes a percentage of dry matter rations on herbivores, a percentage of cereals for poultry during fattening, and roughage, fodder or silage for pigs and poultry. Non agricultural, conventional and animal feedstuffs must be listed in Annex II to be allowed. EU allows organic livestock to graze on common ground (not certified) provided the provisions in B.1.8. are met. |

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| US Reference<br>7 CFR 205                               | EU Reference<br>EEC 2092/91                        | Exceptions<br>(Derogations)   |
|---|--|---|
| 205.237(b)(1) - (6) Prohibited feedstuffs and practices | Article III, Annex 1 B.4.12. - 4.18.               | EU makes no specific reference to their Food or Drug regulations as pertains to animal feeding practices.   |
| 205.238 Livestock healthcare practice standard.         | Article 3, Annex I                                 |   |
| 205.238(a) Preventive healthcare                        | Annex I B.5.1., 5.2.                               |   |
| 205.238(a)(1) Selection of species                      | Annex I B.3.1., 5.1(a)                             |   |
| 205.238(a)(2) Sufficient feed rations                   | Annex I B.5.1.(c)                                  |   |
| 205.238(a)(3) Housing, pasture, sanitation              | Annex I B.5.1.(b), 5.1.(c), 5.3., 8.1.1., 8.2.2.   |   |
| 205.238(a)(4) Exercise, movement, reduction of stress   | Annex I B.5.1.(b), 5.1.(c), 6.1.4., 6.1.5., 6.1.6. | EU allows tethering under specific conditions. However, access to exercise and compliance with other animal welfare management issues is required.  |
| 205.238.(a)(5) Physical alterations                     | Annex I B.6.1.2., 6.1.3.                           |   |
| 205.238(a)(6) Vaccines & biologics                      | Annex 1 B.5.5.(b), 5.8.                            |   |
| 205.238(b) Synthetic veterinary medications             | Annex I B.5.4.(a), 5.4.(b), 5.5.(a), 5.7., 5.8.    | EU allows therapeutic treatment of organic livestock with synthetic medications when prevention and biologics are not effective. Twice the legal withdrawal periods are required. Provided such animals receive no more than three of these treatments, they may be brought back into the organic production system following mandatory withdrawal periods. |



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| US Reference<br>7 CFR 205                            | EU Reference<br>EEC 2092/91             | Exceptions<br>(Derogations)  |
|--|---|--|
| 205.238(b)(1) - (2) Use of parasiticides             | Annex I B.5.8.                          | In the EU, parasiticides may be used on all organic livestock, not just breeders and dairy animals, provided it is not routine treatment.  |
| 205.238(c)(1) Prohibited marketing or selling claims | Annex I B.5.4., 5.5., 5.7., 5.8.        | EU allows sale or representation as organic both animals and edible products derived from animals treated with antibiotics, hormones, or parasiticides as long as withdrawal periods are honored and such products comply with other provisions of EU regulations. |
| 205.238(c)(2) - (4) Prohibited practices             | Annex I B.5.4.(c), 5.5.(a), 5.8.        | Generally equivalent on these specific US standards.   |
| 205.238(c)(5) Parasiticide in slaughter stock        | Annex I B.5.4., 5.5., 5.6., 5.8.        | EU allows slaughter stock to be treated with non routine use of parasiticides.   |
| 205.238(c)(6) FDA rules                              | Article 3                               | EU makes general reference to conformance with other Community provisions for aspects of food production, processing, labeling, marketing and inspection of foodstuffs and animal nutrition.   |
| 205.238(c)(7) Withhold treatment                     | Annex I B.5.3.                          | EU requires treatment of sick animals but allows such animals and products derived from them back into the system once the mandatory conversion periods are in compliance.   |
| 205.239 Livestock living conditions.                 | Annex I, Annex VII, Annex VIII          |  |
| 205.239(a) Living conditions                         | Annex I B.8.1.1., Annex VII, Annex VIII | EU sets specific outdoor stocking densities, manure loading limits, and indoor housing/exercise areas. US accomplishes similar compliance through the organic farm plan and best management practices.   |

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| US Reference<br>7 CFR 205   | EU Reference<br>EEC 2092/91   | Exceptions<br>(Derogations)   |
|---|---|---|
| 205.239(a)(1) Access to outdoors, sunlight, etc.                  | Annex I B.8.1.1., 8.1.2., 8.3.1., 8.3.3., 8.4.1., 8.4.2., 8.4.5.                      | EU is much more prescriptive in its living condition requirements.  |
| 205.239(a)(2) Access to pasture                                   | Annex I B.8.3.1., 8.3.3.  |   |
| 205.239(a)(3) Bedding   | Annex I B.8.2.5., 8.3.6., 8.4.3.  | EU has no specific requirements that edible bedding be organic except that if litter is improved or enriched, such materials must be listed in Annex II.            |
| 205.239(a)(4)(i) - (iii) Shelter                                  | Annex I B.8.2.2., 8.2.3., 8.3.5. - 8.3.8., 8.4.1., 8.4.3., 8.4.4., 8.4.5., Annex VIII | EU is very prescriptive on stocking densities, housing conditions, and shelter construction requirements. Annex VIII lays out specific indoor densities by species. |
| 205.239(b)(1) - (4) Temporary confinement                         | Annex I B.6.1.4., 6.1.5., 6.1.6., 8.3.2., 8.3.4.                                      | EU allows tethering under specific conditions. However, access to exercise and compliance with other animal welfare management issues is required.                  |
| 205.239(c) Manure management                                      | Annex I B.1.2., 7.1. - 7.7.   | EU sets very specific requirements for total amount of nitrogen per ha. & manure storage capacities.  |
| 205.270 Organic handling requirements.                            | Article 1, Article 4, Article 5, Annex III, Annex VI                                  |   |
| 205.270(a) Mechanical & biological methods                        | Article 1 1.(b), Article 4 3.   | EU does not list specific methods of allowed processing methods. They only reference preserving and processing in Article 4, definitions.                           |
| 205.270(b) Non agricultural & non organic agricultural substances | Article 5 3.(b), (c), Annex III B.2.  |   |
| 205.270(b)(1) Commercial availability                             | Article 5 4.  |   |
| 205.270(b)(2) Made with organic allowance                         | Article 4, Article 5 5a.  |   |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205                                   | EU Reference<br>EEC 2092/91     | Exceptions<br>(Derogations)   |
|---|---------------------------------|---|
| 205.270(c)(1) Prohibited practices                          | Article 5 3., 4., 5a.           | Except for the EU list of non organic agricultural ingredients allowed in Annex VI, Section C, generally equivalent.  |
| 205.270(c)(2) Volatile synthetic solvents & processing aids | Annex VI                        | While not specifically prohibited by the EU, there are no specific synthetic solvents listed in Annex VI. However, Annex VI does allow carrier solvents in Section A, food additives.   |
| 205.271 Facility pest management practice standard.         | Article 3, Article 6, Annex III |   |
| 205.271(a)(1) - (3) Preventive pest                         | No direct reference             | EU does not cover specific facility pest management practices.  |
| 205.271(b)(1) - (2) Non chemical pest controls              | No direct reference             | EU does not cover specific facility pest management practices.  |
| 205.271(c) National List pest control substances            | Article 6 1. B.                 | Except for livestock facilities, EU does not address processing facility pest control substances (which must be on listed in Annex I & Annex II.)   |
| 205.271(d) Non listed pest control materials                | Annex III B.4.                  | Except for livestock facilities, EU does not cover specific processing facility pest management practices, but generally does not allow non listed materials. During the inspection, testing for use of non-authorized materials is required when use is suspected. |
| 205.271(e) Updated handling plan provisions                 | No direct reference             | While the EU requires certified operators to establish and maintain an organic handling plan, there are no specific provisions for updating the plan for applications of pest control materials.  |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205   | EU Reference<br>EEC 2092/91   | Exceptions<br>(Derogations)   |
|---|---|---|
| 205.271(f) Compliance with laws & regulations   | Article 3   | General reference to conformance with other Community provisions for aspects of food production, processing, labeling, marketing and inspection of foodstuffs and animal nutrition.   |
| 205.272 Commingling and contact with prohibited substance prevention practice standard. | Article 1, Article 5, Article 6, Annex III                                |   |
| 205.272(a) Commingling / contact with prohibited substances                             | Article 1 1.(b), Article 5 1.(b), Article 6 1.(b), Annex III B.1., 3., 4. |   |
| 205.272(b)(1) Prohibited packaging & storage materials                                  | Annex III B.1., B.3., 6.  | EU does not specifically address prohibited materials in packaging or storage units, although such products are prohibited by not being listed in Annex VI.<br>EU requires separate storage areas for organic / non organic products. |
| 205.272(b)(2) Reusable containers   | No direct reference   | US specifies that reusable containers be prevented from having contact with prohibited substances.  |
| 205.290 Temporary variances.  | Annex III   |   |
| 205.290(a)(1) - (2) Natural disasters / damage  | No direct reference   |   |
| 205.290(a)(3) Research  | Annex III A.1.9.(b)   |   |
| 205.290(b) - (d) Administrative detail of variances                                     | No direct reference   |   |
| 205.290(e) Reasons for not granting variances   | No direct reference   | EU does not grant variances, either for the reasons cited in 205.105 or any other reason.   |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205   | EU Reference<br>EEC 2092/91  | Exceptions<br>(Derogations)  |
|---|--|--|
| <b>Subpart D - Labels,<br/>Labeling, and Market<br/>Information</b> | <b>Article 1, Article 5,<br/>Article 6, Article 10,<br/>Annex III, Annex VI,<br/>Annex V</b> |  |
| 205.300 Use of the term,<br>"Organic."                              | Article 1, Article 5, Article<br>6, Article 10   |  |
| 205.300(a) The term<br>"organic"                                    | Article 1 1., Article 5 1. (a) -<br>(c), Article 10 1.                                       |  |
| 205.300(b) Products for<br>export                                   | No direct reference  | The EU rules apply to multiple countries in Europe, therefore all rules of production must be in compliance for labeling of organic. Any products labeled as such and exported must be produced in accordance with EU regulations.   |
| 205.300(c) Imports  | Article 5 1.(b), Article 6   |  |
| 205.300(d) Livestock feeds  | Article 1 1., Article 5 1.   |  |
| 205.301 Product<br>composition.                                     | Article 1, Article 5, Annex<br>VI  |  |
| 205.301(a) "100% organic"<br>product claims                         | No direct reference  | The EU does not address labeling requirements for 100% organic products.   |
| 205.301(b) "Organic" product<br>claims                              | Article 5 3.(a) - (d), 4.  | Using 205.302(a) as the US basis for calculating total percentages, it appears that the EU language would allow less than 95% of agricultural ingredients . Only organic ingredients of agricultural origin are used for calculating EU percentages while the US calculates total ingredients. |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205   | EU Reference<br>EEC 2092/91       | Exceptions<br>(Derogations)  |
|---|-----------------------------------|--|
| 205.301(c) "Made with organic ingredients" product claim                | Article 5 5a.                     | The US has required label language, "made with organic" for this category. The EU does not. The US has production exemptions for the non organic ingredients in this category. The EU does not. The EU requires a percentage declaration for this category. The US does not. All exported product must meet country of entry label requirements. |
| 205.301(d) Less than 70% organic product claims                         | Article 5 6.(expired)             | EU exception for less than 70% organic product claims expired in 1997.   |
| 205.301(e)(1) 100% Livestock feed                                       | No direct reference               | EU does not address the 100% organic category.   |
| 205.301(e)(2) Organic livestock feed                                    | Article 1 1., Article 5 1., 3.    | EU livestock feed must meet same requirements as all EU organic agricultural and processed products.   |
| 205.301(f)(1) - (3) Excluded methods, sewage sludge, ionizing radiation | Article 5 3.(e)(h), 5a.(f)(i)     | EU does not address the use of sewage sludge.  |
| 205.301(f)(4) Processing aids   | Article 5 3.(c), 5a.(d), Annex VI | EU does not address 100% organic product claims.   |
| 205.301(f)(5) Sulfites, nitrates, nitrites                              | No direct reference               | EU prohibits nitrates and nitrites. However, wine is exempt from 2092 regulations, therefore organic wines may contain added sulfites if the inspection body or competent authority allows it.   |
| 205.301(f)(6) - (7) Non organic ingredients                             | Article 5 4., 10.                 |  |
| 205.302 Calculating the percentage of organically produced ingredients  | Article 5 9.                      |  |

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| US Reference<br>7 CFR 205  | EU Reference<br>EEC 2092/91                                 | Exceptions<br>(Derogations)  |
|--|---|--|
| 205.302(a)(1) - (3) How to calculate percentages                           | Article 5 9. (Directive 79/112/EE - replaced by 2000/13/EC) | EU Directive states that calculation of percentages to be performed using units of volume if a liquid and units of mass if other product. This directive also states that if an ingredient of a compound ingredient is less than 25% of total percentage, it does not require declaration. The US exempts salt and water from the calculation while the EU regards these products as non agricultural ingredients and lists them in Annex VI, Section A.3. |
| 205.302(b) Rounding down   | No direct reference   |  |
| 205.302(c) Determination of percentages                                    | No direct reference   |  |
| 205.303 Packaged products labeled "100 percent organic" or "organic."      | Article 5, Article 10, Annex V                              |  |
| 205.303(a)(1) - (3) Terms of display for 100% organic and organic products | Article 5 1.1, 3., 5a., Article 10 1.(a)                    | The US regulates the term "100% organic." The EU does not. The US regulates type size for percentages. The EU only regulates it for 70% products (required.)   |
| 205.303(a)(4) - (5) Seal use   | Article 5 1., Annex V                                       | Both the EU and the US allow certifier logos as well as EU and USDA seals. Both sovereign bodies have requirements for their seal use.   |
| 205.303(b)(1) Identification of organic on ingredient statement            | Article 5 3.(g)   | US requires the term organic be used to describe any organic ingredients in the ingredient panel. The EU does not.   |
| 205.303(b)(2) Certifier information  | Article 5 3.(g), 5a.(h)                                     |  |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205   | EU Reference<br>EEC 2092/91 | Exceptions<br>(Derogations)  |
|---|-----------------------------|--|
| 205.304 Packaged products labeled "made with organic (specified ingredients or food group(s))):   | Article 5                   |  |
| 205.304(a)(1) Label claims  | Article 5 5a.               | The US regulates the term "made with organic." The EU does not. The US sets limits on ingredients or food groups listed in this category (3). The EU does not.                       |
| 205.304(a)(2) Percentage declaration  | Article 5 5a.(c)            | The EU requires a percentage declaration for the label category (70% - 95%). The US does not.  |
| 205.304(a)(3) Seal use  | Article 5 5a.(h)            |  |
| 205.304(b)(1) Identification of organic on ingredient statement                                   | Article 5 3.(g)             | US requires the term organic be used to describe any organic ingredients in the ingredient panel. The EU does not.   |
| 205.304(b)(2) Certifier information   | Article 5 3.(g), 5a.(h)     |  |
| 205.304(c) USDA seal use  | Article 5 5a.               | The US prohibits the USDA seal on the "made with organic" label category. The EU allows its logo for the "70 - 95%" label category.  |
| 205.305 Multiingredient packaged products with less than 70 percent organic produced ingredients. | No direct reference         |  |
| 205.305(a) - (b) Label claims   | No direct reference         | The US allows the term organic to modify ingredients produced in accordance with the NOP in this label category. The EU does not allow any use of the term organic on such products. |



## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205  | EU Reference<br>EEC 2092/91                               | Exceptions<br>(Derogations)  |
|--|---|--|
| 205.306 Labeling of livestock feed.  | Article 1, Article 5, Annex V                             |  |
| 205.306(a)(1) label claims   | Article 1 1.(c), Article 5 1.1, 3., 5a., Article 10 1.(a) | The US regulates the term "100% organic." The EU does not. The US regulates type size for percentages. The EU only regulates it for 70% products (required.) |
| 205.306(a)(2) - (3) Seal use   | Article 5 1., Annex V                                     | Both the EU and the US allow certifier logos as well as EU and USDA seals. Both sovereign bodies have requirements for their seal use.                       |
| 205.306(a)(4) Identification of organic on ingredient statement  | Article 5 3.(g)   | US requires the term organic be used to describe any organic ingredients in the ingredient panel. The EU does not.   |
| 205.306(b)(i) Certifier information  | Article 5 3.(g), 5a.(h)                                   |  |
| 205.306(b)(ii) Other regulations   | No direct reference                                       |  |
| 205.307 Labeling of nonretail containers used for only shipping or storage of raw or processed agricultural products labeled as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))." | Annex III   |  |
| 205.307(a) - (b) Organic product labeling claims / Identification  | Annex III A.8.1., B. 6.(a) - (b), C.8.                    | While the US is more specific on details for handling instructions and lot numbers, the practical result is equivalency.                                     |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205   | EU Reference<br>EEC 2092/91 | Exceptions<br>(Derogations)  |
|---|-----------------------------|--|
| 205.307(c) Export labeling  | No direct reference         | US has granted a labeling exemption for those products produced solely for export. The EU does not recognize this exemption. |
| 205.308 Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as "100 percent organic" or "organic."                           | Article 10                  |  |
| 205.308(a) - (b) Organic non packaged product retail label claims   | Article 10 1.               | It appears that non packaged retail displays are not covered under this regulation. Does not impact international trade.     |
| 205.309 Agricultural products in other than packaged form at the point of retail sale that are sold, labeled, or represented as "made with organic (specified ingredients or food group(s))." | Article 10                  |  |
| 205.309(a) - (b) Made with organic product non packaged retail label claims   | Article 10 1.               | It appears that non packaged retail displays are not covered under this regulation. Does not impact international trade.     |
| 205.310 Agricultural products produced on an exempt or excluded operation.  | No direct reference         |  |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205                       | EU Reference<br>EEC 2092/91                           | Exceptions<br>(Derogations)   |
|---|---|---|
| 205.310(a) - (b) Prohibited claims              | No direct reference                                   | The EU does not recognize exemptions or exclusions to certification, therefore such prohibitions are unnecessary. |
| 205.311 USDA Seal.                              | Article 10, Annex V                                   |   |
| 205.311(a) Seal applicability                   | Article 10 1.   |   |
| 205.311(b)(1) - (4) Seal replication            | Annex V   |   |
| <b>Subpart E - Certification</b>                | <b>Articles 8, Article 9,<br/>Annex III, Annex IV</b> |   |
| 205.400 General requirements for certification. | Article 8, Article 9, Annex III                       |   |
| 205.400(a) Compliance                           | Article 8 1. (a), (b)                                 |   |
| 205.400(b) Production/Handling Plan             | Annex III A.1.2., A.2.1, B.1., C.1.                   |   |
| 205.400(c) Inspections                          | Article 9 1., Annex III A.1.7.                        |   |
| 205.400(d) Record keeping                       | Annex III A.1.4., A.2.4., B.2., C.2.                  | EU has no provision for maintenance of records for 5 yrs.   |
| 205.400(e) Fees                                 | Article 9 2.  |   |
| 205.400(f)(1) - (2) Changes                     | EC 2491/2001 (amends Articles 8 & 9)                  |   |
| 205.401(a) - (d) Application for certification. | Annex IV  |   |

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| US Reference<br>7 CFR 205                | EU Reference<br>EEC 2092/91  | Exceptions<br>(Derogations)   |
|--|--|---|
| 205.402(a) - (c) Review of Application.  | No direct 2092/91 reference<br>ISO Guide 65 (by indirect reference only) | Set up by approved inspection bodies in EU.   |
| 205.403 On-site inspections.             | Annex III, Article 9   |   |
| 205.403(a) Inspections                   | Annex III A.1.6  |   |
| 205.403(b)(1) Scheduling inspections     | No direct reference<br>ISO Guide 65                                      |   |
| 205.403(b)(2) Authorized representative  | No direct reference<br>ISO Guide 65                                      |   |
| 205.403(c)(1) - (3) Verification         | Annex III A.1.2., A.1.6., A.2.2., B.4., Article 9 3.                     |   |
| 205.403(d) Exit interview                | No direct reference  | Not required by EU regulations.   |
| 205.403(e)(1) Documents                  | No direct reference  | Not required by EU regulations.   |
| 205.403(e)(2) Reporting                  | No direct reference  | Not required by EU regulations.   |
| 205.404 Granting certification.          | No direct 2092/91 reference<br>ISO Guide 65                              |   |
| 205.404(a) Review of inspection report   | No direct reference<br>ISO Guide 65                                      |   |
| 205.404(b)(1) - (4) Certificates         | No direct reference<br>ISO Guide 65                                      |   |
| 205.404(c) Continuation of certification | No direct reference  | Continuation of certification unless suspended or revoked does not appear to be a provision of EU scheme. |
| 205.405 Denial of certification.         | Article 9 (indirect ref. only)   |   |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205                                     | EU Reference<br>EEC 2092/91             | Exceptions<br>(Derogations)  |
|---|---|--|
| 205.405(a)(1) - (3)<br>Notification of non-compliance         | Article 9 5.(a), (b) indirect reference |  |
| 205.405(b)(1) - (3) Applicant response to non-compliance      | Article 9 5.(a), (b) indirect reference |  |
| 205.405(c)(1) - (3) Certifier response                        | Article 9 5.(a), (b) indirect reference |  |
| 205.405(d)(1) - (3) Notice of denial                          | No direct reference                     | Administrative requirements upon issuance of notice of denial of certification to EU regulations are set by the Inspection Body and Competent Authority.   |
| 205.405(f) New application                                    | No direct reference                     | Administrative requirements for re-application following denial of certification to EU regulations are set by the Inspection Body and Competent Authority. |
| 205.405(g) Denial of certification                            | No direct reference                     | Penalties for false or purposeful misrepresentation in regards with EU regulations are set by the Inspection Body and Competent Authority.                 |
| 205.406 Continuation of certification.                        | Annex III                               |  |
| 205.406(a)(1) - (4) Actions for continuation of certification | Annex III A.1.3.                        | EU regulation only mentions crop production schedule changes made annually.  |
| 205.406(b) Schedule of inspection                             | No direct reference                     | US rule clearly spells out procedures. EU regulations have no provisions for this function.  |
| 205.406(c) Notification of non-compliance                     | No direct reference                     | US rule clearly spells out procedures. EU regulations have no provisions for this function.  |

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| US Reference<br>7 CFR 205                                    | EU Reference<br>EEC 2092/91   | Exceptions<br>(Derogations)  |
|--|---|--|
| 205.406(d) Updated certificates                              | No direct reference   | US rule clearly spells out procedure. EU regulations have no provisions for this function.   |
| <b>Subpart F - Accreditation</b>                             | <b>Article 9, Article 13, EEC Reg 94/92, ISO/IEC Guide 61, 62 / EN 45010 / 45012</b>      |  |
| 205.500 Areas and duration of accreditation.                 | Article 9, EEC Reg 94/92  |  |
| 205.500(a) Areas of accreditation                            | Article 9 1.  |  |
| 205.500(b) Duration  | No direct reference   | This is a function of the agreement between the EU accreditor and inspection body.   |
| 205.500(c)(1) - (2) Foreign certifier accreditation          | Article 11, EEC Regulation 94/92, with annex (list of third countries and specifications) | Requires a unilateral assessment of conformity to EU regs and inclusion in list of approved third countries.   |
| 205.501 General requirements for accreditation.              | Article 9, Article 13, Annex V, ISO/IEC Guide 61 / 62                                     |  |
| 205.501(a)(1) - (21) Specific requirements for accreditation | Articles 9, 13  | EU regulations are much less prescriptive for accrediting inspection bodies. Each member state responsible for designating an authority for the approval & supervision of private inspection bodies. No provision to prevent conflict of interest. |
| 205.501(b)(1) - (2) Certifier Seal                           | Annex V, B  |  |
| 205.501(c)(1) - (3) Security & Liability                     | No direct reference   | No provision for security or liability by inspection bodies.   |

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| US Reference<br>7 CFR 205                                 | EU Reference<br>EEC 2092/91                    | Exceptions<br>(Derogations)   |
|---|--|---|
| 205.501(d) Non-discrimination                             | Article 9 2.                                   |   |
| 205.502 Applying for accreditation.                       | No direct 2092/91 reference, Article 13        |   |
| 205.502(a) Submission of application                      | No direct reference, Article 13 by implication | Reserved for Member States and their designated competent authority to determine procedures for application for accreditation.                    |
| 205.502(b) Determination of accreditation                 | No direct reference, Article 13 by implication | Reserved for Member States' competent authority to determine eligibility for accreditation.   |
| 205.503 Applicant information.                            | No direct 2092/91 reference, Article 13        |   |
| 205.503(a) - (e) Required information                     | No direct reference                            | US rule sets out required specific information while EU leaves this to the competent authority to determine (by Member State.)                    |
| 205.504 Evidence of expertise and ability.                | Article 9 5.(a) - (d), 6.(b), 10.(a),(b)       |   |
| 205.504(a)(1) - (4) Personnel procedures                  | Article 9 5.(c), 6.(b)                         | EU only lays out general requirements for "appropriate resources" for private inspection bodies and verification of effectiveness of inspections. |
| 205.504(b)(1) - (6) Administrative polices and procedures | Article 9 10.(a), (b)                          | EU relies on competent authorities to develop & implement administrative policies and procedures.   |
| 205.504(c)(1) - (2) Conflicts of interest                 | No direct reference                            | No EU provisions for procedures covering conflicts of interest.   |

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| US Reference<br>7 CFR 205                                    | EU Reference<br>EEC 2092/91                      | Exceptions<br>(Derogations)  |
|--|--|--|
| 205.504(d) -(e) Current activities                           | Article 9 10.(a) - (b)                           | No EU provisions for additional applicant information concerning accreditation during current cycle of approval. |
| <b>205.505 Statement of agreement.</b>                       | <b>No direct 2092/91 reference</b>               |  |
| 205.505(a), (b) Agreement for carrying out provisions of Act | No direct reference                              | Left to Member States to implement legal agreements between competent authority and inspection bodies.           |
| <b>205.506 Granting accreditation.</b>                       | <b>Article 9 5., 6.(d), Article 13</b>           |  |
| 205.506(a)(1) - (3) Provisions for granting accreditation    | Article 9 5(a) - (d)<br>Article 13               | Determination of accreditation left to competent authorities.  |
| 205.506(b)(1) - (2) Notification of accreditation            | No direct 2092/91 reference,<br>Article 13       | EU competent authorities determine information and level of communication with accredited bodies.                |
| 205.506(b)(3) Correction of non-compliance                   | Article 9 5.(b)                                  |  |
| 205.506(c) Continuation of accreditation                     | Article 9 6.(d)                                  | EU competent authorities determine period and duration of accreditation.   |
| <b>205.507 Denial of accreditation.</b>                      | <b>Article 9 5.(b), 6.(d), 7.(a), 10.(a),(b)</b> |  |
| 205.507(a)(1) - (3) Notification of non-compliance           | Article 9 6.(d), 7.(a),<br>10.(a),(b)            | Details of notification of denial of accreditation left to competent authorities.                                |
| 205.507(b) - (d) Actions required by non-compliance          | Article 9 6.(d)                                  | Details of failure to comply with non-conformance and consequences left to competent authority.                  |
| <b>205.508 Site evaluation.</b>                              | <b>ISO/IEC 61, 62, EN 45010 &amp; 45012</b>      |  |



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| US Reference<br>7 CFR 205  | EU Reference<br>EEC 2092/91      | Exceptions<br>(Derogations) |
|--|----------------------------------|-----------------------------|
| 205.508(a), (b) Site evaluations   | ISO/IEC 61, 62, EN 45010 & 45012 |                             |
| 205.509 Peer review panel.   | ISO/IEC 61, 62, EN 45010 & 45012 |                             |
| 205.510 Annual report, record keeping, and renewal of accreditation.                         | ISO/IEC 61, 62, EN 45010 & 45012 |                             |
| 205.510(a)(1) - (5) Annual report & fees   | ISO/IEC 61, 62, EN 45010 & 45012 |                             |
| 205.510(b)(1) - (3) Record keeping   | ISO/IEC 61, 62, EN 45010 & 45012 |                             |
| 205.510(c)(1) - (3) Renewal of accreditation   | ISO/IEC 61, 62, EN 45010 & 45012 |                             |
| 205.510(d) Notice of renewal of accreditation  | ISO/IEC 61, 62, EN 45010 & 45012 |                             |
| 205.510(e) Noncompliance   | ISO/IEC 61, 62, EN 45010 & 45012 |                             |
|  |                                  |                             |
|  |                                  |                             |
| 205.510(f) Amending accreditation  | ISO/IEC 61, 62, EN 45010 & 45012 |                             |
| <b>Subpart G - Administration</b>  |                                  |                             |
| 205.600 Evaluation criteria for allowed and prohibited substances, methods, and ingredients. | Article 5, Article 7             |                             |

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| US Reference<br>7 CFR 205  | EU Reference<br>EEC 2092/91 | Exceptions<br>(Derogations)   |
|--|-----------------------------|---|
| 205.600(a) - (c), OFPA (7 U.S.C. 6517 & 6518), NOSB (7 processing criteria passed Feb 1999.) | Article 5 8., Article 7     | EU has no published evaluation criteria by which materials are considered for inclusion in organic production and processing. Article 5 8., & Article 7 provide for the additional inclusion of products to Annex II and Annex VI but provide no guidance for evaluation and approval/rejection of such products except as noted in Article 7. EU also exempts all materials referred to in Article 7 1. in common use before the adoption of 2092/91. Member states may present dossiers providing reasons for new products to be included in Annex VI for vote by the commission. |
| 205.670 Inspection and testing of agricultural product to be sold or labeled "organic."      | Annex III                   |   |
| 205.670(a) Accessibility   | Annex III A.7.              |   |
| 205.670(b) Reasons for testing   | Annex III A.6.              |   |
| 205.670(c) Sampling procedures   | No direct reference         | The US requires specific procedures for sampling methodologies and chain of custody rights. The EU does not.  |
| 205.670(d)(1) - (2) Results of testing   | No direct reference         | The US requires immediate notification of any testing to the Administrator as well as public access. The EU does not.   |
| 205.670(e) Reporting of testing  | No direct reference         | The US requires immediate notification to the EPA when testing reveals substance levels exceeding tolerances. The EU does not.  |
| 205.671 Exclusion from organic sale.   | Article 9, Article 10       |   |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205   | EU Reference<br>EEC 2092/91             | Exceptions<br>(Derogations)  |
|---|---|--|
| 205.671 Exclusion from organic sale   | Article 9 9.(a)(b), Article 10 2.(a)(b) | The US requires any organic product that is contaminated with a prohibited substance greater than 5% of EPA tolerances not be sold as organic. The EU only has general provisions for removing products where violations or irregularities are found in the organic production system. |
| 205.672 Emergency pest or disease treatment.  | Annex I                                 |  |
| 205.672(a) Harvested crops  | Annex I A.1.                            |  |
| 205.672(b) Livestock  | Annex I B.5.                            | EU allows veterinary products under compulsory eradication schemes that, if used, would be a prohibited product under NOP rules. Following a required withdrawal period, these animals would be allowed back into the organic production system.                                       |
| 205.672(c) Milk or milk products  | Annex I B.5.                            | EU allows veterinary products under compulsory eradication schemes that, if used, would be a prohibited product under NOP rules. Following a required withdrawal period, products from these animals can be sold as organic.   |
| 205.672(d) Gestating offspring  | Annex I B.5.                            | EU allows veterinary products under compulsory eradication schemes that, if used, would be a prohibited product under NOP rules. Following a required withdrawal period, these animals would be allowed back into the organic production system.                                       |
| <b>Appendix A - list of EU regulations that are not addressed by the NOP or discussed in previous sections of this document</b> |   |  |
| No direct reference   | Article 5 5.                            | EU allows labeling of transition (in conversion) crop products   |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205 | EU Reference<br>EEC 2092/91 | Exceptions<br>(Derogations)  |
|---------------------------|-----------------------------|--|
| No direct reference       | Article 8, Article 9        | While many parts of Articles 8 & 9 on the EU inspection system are discussed in relation to various NOP regulations, the US does not lay out specific inspection guidelines in the manner of the EU. |
| No direct reference       | Article 10 2.               | The EU requires that organic label claims not suggest a superior organoleptic, nutritional, salubrious(healthy) quality.   |
| No direct reference       | Article 11 1.               | Imported organic products must be from countries that appear in the annex contained in EEC 94/92.  |
| No direct reference       | Annex I A.4.                | The EU has standards for mushroom cultivation. The US has not published such standards yet. NOP is addressing.   |
| No direct reference       | Annex 1 B.2.2.1.            | EU requires that when a livestock production unit is converted, the entire land portion used for feed must be converted (means no split livestock feed growing areas.)                               |
| No direct reference       | Annex I B.3.13.             | EU requires that for livestock brought in from conventional sources, special attention must be paid to animal health issues, including possible screening tests and quarantines.                     |
| No direct reference       | Annex I B.6.1.9             | EU sets minimum slaughter ages for poultry.  |
| No direct reference       | Annex I B.8.3.8.            | EU requires that the rearing of pigs comply with other EEC directives and sets very specific living conditions for sows and piglets.   |
| No direct reference       | Annex I B.8.4.6             | EU requires that poultry housing be completely emptied between batches, cleaned and disinfected. In addition, runs must be left empty to allow vegetation to grow back.                              |

## Comparative Analysis of the US National Organic Program Final Rules and EU 2092/91 Legislation

| US Reference<br>7 CFR 205 | EU Reference<br>EEC 2092/91 | Exceptions<br>(Derogations)   |
|---------------------------|-----------------------------|---|
| No direct reference       | Annex I C.                  | EU has extensive beekeeping standards. The US does not. NOP is addressing.  |
| No direct reference       | Annex III A.1.2., A.2.1.    | EU requires organic operators to specify an undertaking (sign a legal affidavit) agreeing to comply with all relevant EU standards.   |
| No direct reference       | Annex III A.1.5.            | EU requires separate storage of input products not compatible with organic production.  |
| No direct reference       | Annex III A.1.9.            | Annual crops of the same variety may not be grown on split operations. This section also requires a mandatory conversion plan for perennial crops where there are conventional crops of the same variety. The producer must also inform the inspection body 48 hours prior to harvest of such crops. The same is true for products of agricultural research and production of seed, vegetative propagating materials and transplants. |
| No direct reference       | Annex III C.                | EU specifically requires importers to be certified.   |
| No direct reference       | Annex VI A.1                | EU allows carriers, including solvents, as part of the list of approved food additives as approved under Directive 89/107/EEC   |
| No direct reference       | Annex VII                   | Specific annex for establishing densities of animals per ha per species.  |
| No direct reference       | Annex VIII                  | Specific annex for establishing indoor and outdoor surface areas and other characteristics of housing per species and type of production.   |
| No direct reference       | 1788/2001/EC                | EU will require original individual transaction certificates to accompany shipments of organic products imported into the EU on July 1, 2002.   |

## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Crop Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205  | Generic Material                                 | EU Reference<br>EEC 2092/91               | Exceptions<br>(Derogations)  | Allowed<br>in US | Allowed<br>in EU |
|---|--|---|--|------------------|------------------|
| <b>Subpart G -<br/>Administrative</b>   |  |   |  |                  |                  |
| US allows non-synthetic substances except those expressly prohibited, by default. EU does not.                      |  |   |  |                  |                  |
| 205.601(a) As<br>algaecide,<br>disinfectants, and<br>sanitizer, including<br>irrigation system<br>cleaning systems. |  |   |  |                  |                  |
| 601(a)(1)(i)  | ethanol  | No direct reference in crops<br>Annex IIB | alcohol listed in Annex IIE<br>as sanitizer for livestock  | Y                | N                |
| 601(a)(1)(ii)   | isopropanol                                      | No direct reference                       |  | Y                | N                |
| 601(a)(2)(i)  | calcium hypochlorite                             | No direct reference                       |  | Y                | N                |
| 601(a)(2)(ii)   | chlorine dioxide                                 | No direct reference                       |  | Y                | N                |
| 601(a)(2)(iii)  | sodium hypochlorite                              | No direct reference in crops<br>Annex IIB | sodium hypochlorite (e.g.,<br>liquid bleach) listed only<br>in Annex IIE                             | Y                | N                |
| 601(a)(3)   | hydrogen peroxide                                | No direct reference in crops<br>Annex IIB | listed in Annex IIE as<br>sanitizer for livestock  | Y                | N                |
| 601(a)(4)   | soap-based<br>algaecide/demisters                | Annex IIB                                 |  | Y                | Y                |
| 205.601(b) As<br>herbicides, weed<br>barriers, as<br>applicable.  |  |   |  |                  |                  |
| 601(b)(1)   | herbicides, soap-<br>based                       | Annex IIB                                 | NOP permits use only in<br>non-crop areas; EU listing<br>for soaps states as an<br>insecticide only. | Y                | N                |
| 601(b)(2)(i)  | mulches--newspaper<br>or other recycled<br>paper | No direct reference                       | EU is silent on mulch  | Y                | N                |
| 601(b)(2)(ii)   | mulches--plastic<br>mulch and covers             | No direct reference                       | EU is silent on mulch  | Y                | N                |

## Crop Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205   | Generic Material      | EU Reference<br>EEC 2092/91                           | Exceptions<br>(Derogations)   | Allowed<br>in US | Allowed<br>in EU |
|--|-----------------------|---|---|------------------|------------------|
| 205.601(c) As<br>compost feedstocks-<br>-Newspapers or<br>other recycled paper |                       | No direct reference                                   |   | Y                | N                |
| 205.601(d) As<br>animal repellents--<br>soaps, ammonium                        |                       | No direct reference                                   |   | Y                | N                |
| 205.601(e) As<br>insecticides<br>(including acaricides<br>or mite control)     |                       |   |   |                  |                  |
| 601(e)(1)  | ammonium carbonate    | No direct reference                                   |   | Y                | N                |
| 601(e)(2)  | boric acid            | No direct reference                                   |   | Y                | N                |
| 601(e)(3)  | elemental sulfur      | Annex IIA - plant nutrient,<br>Annex IIB - Fungicide, |   | Y                | Y                |
| 601(e)(4)  | lime sulfur           | Annex IIB   |   | Y                | Y                |
| 601(e)(5)  | oils, horticultural   | Annex IIB   |   | Y                | Y                |
| 601(e)(6)  | soaps, insecticidal   | Annex IIB   |   | Y                | Y                |
| 601(e)(7)  | sticky traps/barriers | Annex IIB   |   | Y                | Y                |
| 205.601(f) As insect<br>attractants--<br>pheromones                            |                       | Annex IIB   |   | Y                | Y                |
| 205.601(g) As<br>rodenticides  |                       |   |   |                  |                  |
| 601(g)(1)  | sulfur dioxide        | Annex IIB lists as repellent                          |   | Y                | Y                |
| 601(g)(2)  | Vitamin D3            | No direct reference                                   |   | Y                | N                |
| 205.601(h) as slug<br>or snail bait--none                                      |                       |   |   |                  |                  |
| 205.601(i) as plant<br>disease control   |                       |   |   |                  |                  |
| 601(i)(1)  | coppers, fixed        | Annex IIB - Fungicide.                                | EU: Restricted to a ceiling<br>starting at 8 kg copper<br>per ha, and after a limited<br>transitional period of four<br>years be reduced to 6 kg<br>copper per ha unless it<br>would be demonstrated<br>that for certain crops<br>such lower ceiling is not<br>efficacious. | Y                | Y                |

## Crop Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205                       | Generic Material  | EU Reference<br>EEC 2092/91                 | Exceptions<br>(Derogations)  | Allowed<br>in US | Allowed<br>in EU |
|--|---|---|--|------------------|------------------|
| 601(i)(2)                              | copper sulfate  | Annex IIB - Fungicide.                      | EU: Restricted to a ceiling starting at 8 kg copper per ha, and after a limited transitional period of four years be reduced to 6 kg copper per ha unless it would be demonstrated that for certain crops such lower ceiling is not efficacious. | Y                | Y                |
| 601(i)(3)                              | hydrated lime   | No direct reference                         |  | Y                | N                |
| 601(i)(4)                              | hydrogen peroxide   | No direct reference in Crops Annex IIB      | Listed in Annex IIE as sanitizer for livestock.  | Y                | N                |
| 601(i)(5)                              | lime sulfur   | Annex IIB                                   |  | Y                | Y                |
| 601(i)(6)                              | oils, horticultural   | Annex IIB - Paraffin oils                   |  | Y                | Y                |
| 601(i)(7)                              | potassium bicarbonate   | No direct reference                         |  | Y                | N                |
| 601(i)(8)                              | elemental sulfur  | Annex IIB - Fungicide, acaricide, repellent |  | Y                | Y                |
| 601(i)(9)                              | streptomycin  | No direct reference                         |  | Y                | N                |
| 601(i)(10)                             | tetracycline  | No direct reference                         |  | Y                | N                |
| 205.601(j) as plant or soil amendments |   |   |  |                  |                  |
| 601(j)(1)                              | aquatic plant extracts  | Annex IIA - Seaweed and seaweed products    |  | Y                | Y                |
| 601(j)(2)                              | elemental sulfur  | Annex IIB - Fungicide, acaricide, repellent |  | Y                | Y                |
| 601(j)(3)                              | humic acids   | No direct reference                         |  | Y                | N                |
| 601(j)(4)                              | lignin sulfonate  | No direct reference                         |  | Y                | N                |
| 601(j)(5)                              | magnesium sulfate   | Annex IIA                                   |  | Y                | Y                |
| 601(j)(6)                              | micronutrients  | Annex IIA - Trace elements                  |  | Y                | Y                |
| 601(j)(6)(i)                           | soluble boron products  | Annex IIA - Trace elements                  |  | Y                | Y                |
| 601(j)(6)(ii)                          | Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt | Annex IIA - Trace elements                  |  | Y                | Y                |
| 601(j)(7)                              | liquid fish products  | No direct reference                         | Annex 11A lists fish meal but not liquid fish.   | Y                | N                |



## Crop Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205  | Generic Material                      | EU Reference<br>EEC 2092/91                    | Exceptions<br>(Derogations)   | Allowed<br>in US | Allowed<br>in EU |
|---|---------------------------------------|--|---|------------------|------------------|
| 601(j)(8)   | Vitamins B1, C, and E                 | No direct reference in crops Annexes II A or B |   | Y                | Y                |
| 205.601(k) as plant growth regulators--ethylene                       |                                       | Annex IIB - Degreening bananas                 |   | Y                | Y                |
| 205.601(L) As floating agents in postharvest handling                 |                                       |  |   |                  |                  |
| 601(L)(1)   | lignin sulfonate                      | No direct reference                            |   | Y                | N                |
| 601(L)(2)   | sodium silicate                       | No direct reference                            |   | Y                | N                |
| 205.601(m) As synthetic inert ingredients                             |                                       |  |   |                  |                  |
| 601(m)(1)   | EPA List 4--Inerts of Minimal Concern | No direct reference                            |   | Y                | N                |
| 205.602 Nonsynthetic substances prohibited for use in crop production |                                       |  |   |                  |                  |
| 602(a)  | ash from manure burning               | No direct reference                            |   | N                | N                |
| 602(b)  | arsenic                               | No direct reference                            |   | N                | N                |
| 602(c)  | lead salts                            | No direct reference                            |   | N                | N                |
| 602(d)  | Sodium fluoaluminate (mined)          | No direct reference                            |   | N                | N                |
| 602(e)  | strychnine                            | No direct reference                            |   | N                | N                |
| 602(f)  | Tobacco dust (nicotine sulfate)       | No direct reference                            |   | N                | N                |
| 602(g)  | potassium chloride                    | Annex IIA - Crude potassium salt               |   | N                | Y                |
| 602(h)  | sodium nitrate                        | No direct reference                            |   | Y                | N                |
| EU ALLOWS, US DOES NOT PERMIT   |                                       |  |   |                  |                  |
|   | degelatinized bone meal               | Annex IIA.                                     | Degelatinized ('precipitated') bone meal considered synthetic, and therefore prohibited by NOP. | N                | Y                |
|   | feather, hair and "chiquette" meal    | Annex 11A                                      | Leather meal prohibited in US   | N                | Y                |
|   | basic slag                            | Annex 11A                                      |   | N                | Y                |
|   | Industrial lime from sugar production | Annex IIA                                      |   | N                | Y                |

## Crop Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205   | Generic Material  | EU Reference<br>EEC 2092/91  | Exceptions<br>(Derogations) | Allowed<br>in US | Allowed<br>in EU |
|--|---|--|-----------------------------|------------------|------------------|
|  | diammonium phosphate  | Annex IIB. Attractant. Only in traps   |                             | N                | Y                |
|  | ferric phosphate  | Annex IIB  |                             | N                | Y                |
|  | metaldehyde   | Annex IIB. Molluscicide. Only in traps containing a repellent to higher animal species. Only during a period expiring 31 March 2002. |                             | N                | Y                |
|  | pyrethroids (only deltamethrin and lambda-cyhalothrin)              | Annex IIB  |                             | N                | Y                |
|  | potassium permanganate  | Annex IIB  |                             | N                | Y                |
|  | potassium alum (Kalinite)   | Annex IIB  |                             | N                | Y                |
|  | fur (maximum concentration in mg/kg of dry matter of chromium 6: 0) | Annex IIA  |                             | N                | Y                |
| <b>Materials Recommended for placement on the National List by the NOSB but not yet on the National List</b> |   |  |                             |                  |                  |
|  | calcium chloride  | Annex IIA  |                             |                  |                  |
|  | peracetic acid  | No direct reference.   |                             |                  |                  |
|  | sodium chloride   | Annex IIA  |                             |                  |                  |
| <b>Items submitted to NOSB for review but not yet voted on by the NOSB</b>                                   |   |  |                             |                  |                  |
|  | calcium hydroxide   | No direct reference.   |                             |                  |                  |
|  | calcium oxide   | No direct reference.   |                             |                  |                  |
|  | ozone   | No direct reference.   |                             |                  |                  |
|  | potassium sorbate   | No direct reference.   |                             |                  |                  |
|  | sodium propionate   | No direct reference.   |                             |                  |                  |
|  | spinosad  | No direct reference.   |                             |                  |                  |
| <b>Materials in the EU Rule and not explicitly on the US List</b>  |   |  |                             |                  |                  |

## Crop Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205   | Generic Material   | EU Reference<br>EEC 2092/91 | Exceptions<br>(Derogations) | Allowed<br>in US | Allowed<br>in EU |
|--|--|-----------------------------|-----------------------------|------------------|------------------|
| <b>Agricultural products are conventionally produced</b> |  |                             |                             |                  |                  |
|  | Farmyard manure  | Annex IIA                   |                             | Y                | Y                |
|  | Dried farmyard manure<br>and dehydrated poultry<br>manure  | Annex IIA                   |                             | Y                | Y                |
|  | Composted animal<br>excrements, including<br>poultry manure and<br>composted farmyard<br>manure included | Annex IIA                   |                             | Y                | Y                |
|  | Liquid animal excrements<br>(slurry, urine, etc.)  | Annex IIA                   |                             | Y                | Y                |
|  | Composted or fermented<br>household waste  | Annex IIA                   |                             | Y                | Y                |
|  | Peat   | Annex IIA                   |                             | Y                | Y                |
|  | Clays (e.g. perlite,<br>vermiculite, etc.)   | Annex IIA                   |                             | Y                | Y                |
|  | Mushroom culture<br>wastes   | Annex IIA                   |                             | Y                | Y                |
|  | Dejecta of worms<br>(vermicompost) and<br>insects  | Annex IIA                   |                             | Y                | Y                |
|  | Guano  | Annex IIA                   |                             | Y                | Y                |
|  | Composted or fermented<br>mixture of vegetable<br>matter   | Annex IIA                   |                             | Y                | Y                |
|  | Products or by-products<br>of animal origin as below:  | Annex IIA                   |                             | Y                | Y                |
|  | blood meal   | Annex IIA                   |                             | Y                | Y                |
|  | hoof meal  | Annex IIA                   |                             | Y                | Y                |
|  | horn meal  | Annex IIA                   |                             | Y                | Y                |
|  | bone meal or<br>degelatinized bone meal  | Annex IIA                   |                             | N                | Y                |
|  | fish meal  | Annex IIA                   |                             | Y                | Y                |
|  | meat meal  | Annex IIA                   |                             | Y                | Y                |
|  | wool   | Annex IIA                   |                             | Y                | Y                |
|  | fur  | Annex IIA                   |                             | Y                | Y                |
|  | hair   | Annex IIA                   |                             | Y                | Y                |

## Crop Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material   | EU Reference<br>EEC 2092/91 | Exceptions<br>(Derogations) | Allowed<br>in US | Allowed<br>in EU |
|------------------|--|-----------------------------|-----------------------------|------------------|------------------|
|                  | dairy products   | Annex IIA                   |                             | Y                | Y                |
|                  | Products and by-products of plant origin for fertilizers (for instance, oilseed cake meal, cocoa husks, malt culms, etc.)      | Annex IIA                   |                             | Y                | Y                |
|                  | Seaweeds and seaweed products  | Annex IIA                   |                             | Y                | Y                |
|                  | Sawdust and wood chips   | Annex IIA                   |                             | Y                | Y                |
|                  | Composted bark   | Annex IIA                   |                             | Y                | Y                |
|                  | Wood Ash   | Annex IIA                   |                             | Y                | Y                |
|                  | Soft ground rock phosphate   | Annex IIA                   |                             | Y                | Y                |
|                  | Aluminium calcium phosphate  | Annex IIA                   |                             | N                | Y                |
|                  | Crude potassium salt (for instance: kainit, sylvinit, etc.)  | Annex IIA                   |                             | Y                | Y                |
|                  | Potassium sulphate, possibly containing magnesium salt   | Annex IIA                   |                             | Y                | Y                |
|                  | Stillage and stillage extract  | Annex IIA                   |                             | Y                | Y                |
|                  | Calcium carbonate of natural origin (for instance: chalk, marl, ground limestone, Breton ameliorant, (maërl), phosphate chalk) | Annex IIA                   |                             | Y                | Y                |
|                  | Magnesium and calcium carbonate of natural origin (for instance: magnesian chalk, ground magnesium limestone, etc.)            | Annex IIA                   |                             | Y                | Y                |
|                  | Magnesium sulphate (for instance: kieserite)   | Annex IIA                   |                             | Y                | Y                |
|                  | Calcium chloride solution  | Annex IIA                   |                             | Y                | Y                |
|                  | Calcium sulphate (gypsum)  | Annex IIA                   |                             | Y                | Y                |

## Crop Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material  | EU Reference<br>EEC 2092/91 | Exceptions<br>(Derogations) | Allowed<br>in US | Allowed<br>in EU |
|------------------|---|-----------------------------|-----------------------------|------------------|------------------|
|                  | Stone meal  | Annex IIA                   |                             | Y                | Y                |
|                  | Azadirachtin extracted<br>from <i>Azadirachta indica</i><br>(Neem tree)   | Annex IIB                   |                             | Y                | Y                |
|                  | Beeswax   | Annex IIB                   |                             | Y                | Y                |
|                  | Gelatin   | Annex IIB                   |                             | Y                | Y                |
|                  | Hydrolysed proteins   | Annex IIB                   |                             | Y                | Y                |
|                  | Lecithin  | Annex IIB                   |                             | Y                | Y                |
|                  | Extract (aqueous<br>solution) from <i>Nicotiana<br/>tabacum</i>   | Annex IIB                   |                             | N                | Y                |
|                  | Plant oils (e.g. mint oil,<br>pine oil, caraway oil)  | Annex IIB                   |                             | N                | Y                |
|                  | Pyrethrins extracted from<br><i>Chrysanthemum<br/>cinerariaefolium</i>  | Annex IIB                   |                             | Y                | Y                |
|                  | Quassia extracted from<br><i>Quassia amara</i>  | Annex IIB                   |                             | Y                | Y                |
|                  | Rotenone extracted from<br><i>Derris</i> spp. and<br><i>Lonchocarpus</i> spp. and<br><i>Terphrosia</i> spp.                 | Annex IIB                   |                             | Y                | Y                |
|                  | Microorganisms<br>(bacteria, viruses and<br>fungi) e.g. <i>Bacillus<br/>thuringiensis</i> , <i>Granulose<br/>virus</i> etc. | Annex IIB                   |                             | Y                | Y                |
|                  | Ethylene  | Annex IIB                   |                             | Y                | Y                |
|                  | Quartz sand   | Annex IIB                   |                             | Y                | Y                |

**CROP MATERIALS - FOOTNOTES**

| NOP<br>7 CFR 205  | Generic Material     | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule  | other comments  |
|---|----------------------|--------------------------|---|--|---|
| 205.601(a) As algicide, disinfectants, and sanitizer, including irrigation system cleaning systems. |                      | 1                        |   |  |   |
| 601(a)(1)(i)  | ethanol              | 2                        |   | Annex II E Products authorised for cleaning and disinfection of livestock buildings and installations (e.g. equipment and utensils): Alcohol | EU does not mention sanitizers except for use in livestock facilities. Some competent authorities take silence on disinfection as permission, while others do not.  |
| 601(a)(1)(ii)   | isopropanol          | 3                        |   | ~  | EU does not mention sanitizers except for use in livestock facilities. Some competent authorities take silence on disinfection as permission, while others do not.  |
| 601(a)(2)(i)  | calcium hypochlorite | 4                        | chlorine materials--Except, That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act. | ~  | EU does not list chlorine for use in crops, NOP restricts chlorine levels for crops to low levels permitted in US Safe Drinking Water Act. Some EU competent authorities take silence on disinfection as permission, while others do not. |
| 601(a)(2)(ii)   | chlorine dioxide     | 4                        | chlorine materials--Except, That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act. | ~  | EU does not list chlorine for use in crops, NOP restricts chlorine levels for crops to low levels permitted in US Safe Drinking Water Act. Some EU competent authorities take silence on disinfection as permission, while others do not. |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205  | Generic Material                           | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule   | other comments   |
|---|--|--------------------------|---|---|--|
| 601(a)(2)(iii)  | sodium hypochlorite                        |                          | 4 chlorine materials--Except, That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act. | ~   | Sodium hypochlorite is the only chlorine material listed for livestock disinfection. (Annex IIE) EU does not list chlorine for use in crops, NOP restricts chlorine levels for crops to low levels permitted in US Safe Drinking Water Act. Some EU competent authorities take silence on disinfection as permission, while others do not. |
| 601(a)(3)   | hydrogen peroxide                          |                          | 5~  | Annex IIE. "Products authorised for cleaning and disinfection of livestock buildings and installations (e.g. equipment and utensils)" | EU lists only for livestock facility disinfection  |
| 601(a)(4)   | soap-based algicide/demisters              |                          | 6 should be listed as soap-based algicide/demossers   |   | NOP allows for broader use as algicide, demosser. EU restricts use to insecticides.  |
| 205.601(b) As herbicides, weed barriers, as applicable. |  |                          | 7   |   |  |
| 601(b)(1)   | herbicides, soap-based                     |                          | 8 for use in farmstead maintenance (roadways, ditches, right of ways, building perimeters) and ornamental crops   |   | The EU lists soaps only for use as an insecticide.   |
| 601(b)(2)(i)  | mulches--newspaper or other recycled paper |                          | 9 without glossy or colored inks  |   | EU Art.6.1(b) states that substances in Annex I or II may be used for fertilizer, plant protection, feedstuffs, animal nutrition, livestock health care, disinfection, but no specific mention of mulch or weed control  |
| 601(b)(2)(ii)   | mulches--plastic mulch and covers          |                          | 10 petroleum-based other than polyvinyl chloride (PVC)  |   |  |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205   | Generic Material   | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule  | other comments  |
|--|--------------------|--------------------------|---|--|---|
| 205.601(c) As<br>compost feedstocks--<br>Newspapers or other<br>recycled paper |                    | 11                       | without glossy or colored<br>inks.  |  | EU does not list, NOP allows. EU<br>Annex IIA permits composted<br>household waste: only vegetable and<br>animal waste  |
| 205.601(d) As<br>animal repellents--<br>soaps, ammonium                        |                    | 12                       | for use as a large animal<br>repellent only, no contact<br>with soil or edible portion of<br>crop |  |   |
| 205.601(e) As<br>insecticides<br>(including acaricides<br>or mite control)     |                    | 13                       |   |  |   |
| 601(e)(1)  | ammonium carbonate | 14                       | for use as bait in insect<br>traps only, no direct contact<br>with crop or soil                   |  | See diammonium phosphate for a<br>related product.  |
| 601(e)(2)  | boric acid         | 15                       | structural pest control, no<br>direct contact with organic<br>food or crops                       |  | EU does not list (prohibits), but does<br>not include standards for structural<br>pest control or indirect use such as<br>wood treatments   |
| 601(e)(3)  | elemental sulfur   | 16                       |   | Annex IIA: fertilizer or soil<br>amendment: Product as specified<br>by Directive 76/116/EEC, as<br>amended by Dir. 89/284/EEC<br>Need recognized by inspection<br>body or authority<br>Annex IIB: fungicide, acaricide,<br>repellent | To meet the standard of identity<br>established under Dir. 89/284/EEC,<br>elemental sulphur must be a<br>comparatively refined natural or<br>industrial product containing at least<br>98% S. |
| 601(e)(4)  | lime sulfur        | 17                       | including calcium<br>polysulfide  | Fungicide, insecticide, acaricide.<br>Need recognised by the inspection<br>body or inspection authority  |   |



## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205                             | Generic Material      | footnote from<br>sheet 1 | annotation from<br>National List 205.603                    | annotation from EU rule   | other comments   |
|--|-----------------------|--------------------------|---|---|--|
| 601(e)(5)                                    | oils, horticultural   | 18                       | narrow range oils as dormant, suffocating, and summer oils. | Annex IIB. Paraffin Oils. Insecticide, acaricide; Mineral oils - Insecticide, fungicide only in fruit trees, vines, olive trees and tropical crops (e.g. bananas). Need to be recognized by the inspection body or inspection authority.        | EU allows mineral oil products that include fractions outside the narrow range, but restricts use to certain crops. Recently authorised for indefinite time period.(15 March 02) |
| 601(e)(6)                                    | soaps, insecticidal   | 19                       |   |   |  |
| 601(e)(7)                                    | sticky traps/barriers | 20                       |   | Annex IIB- the traps and/or dispensers must prevent the penetration of the substances in the environment and prevent contact of the substances with the crops under cultivation. the traps must be collected after use and disposed of safely . | EU allows various other insecticides in traps, in particular pyrethroids.  |
| 205.601(f) As insect attractants--pheromones |                       | 21                       |   | Annex IIB - Attractant; sexual behavior disrupter. Only in traps and dispensers.  | NOP does not restrict application method, (however restricts inert ingredients) EU limits use to traps and dispensers.   |
| 205.601(g) As rodenticides                   |                       | 22                       |   |   |  |
| 601(g)(1)                                    | sulfur dioxide        | 23                       | underground rodent control only (smoke bombs)               | Annex IIB lists Sulphur as a Fungicide, acaricide, repellent  | Equivalent, assuming that EU considers use as repellent allows for combustion.   |
| 601(g)(2)                                    | Vitamin D3            | 24                       |   |   |  |
| 205.601(h) as slug or snail bait--none       |                       | 25                       |   |   |  |
| 205.601(i) as plant disease control          |                       | 26                       |   |   |  |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205 | Generic Material  | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule   | other comments   |
|------------------|-------------------|--------------------------|---|---|--|
| 601(i)(1)        | coppers, fixed    | 27                       | copper hydroxide, copper oxide, copper oxychloride, includes products exempted from EPA tolerance, <u>Provided</u> , That, copper-based materials must be used in a manner that minimizes accumulation in the soil and shall not be used as herbicides. | Annex IIB - Fungicide. Need to be recognized by the inspection body or inspection authority. Restricted to a ceiling starting at 8 kg copper per ha, and after a limited transitional period of four years be reduced to 6 kg copper per ha unless it would be demonstrated that for certain crops such lower ceiling is not efficacious. | NOP allows with restriction, EU recently authorised indefinite extension on use with restriction on rates. These rates appear to be higher than EPA labeled application rates in the US.   |
| 601(i)(2)        | copper sulfate    | 28                       | Substance must be used in a manner that minimizes accumulation of copper in the soil.   | Annex IIB - Fungicide. Need to be recognized by the inspection body or inspection authority. Restricted to a ceiling starting at 8 kg copper per ha, and after a limited transitional period of four years be reduced to 6 kg copper per ha unless it would be demonstrated that for certain crops such lower ceiling is not efficacious. | NOP allows with restriction, EU recently authorised indefinite extension on use with restriction on rates. These rates appear to be higher than EPA labeled application rates in the US. The NOSB has recommended that the annotation be revised to include the following: "Allowed only with documented need for algicide and tadpole shrimp control in aquatic rice systems, not to exceed one application per 2-year interval. Must be used in a manner that minimizes accumulation in the soil and discharge into water system." |
| 601(i)(3)        | hydrated lime     | 29                       | must be used in a manner that minimizes copper accumulation in the soil.  |   | EU prohibits (formerly allowed in Bordeaux mixture); NOP allows as a component of Bordeaux mix.  |
| 601(i)(4)        | hydrogen peroxide | 30                       |   |   |  |
| 601(i)(5)        | lime sulfur       | 31                       |   | Annex IIB - Fungicide, insecticide, acaricide. Need recognised by the inspection body or inspection authority   |  |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205                       | Generic Material       | footnote from<br>sheet 1 | annotation from<br>National List 205.603   | annotation from EU rule  | other comments   |
|--|------------------------|--------------------------|--|--|--|
| 601(i)(6)                              | oils, horticultural    | 32                       | narrow range oils as dormant, suffocating, and summer oils.  | Annex IIB - Paraffin oils - Insecticide, acaricide; Mineral oils - Insecticide, fungicide only in fruit trees, vines, olive trees and tropical crops (e.g. bananas). Need to be recognized by the inspection body or inspection authority.   | EU allows mineral oil products that include fractions outside the narrow range, but restricts use to certain crops. Recently authorised for indefinite time period.(15 March 02) |
| 601(i)(7)                              | potassium bicarbonate  | 33                       |  |  | EU Prohibits   |
| 601(i)(8)                              | elemental sulfur       | 34                       |  | Annex IIB - Fungicide, acaricide, repellent  |  |
| 601(i)(9)                              | streptomycin           | 35                       | for fire blight control in apples and pears only   |  | EU Prohibits   |
| 601(i)(10)                             | tetracycline           | 36                       | (oxytetracycline calcium complex), for fire blight control only  |  | EU Prohibits   |
| 205.601(j) as plant or soil amendments |                        | 37                       |  |  |  |
| 601(j)(1)                              | aquatic plant extracts | 38                       | (other than hydrolyzed) - Extraction process is limited to the use of potassium hydroxide or sodium hydroxide; solvent amount used is limited to that amount necessary for extraction. | Annex IIA - Seaweed and seaweed products - As far as directly obtained by:<br>(i) physical processes including dehydration, freezing and grinding<br>(ii) extraction with water or aqueous acid and/or alkaline solution;<br>(iii) fermentation; need recognized by the inspection body or inspection authority. | EU allows acid extract, NOP does not and limits alkali extractants to KOH or NaOH  |
| 601(j)(2)                              | elemental sulfur       | 39                       |  | Annex IIB - Fungicide, insecticide, acaricide. Need recognised by the inspection body or inspection authority  |  |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205 | Generic Material       | footnote from<br>sheet 1 | annotation from<br>National List 205.603   | annotation from EU rule                        | other comments   |
|------------------|------------------------|--------------------------|--|--|--|
| 601(j)(3)        | humic acids            | 40                       | naturally occurring deposits, water and alkali extracts only   |  | EU Prohibits. Some certifiers and competent authorities may consider the extracts from certain fossilized organic matter preparations to be 'peat' products and thus covered under Annex IIA. This is more common in recognized third countries (e.g. Hungary) than in the EU. |
| 601(j)(4)        | lignin sulfonate       | 41                       | chelating agent, dust suppressant, floatation agent  |  | USDA allows, EU prohibits (although EU allows synthetic chelating agents for trace elements prohibited by NOP-including EDTA, DPTA and others)   |
| 601(j)(5)        | magnesium sulfate      | 42                       | allowed with a documented soil deficiency  |  | EU allows without restriction, NOP restricts use   |
| 601(j)(6)        | micronutrients         | 43                       | Micronutrients - not to be used as a defoliant, herbicide, or desiccant. Those made from nitrates or chlorides are not allowed. Soil deficiency must be documented by testing. | No direct reference. See Trace Elements below. | Some differences in allowed forms, standards of identity, and allowed chelating agents. NOP explicitly prohibits nitrate and chloride forms; EU allows various nutrient 'salts' and aminated / ammoniated forms.   |
| 601(j)(6)(i)     | soluble boron products | 44                       | Micronutrients - not to be used as a defoliant, herbicide, or desiccant. Those made from nitrates or chlorides are not allowed. Soil deficiency must be documented by testing. | No direct reference. See Trace Elements below. | EU allows boron ethanol amine - this may not be permitted by NOP as a synthetic nitrogen form.   |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205                                      | Generic Material  | footnote from<br>sheet 1 | annotation from<br>National List 205.603   | annotation from EU rule                        | other comments   |
|---|---|--------------------------|--|--|--|
| 601(j)(6)(ii)   | Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt | 45                       | Micronutrients - not to be used as a defoliant, herbicide, or desiccant. Those made from nitrates or chlorides are not allowed. Soil deficiency must be documented by testing. | No direct reference. See Trace Elements below. | EU is non-specific regarding approved forms of these trace elements: allows salts, chelates, and nutrient solutions of these elements. Also allows ammoniated forms of molybdenum. EU directive does not mention selenium. NOP appears more exclusive than EU 2092/91 and EU Directive 89/530. |
| 601(j)(7)   | liquid fish products  | 46                       | can be pH adjusted with sulfuric, citric or phosphoric acid. The amount of acid used shall not exceed the minimum needed to lower the pH to 3.5                                | No direct reference. Annex IIA lists Fish meal | EU does not list a separate category for liquid fish products. NOP explicitly allows with restriction.   |
| 601(j)(8)   | Vitamins B1, C, and E   | 47                       |  | ~  | EU Prohibits   |
| 205.601(k) as plant growth regulators-- ethylene      |   | 48                       | for regulation of pineapple flowering  | Annex IIB - Degreening bananas                 | EU prohibits for crop use on crops other than bananas(a post-harvest use); industry petitioned the EU for use on pineapple; NOP allows with use restrictions.  |
| 205.601(L) As floating agents in postharvest handling |   | 49                       |  |  |  |
| 601(L)(1)   | lignin sulfonate  | 50                       |  | ~  | EU Prohibits, NOP Allows.  |
| 601(L)(2)   | sodium silicate   | 51                       | for tree fruit and fiber processing  | ~  | EU Prohibits, NOP Allows. (Note: Appeared in the original Annex IIB. Schmidt and Haccius (1998) believe that this compound was omitted in the EC 1488/97 by an editorial mistake).   |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205  | Generic Material                         | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule  | other comments   |
|---|--|--------------------------|---|--|--|
| 205.601(m) As<br>synthetic inert<br>ingredients                                   |  | 52                       | as classified by the<br>Environmental Protection<br>Agency (EPA), for use with<br>nonsynthetic substances or<br>synthetic substances listed<br>in this section and used as<br>an active pesticide<br>ingredient in accordance<br>with any limitations on the<br>use of such substances. |  | EU has no policy for inert ingredients in<br>formulated pesticides; NOP restricts to US<br>EPA List 4. |
| 601(m)(1)   | EPA List 4--Inerts of<br>Minimal Concern | 53                       |   |  | EC 2092/91 does not address inert<br>ingredients.  |
| 205.601(n-z) reserved   |  | 54                       |   |  |  |
| 205.602<br>Nonsynthetic<br>substances<br>prohibited for use in<br>crop production |  | 55                       |   |  |  |
| 602(a)  | ash from manure<br>burning               | 56                       |   |  |  |
| 602(b)  | arsenic                                  | 57                       |   |  |  |
| 602(c)  | lead salts                               | 58                       |   |  |  |
| 602(d)  | Sodium fluoaluminat<br>(mined)           | 59                       |   |  |  |
| 602(e)  | strychnine                               | 60                       |   |  |  |
| 602(f)  | Tobacco dust<br>(nicotine sulfate)       | 61                       |   | Annex IIB - Extract from Nicotiana<br>tabacum (aqueous solution) - Insecticide.<br>Only against aphids in subtropical fruit trees<br>(e.g. oranges, lemons) and tropical crops<br>(e.g. bananas). Used only at the start of the<br>tropical crops. Need to be recognized by<br>the inspection body or inspection authority.<br>Only during a period expiring 31 March<br>2002. | NOP prohibits; EU prohibited effective March<br>31, 2002 by EC 473/2002.                               |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205       | Generic Material                      | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule  | other comments  |
|------------------------|---------------------------------------|--------------------------|---|--|---|
| 602(g)                 | potassium chloride                    | 62                       | unless derived from a mined source and applied in a manner that minimizes chloride accumulation in the soil | Annex IIA - Crude potassium salt (for instance: kainit, sylvinit, etc.) Need recognized by inspection body or inspection authority.            | EU Allows various forms but does not identify them as potassium chloride or muriate of potash. Examples used in Annex IIA include kainite and sylvinit.   |
| 602(h)                 | sodium nitrate                        | 63                       | unless use is restricted to no more than 20% of the crop's total nitrogen requirement                       |  | Two petitions are currently under consideration by the NOSB: One to remove the restriction for at least one crop; the other to categorically prohibit.  |
| 205.602(i-z) reserved  |                                       | 64                       |   |  |   |
|                        |                                       |                          |   |  |   |
|                        |                                       |                          |   |  |   |
| EU ALLOWS, US DOES NOT |                                       |                          |   |  |   |
|                        |                                       |                          |   |  |   |
|                        | bone meal or degelatinized bone meal  | 65                       |   | Annex IIA - Need recognized by inspection body or inspection authority.  | Degelatinized ("precipitated") bone meal may be considered synthetic, and therefore prohibited by NOP.  |
|                        | feather, hair and "chiquette" meal    | 66                       |   | Annex IIA Need recognized by the inspection body or inspection authority. maximum concentration in mg/kg of dry matter of Chromium (VI): 0 (*) | US: Nonsynthetic version (without synthetic substances added) allowed. Leather meal prohibited. Some EU certifiers use this listing to allow tanned animal by products (e.g., tanned hides) so long as there is no hexavalent chromium. |
|                        | Basic slag                            | 67                       |   | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.   | Synthetic, prohibited by US.  |
|                        | Industrial lime from sugar production | 68                       |   | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.   | Synthetic, prohibited by US.  |
|                        |                                       | 69                       |   |  |   |
|                        | Iron (III) phosphate                  | 70                       |   | Annex IIB. Molluscicide  | Recently subject of amendment EC No 473/2002 to permit use.   |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205  | Generic Material                                       | footnote from<br>sheet 1 | annotation from<br>National List 205.603 | annotation from EU rule   | other comments  |
|---|--|--------------------------|--|---|---|
|   | Metaldehyde  | 71                       |  | Allowed. Annex IIB. Molluscicide. Only in traps containing a repellent to higher animal species. Use authorised for extension [from period expiring on 31 March 2002] for a transitional period of four years which would permit to replace, in the Member States, metaldehyd as molluscicide by iron (III) orthophosphate. | Synthetic, prohibited by US. Recently subject of amendment EC No 473/2002 to extend use to March 31, 2006.  |
|   | Pyrethroids (only deltamethrin and lambda-cyhalothrin) | 72                       |  | only in traps with specific attractants. Only against <i>Bactrocera oleae</i> and <i>Ceratitis capitata</i> Wied. Need to be recognized by the inspection body or inspection authority.   | recently subject of amendment EC No 473/2002. Use authorized for an indefinite period. The genus of the first target pest is apparently misspelled, but the common name of <i>Bactrocera oleae</i> is the olive fruit fly. <i>Ceratitis capitata</i> is the Mediterranean fruit fly. This allowance can be seen as analogous to the US provision for emergency spray & pest eradication programs. |
|   | Potassium permanganate                                 | 73                       |  | Annex IIB. Fungicide, bactericide Only in fruit trees olive trees and vines.  | Synthetic, prohibited by US.  |
|   | Potassium alum (Kalinite)                              | 74                       |  | Annex IIB - Preventions of ripening bananas   | Synthetic, prohibited by US.  |
| Materials Recommended for placement on the National List by the NOSB but not yet on the National List |  |                          |  |   |   |



## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205   | Generic Material  | footnote from<br>sheet 1 | annotation from<br>National List 205.603 | annotation from EU rule  | other comments   |
|--|-------------------|--------------------------|--|--|--|
|  | Calcium chloride  | 75                       | No direct reference.                     | Foliar treatment of apple trees, after identification of deficit of calcium. Need recognized by inspection body or inspection authority. | NOSB recommendation (October 2001): Calcium chloride (brine process)--nonsynthetic, prohibited. Prohibited except as used for foliar sprays to treat physiological disorders associated with calcium uptake. [All non-brine sources are synthetic and prohibited.]   |
|  | Peracetic acid    | 76                       |  |  | NOSB recommendation (October 2000): Synthetic, Allowed. To disinfect equipment, to disinfect seed and asexually propagated planting material (i.e., bulb, corm, and tuber) used for planting crops, and for fireblight control only with Experimental Use Permit with documentation that alternatives, including biocontrols, have been tried. |
|  | Sodium chloride   | 77                       |  |  | NOSB Recommendation (September 1996): Nonsynthetic, prohibited, except for use in organic cotton production to comply with emergency spray programs or to prevent immediate loss of crop.  |
|  |                   |                          |  |  |  |
| Items submitted to<br>NOSB for review but<br>not yet voted on by the<br>NOSB |                   |                          |  |  |  |
|  | calcium hydroxide | 78                       |  |  |  |
|  | calcium oxide     | 79                       |  |  |  |
|  | ozone             | 80                       |  |  |  |
|  | potassium sorbate | 81                       |  |  |  |
|  | sodium propionate | 82                       |  |  |  |
|  | spinosad          | 83                       |  |  |  |
| Materials in the EU<br>Rule and not explicitly<br>on the US List             |                   |                          |  |  |  |

**CROP MATERIALS - FOOTNOTES**

| NOP<br>7 CFR 205 | Generic Material                                    | footnote from<br>sheet 1 | annotation from<br>National List 205.603   | annotation from EU rule  | other comments  |
|------------------|---|--------------------------|--|--|---|
|                  | Farmyard manure                                     | 85                       | (1) Raw animal manure, which must be composted unless it is:<br>(i) Applied to land used for a crop not intended for human consumption;<br>(ii) Incorporated into the soil not less than 120 days prior to the harvest of a product whose edible portion has direct contact with the soil surface or soil particles; or<br>(iii) Incorporated into the soil not less than 90 days prior to the harvest of a product whose edible portion does not have direct contact with the soil surface or soil particles; | Product comprising a mixture of animal excrements and vegetable matter (animal bedding). Need recognized by the inspection body or inspection authority. Indication of animal species. Coming from extensive husbandry and only in the sense of Article 6 (5) of Council Regulation (EEC) No 2328/91 (OJ No L 218, 6.8.1991, p. 1), as last amended by Regulation (EC) No 3669/93 (OJ No L 338, 31.12.1993, p. 26) | Not directly comparable. EU more restricts source, US restricts interval between application and harvest. |
|                  | Dried farmyard manure and dehydrated poultry manure | 86                       | No separate category. See Farmyard manure.   | Need recognized by the inspection body or inspection authority. Indication of animal species. Coming from extensive husbandry and only in the sense of Article 6 (5) of Council Regulation (EEC) No 2328/91.   | Not directly comparable. EU more restricts source, US restricts interval between application and harvest. |

**CROP MATERIALS - FOOTNOTES**

| NOP<br>7 CFR 205 | Generic Material   | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule  | other comments   |
|------------------|--|--------------------------|---|--|--|
|                  | Composted animal excrements, including poultry manure and composted farmyard manure included | 87                       | Allowed at 205.203(c)(2).Composted plant and animal materials produced through a process that (i) established an initial C:N ratio of between 25:1 and 40:1; and (ii) maintained a temperature of between 131°F and 170°F for 3 days using an in-vessel or static aerated pile system; or (iii) maintained a temperature of between 131°F and 170°F for 15 days using a windrow composting system, during which period, the materials must be turned a minimum of five times. | Need recognized by the inspection body or inspection authority. Indication of animal species. Factory farming origin forbidden.  | Not directly comparable. EU more restricts source, US restricts interval between application and harvest. See narrative. |
|                  | Liquid animal excrements (slurry, urine, etc.)   | 88                       | No separate category. See Farmyard manure.  | Use after controlled fermentation and/or appropriate dilution. Need recognized by the inspection body or inspection authority. Indication of animal species. Factory farming origin forbidden. | Not directly comparable. EU more restricts source, US restricts interval between application and harvest.                |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205 | Generic Material                        | footnote from<br>sheet 1 | annotation from<br>National List 205.603   | annotation from EU rule  | other comments   |
|------------------|---|--------------------------|--|--|--|
|                  | Composted or fermented household waste  | 89                       | Allowed at 205.203(c)(2). Composted plant and animal materials produced through a process that (i) established an initial C:N ratio of between 25:1 and 40:1; and (ii) maintained a temperature of between 131°F and 170°F for 3 days using an in-vessel or static aerated pile system; or (iii) maintained a temperature of between 131°F and 170°F for 15 days using a windrow composting system, during which period, the materials must be turned a minimum of five times. | Product obtained from source separated household waste, which has been submitted to composting or to anaerobic fermentation for biogas production. Only vegetable and animal household waste. Only when produced in a closed and monitored collection system, accepted by the Member State. Maximum concentrations in mg/kg of dry matter: cadmium: 0,7; copper: 70; nickel: 25; lead: 45; zinc: 200; mercury: 0,4; chromium (total): 70; chromium (VI): 0 (*). Need recognised by the inspection body or inspection authority. Only during a period expiring on 31 March 2002 | EU allows anaerobic forms (phase out March 02) US does not.  |
|                  | Peat                                    | 90                       | Nonsynthetic version (without synthetic substances added) allowed.   | Use limited to horticulture (market gardening, floriculture, arboriculture, nursery).  | EU limits uses; NOP does not.  |
|                  | Clays (e.g. perlite, vermiculite, etc.) | 91                       | Allowed at 205.203(d)(2).  | Allowed.   |  |
|                  | Mushroom culture wastes                 | 92                       | Allowed if culture does not contain prohibited (synthetic) substances or animal manure. If manure used in the culture, must be composted according to 205.203(c)(2).   | The initial composition of the substrate must be limited to products of the present list.  | Only substances allowed under the NOP Final Rule may be used under NOP; the use of manure as a substrate would require that the wastes be composted or be subject to the days-to-harvest interval. |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205 | Generic Material                                   | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule   | other comments  |
|------------------|--|--------------------------|---|---|---|
|                  | Dejecta of worms (vermicompost) and insects        | 93                       | Allowed if culture does not contain prohibited (synthetic) substances (e.g. sewage sludge) or manure. If animal manure used in the culture, must be composted according to 205.203(c)(2). | Allowed.  | Only substances allowed under the NOP Final Rule may be used under NOP; the use of manure as a substrate would require that the wastes be composted or be subject to the days-to-harvest interval. This may be the subject of the NOP Compost Task Force. |
|                  | Guano  | 94                       | Nonsynthetic version (without synthetic substances added) allowed.  | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.  | May be considered a raw manure under the NOP Final Rule.  |
|                  | Composted or fermented mixture of vegetable matter | 95                       | See above for compost definitions. Uncomposted plant materials are also allowed at 205.203(c)(3) without limitation.  | Product obtained from mixtures of vegetable matter, which have been submitted to composting or to anaerobic fermentation for biogas production. Need recognized by the inspection body or inspection authority. |   |
|                  | Products or by-products of animal origin as below: | 96                       | Nonsynthetic version (without synthetic substances added) allowed.  | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.  | US does not require recognized need, though use must be documented in farm plan, 205.201  |
|                  | blood meal   | 97                       | Nonsynthetic version (without synthetic substances added) allowed.  | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.  | ~   |
|                  | hoof meal  | 98                       | Nonsynthetic version (without synthetic substances added) allowed.  | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.  | ~   |
|                  | horn meal  | 99                       | Nonsynthetic version (without synthetic substances added) allowed.  | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.  | ~   |
|                  | bone meal or degelatinized bone meal               | 100                      | Nonsynthetic source allowed; synthetic sources prohibited.  | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.  | Degelatinized ('precipitated') bone meal may be considered synthetic, and therefore prohibited by NOP.  |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205 | Generic Material | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule  | other comments   |
|------------------|------------------|--------------------------|---|--|--|
|                  | fish meal        | 101                      | Nonsynthetic version (without synthetic substances added) allowed.                          | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.   | ~  |
|                  | meat meal        | 102                      | Nonsynthetic version (without synthetic substances added) allowed.                          | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.   | ~  |
|                  | wool             | 103                      | Nonsynthetic version (without synthetic substances added) allowed.                          | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.   | ~  |
|                  | fur              | 104                      | Nonsynthetic version (without synthetic substances added) allowed. Leather meal prohibited. | Need recognized by the inspection body or inspection authority. maximum concentration in mg/kg of dry matter of Chromium (VI): 0 (*) | Translations into languages other than English, combined with the reference to an upper limit for only the hexavalent form of chromium appears to support the opinion of some certifiers and competent authorities that this includes various tanned hides that have been treated with chromium. Schmidt and Haccius state that leather by-products are prohibited by this listing. The allowance US prohibits leather meal and leather hydrolysate. |
|                  | hair             | 105                      | Nonsynthetic version (without synthetic substances added) allowed.                          | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.   | ~  |
|                  | dairy products   | 106                      | Nonsynthetic version (without synthetic substances added) allowed.                          | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.   | ~  |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205 | Generic Material  | footnote from<br>sheet 1 | annotation from<br>National List 205.603   | annotation from EU rule   | other comments  |
|------------------|---|--------------------------|--|---|---|
|                  | Products and by-products of plant origin for fertilizers (for instance, oilseed cake meal, cocoa husks, malt culms, etc.) | 107                      | Nonsynthetic version (without synthetic substances added) allowed. Must be managed in order to prevent contamination with residues of prohibited substances, pathogens or heavy metals. 205.203(c)                                     | Allowed.  | ~   |
|                  | Seaweeds and seaweed products   | 108                      | 205.601(j)(1). Lists as "aquatic plant products (other than hydrolyzed)." Extraction process is limited to the use of potassium hydroxide or sodium hydroxide; solvent amount used is limited to that amount necessary for extraction. | Allowed. Annex IIA. As far as directly obtained by:<br>(i) physical processes including dehydration, freezing and grinding<br>(ii) extraction with water or aqueous acid and/or alkaline solution;<br>(iii) fermentation; need recognized by the inspection body or inspection authority. | EU allows acid extract, NOP does not and limits alkali extractants to KOH or NaOH |
|                  | Sawdust and wood chips  | 109                      | Nonsynthetic version (without synthetic substances added) allowed.   | Allowed. Annex IIA - Wood not chemically treated after felling  | ~   |

**CROP MATERIALS - FOOTNOTES**

| NOP<br>7 CFR 205 | Generic Material | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule  | other comments |
|------------------|------------------|--------------------------|---|--|----------------|
|                  | Composted bark   | 110                      | <p>Allowed at 205.203(c)(2). Composted plant and animal materials produced through a process that</p> <ul style="list-style-type: none"> <li>(i) established an initial C:N ratio of between 25:1 and 40:1; and</li> <li>(ii) maintained a temperature of between 131°F and 170°F for 3 days using an in-vessel or static aerated pile system; or</li> <li>(iii) maintained a temperature of between 131°F and 170°F for 15 days using a windrow composting system, during which period, the materials must be turned a minimum of five times.</li> </ul> <p>Must be managed in order to prevent contamination with residues of prohibited substances, pathogens or heavy metals.</p> <p>205.203(c)</p> | Allowed. Annex IIA - Wood not chemically treated after felling | -              |
|                  | Wood Ash         | 111                      | <p>Allowed at 205.203(d)(4), except as prohibited in paragraph (e) of this section: Provided, That, the material burned has not been treated or combined with a prohibited substance or the ash is not included on the National List of nonsynthetic substances prohibited for use in organic crop production.</p>  | Allowed. Annex IIA - Wood not chemically treated after felling | -              |



## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205 | Generic Material  | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule  | other comments  |
|------------------|---|--------------------------|---|--|---|
|                  | Soft ground rock phosphate                                  | 112                      | Allowed at 205.203(d)(2).   | Allowed. Annex IIA - Product as specified by Council Directive 76/116/EEC (OJ No L 24, 30.1.1976,p. 21), as last amended by Directive 89/284/EEC (OJ No L 111, 22.4.1989, p. 34). Cadmium content less than or equal to 90 mg/kg of P <sub>2</sub> O <sub>5</sub> (sic). | NOP has no limits on cadmium  |
|                  | Aluminium calcium phosphate                                 | 113                      | Natural sources Allowed at 205.203(d)(2). Synthetic sources not on the National List.   | Product as specified by Directive 76/116/EEC, as last amended by Directive 89/248/EEC;Cadmium content less than or equal to 90 mg/kg of P205 (sic). Use limited to basic soils (pH 7,5).   | EU restricts to high pH soils, and limits cadmium content: NOP does not.  |
|                  | Basic slag  |                          | Synthetic and not on the National List (Prohibited under 205.105).  | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.   | NOP prohibits.  |
|                  | Crude potassium salt (for instance: kainit, sylvinit, etc.) | 114                      | 205.602(g). Prohibited unless derived from a mined source and applied in a manner that minimizes chloride accumulation in the soil. | Allowed. Annex IIA - Need recognized by inspection body or inspection authority.   | Both standards restrict use, but the restrictions are not the same.   |
|                  | Potassium sulphate, possibly containing magnesium salt      | 115                      | Allowed at 205.203(d)--either (2) or (3).   | Allowed. Annex IIA - Product obtained from crude potassium salt by a physical extraction process, and containing possibly also magnesium salts. Need recognised by the inspection body or inspection authority.  | Suppliers applying to OMRI claim that synthetic sources of potassium sulfate are allowed in Europe. This is not denied by certifiers who have been asked by OMRI. |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205 | Generic Material   | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule  | other comments  |
|------------------|--|--------------------------|---|--|---|
|                  | Stillage and stillage extract  | 116                      | Nonsynthetic version (without synthetic substances added) allowed. (Usually refers to the undistilled portion of ethanol distillation, but can also mean the by-products of all sorts of fermentation products, including antibiotics and GMOs)-- | Ammonium stillage excluded   | Spent mash and other by-products of alcohol distillation.   |
|                  | Calcium carbonate of natural origin (for instance: chalk, marl, ground limestone, Breton ameliorant, (maërl), phosphate chalk) | 117                      | Allowed at 205.203(d)(2).   | Allowed.   | ~   |
|                  | Magnesium and calcium carbonate of natural origin (for instance: magnesian chalk, ground magnesium limestone, etc.)            | 118                      | Allowed at 205.203(d)(2).   | Only of natural origin. Need recognized by the inspection body or inspection authority.  | ~   |
|                  | Magnesium sulphate (for instance: kieserite)   | 119                      | Non-synthetic Allowed at 205.203(d)--either (2) or (3); Synthetic allowed at 205.601(j)(5).   | Allowed.   | Both standards appear to allow all forms. It is unclear if synthetic sources are treated with greater restrictions under the EU.  |
|                  | Calcium chloride solution  | 120                      | Nonsynthetic version (without synthetic substances added) allowed under 205.203(d)(3).  | Foliar treatment of apple trees, after identification of deficit of calcium. Need recognized by inspection body or inspection authority. | The EU restricts use; the NOP does not. The NOP restricts source; the EU does not. The NOSB has recommended that the natural source be restricted with an annotation limiting use to foliar application for nutrient disorders. |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205 | Generic Material  | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule   | other comments  |
|------------------|---|--------------------------|---|---|---|
|                  | Calcium sulphate (gypsum)   | 121                      | Allowed at 205.203(d)(2).   | Product as specified by Directive 76/116/EEC, as amended by Directive 89/284/EEC. Only of natural origin.                                     | ~   |
|                  | Trace elements  |                          | 205.601(j)(6)(i) and (ii). Synthetic allowed; lists as micronutrients. Not to be used as a defoliant, herbicide, or desiccant. Those made from nitrates or chlorides are not allowed. Soil deficiency must be documented by testing. (i) Soluble boron products. (ii) Sulfates, carbonates, oxides, or silicates of zinc, copper, iron, manganese, molybdenum, selenium, and cobalt. Nonsynthetic trace elements are allowed. | Trace elements included in Directive 89/530/EEC (OJ No L 281, 30.9.1989, p. 116). Need recognized by inspection body or inspection authority. | Some differences in allowed forms, standards of identity, and allowed chelating agents. NOP explicitly prohibits nitrate and chloride forms; EU allows various nutrient 'salts' and aminated / ammoniated forms. See narrative for more detail. |
|                  | Sodium chloride   |                          | Nonsynthetic version (without synthetic substances added) allowed under 205.203(d)(3).  | Allowed. Annex IIA - Only mined salt. Need recognized by inspection body or inspection authority.   | EU limits sources and authorizes certifiers to restrict uses; NOP does not.   |
|                  | Stone meal  | 122                      | Allowed at 205.203(d)(2).   | Allowed.  | ~   |
|                  | Azadirachtin extracted from <i>Azadirachta indica</i> (Neem tree) | 123                      | Non-synthetic and not prohibited. Botanicals restricted under 205.206.  | Allowed. Annex IIB - Insecticide. Need recognized by the inspection body or inspection authority  | ~   |
|                  | Beeswax   | 124                      | Non-synthetic and not prohibited.   | Allowed. Annex IIB. Pruning agent   | ~   |
|                  | Gelatine  | 125                      | Synthetic and prohibited under 205.105; Non-synthetic sources not prohibited.   | Allowed. Annex IIB. Insecticide   | US prohibits, EU allows   |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205 | Generic Material   | footnote from<br>sheet 1 | annotation from<br>National List 205.603   | annotation from EU rule   | other comments  |
|------------------|--|--------------------------|--|---|---|
|                  | Hydrolysed proteins  | 126                      | Synthetic sources prohibited under 205.105; Non-synthetic sources not prohibited.                            | Allowed. Annex IIB. Attractant. only in authorized applications in combination with other appropriate products of this Annex II, part B.  | EU allows with restrictions on use, NOP prohibits synthetic sources |
|                  | Lecithin   | 127                      | Allowed. Unbleached is non-synthetic and not prohibited.   | Allowed. Annex IIB. Fungicide   | ~   |
|                  | Extract (aqueous solution) from <i>Nicotiana tabacum</i>   | 128                      | Prohibited natural 205.602(f).   | Allowed. Annex IIB - Insecticide. Only against aphids in subtropical fruit trees (e.g. oranges, lemons) and tropical crops (e.g. bananas). Used only at the start of the tropical crops. Need to be recognized by the inspection body or inspection authority. Only during a period expiring 31 March 2002. | US prohibits, EU allows with phase-out in 2002                      |
|                  | Plant oils (e.g. mint oil, pine oil, caraway oil)  | 129                      | Non-synthetic and not prohibited. Botanicals restricted under 205.206.                                       | Allowed. Annex IIB. Insecticide, acaricide, fungicide and sprout inhibitor  | ~   |
|                  | Pyrethrins extracted from <i>Chrysanthemum cinerariaefolium</i>                                    | 130                      | Non-synthetic and not prohibited. Botanicals restricted under 205.206.                                       | Allowed. Annex IIB. Insecticide. Need recognised by the inspection body or inspection authority.  | ~   |
|                  | Quassia extracted from <i>Quassia amara</i>  | 131                      | Non-synthetic and not prohibited. Botanicals restricted under 205.206.(note: Quassia is not EPA registered). | Allowed. Annex IIB. Insecticide, repellent.   | ~   |
|                  | Rotenone extracted from <i>Derris</i> spp. and <i>Lonchocarpus</i> spp. and <i>Terphrosia</i> spp. | 132                      | Non-synthetic and not prohibited. Botanicals restricted under 205.206.                                       | Allowed. Annex IIB. Insecticide. Need to be recognized by the inspection body or inspection authority   | ~   |

## CROP MATERIALS - FOOTNOTES

| NOP<br>7 CFR 205 | Generic Material   | footnote from<br>sheet 1 | annotation from<br>National List 205.603  | annotation from EU rule  | other comments                          |
|------------------|--|--------------------------|---|--|---|
|                  | Microorganisms (bacteria, viruses and fungi) e.g. Bacillus thuringiensis, Granulose virus etc. | 133                      | Non-synthetic and not prohibited. Biologicals restricted under 205.206. Excluded methods prohibited, 205.105(e) | Allowed. Annex IIB. Only products not genetically modified in the meaning of Directive 90/220/EEC (OJ No L 117, 8.5.1990, P.15).   | ~                                       |
|                  | Substances to be used in traps and/or dispensers   |                          | Traps and sticky barriers allowed at 205.601(e)(7)  | General conditions: The traps and/or dispensers must prevent the penetration of the substances in the environment and prevent contact of the substances with the crops under cultivation. the traps must be collected after use and disposed of safely | EU restricts use of traps, NOP does not |
|                  | Quartz sand  | 135                      | Non-synthetic and not prohibited.   | Allowed. Annex IIB. Repellent.   | ~                                       |

## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205   | Generic Material     | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations)  | Allowed<br>in US | Allowed<br>in EU |
|--|----------------------|--|--|------------------|------------------|
| <b>Subpart G -<br/>Administrative</b>  |                      |  |  |                  |                  |
| For agricultural feedstuffs allowed in the non-organic percentage of the feed ration in the EU but not explicitly listed in the NOP National List, it is important to remember that these materials are not subject to commercial availability restrictions as they are in the US. |                      |  |  |                  |                  |
| <a href="#">205.603 Synthetic substances allowed for use in organic livestock production.</a>  |                      |  |  |                  |                  |
| 205.603(a) as disinfectants, sanitizer, and medical treatments as applicable:  |                      |  |  |                  |                  |
| 205.603(a)(1)(i)   | ethanol              | Annex IIE.   |  | Y                | Y                |
| 205.603(a)(1)(ii)  | isopropanol          | Annex IIE.   |  | Y                | Y                |
| 205.603(a)(2)  | aspirin              | No direct reference.   | <b>Livestock approved veterinary medicines and treatments are allowed under EU regulations - See Annex I B, paragraph 5.</b> | Y                | Y                |
| 205.603(a)(3)(i)   | calcium hypochlorite | No direct reference.   |  | Y                | Y                |
| 205.603(a)(3)(ii)  | chlorine dioxide     | Not in Annex IIE.  |  | Y                | N                |
| 205.603(a)(3)(iii)   | sodium hypochlorite  | Annex IIE.   |  | Y                | Y                |
| 205.603(a)(4)  | chlorhexidine        | No direct reference.   | See Annex I, Part B, Paragraph 5.  | Y                | Y                |
| 205.603(a)(5)  | electrolytes         | No direct reference.   | See Annex I, Part B, Paragraph 5.  | Y                | Y                |
| 205.603(a)(6)  | glucose              | No direct reference.   | See Annex I, Part B, Paragraph 5.  | Y                | Y                |
| 205.603(a)(7)  | glycerin             | No direct reference.   | See Annex I, Part B, Paragraph 5.  | Y                | Y                |
| 205.603(a)(8)  | iodine               | No direct reference for this use.                                | See Annex I, Part B, Paragraph 5.  | Y                | Y                |

## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205   | Generic Material              | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations)                            | Allowed<br>in US | Allowed<br>in EU |
|--|-------------------------------|--|--|------------------|------------------|
| 205.603(a)(9)  | hydrogen peroxide             | Annex IIE.   |  | Y                | Y                |
| 205.603(a)(10)   | magnesium sulfate             | No direct reference for this use.                                | See Annex I, Part B, Paragraph 5.                      | Y                | Y                |
| 205.603(a)(11)   | oxytocin                      | No direct reference.   | See Annex I, Part B, Paragraph 5.                      | Y                | Y                |
| 205.603(a)(12)   | parasiticides--<br>Ivermectin | No direct reference.   | See Annex I, Part B, Paragraph 5.                      | Y                | Y                |
| 205.603(a)(13)   | phosphoric acid               | Annex IIE.   |  | Y                | Y                |
| 205.603(a)(14)   | biologics--vaccines           | No direct reference.   | See Annex I, Part B, Paragraph 5.                      | Y                | Y                |
| <b>205.603(b) as topical<br/>treatment, external<br/>parasiticide or local<br/>anesthetic as<br/>applicable:</b> |                               |  |  |                  |                  |
| 205.603(b)(1)  | iodine                        | No direct reference for this use.                                | See Annex I, Part B, Paragraph 5.                      | Y                | Y                |
| 205.603(b)(2)  | lidocaine                     | No direct reference.   | See Annex I, Part B, Paragraph 5.                      | Y                | Y                |
| 205.603(b)(3)  | lime, hydrated                | No direct reference.   | See Annex I, Part B, Paragraph 5.                      | Y                | N                |
| 205.603(b)(4)  | mineral oil                   | No direct reference.   | See Annex I, Part B, Paragraph 5.                      | Y                | Y                |
| 205.603(b)(5)  | procaine                      | No direct reference.   | See Annex I, Part B, Paragraph 5.                      | Y                | Y                |
| 205.603(b)(6)  | copper sulfate                | No direct reference for this use.                                | See Annex I, Part B, Paragraph 5.                      | Y                | Y                |
| <b>205.603(c) as feed<br/>supplements--milk<br/>replacers...</b>   |                               | No direct reference.   | Derogation for non-organic feed expires 24 August 2003 | Y                | Y                |
| <b>205.603(d) as feed<br/>additives</b>  |                               |  |  |                  |                  |
| 205.603(d)(1)  | trace minerals                | Annex IIC 3.   | Derogation expires 24 August 2003                      | Y                | Y                |
| 205.603(d)(1)(i)   | copper sulfate                | Annex IID 3.   | Derogation expires 24 August 2003                      | Y                | Y                |
| 205.603(d)(1)(ii)  | magnesium sulfate             | Annex IIC 3.   | Derogation expires 24 August 2003                      | Y                | Y                |
| 205.603(d)(2)  | vitamins                      | Annex IID1.2.  | Derogation expires 24 August 2003                      | Y                | Y                |
| <b>205.603(f) EPA List 4<br/>inerts</b>  |                               | No direct reference.   | It appears that all inerts are allowed.                | Y                | N                |

## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205  | Generic Material         | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations)   | Allowed<br>in US | Allowed<br>in EU |
|---|--------------------------|--|---|------------------|------------------|
| <a href="#">205.604<br/>Nonsynthetic<br/>substances prohibited<br/>for use in organic<br/>livestock production.</a>                                     |                          |  |   |                  |                  |
| 205.604(a)  | strychnine               | No direct reference.   |   | <b>N</b>         | <b>N</b>         |
| <a href="#">Materials<br/>recommended for<br/>placement on the<br/>National List by the<br/>NOSB but not yet on<br/>the National List</a>               |                          |  |   |                  |                  |
|   | calcium<br>borogluconate | No direct reference.   | See Annex I, Part B,<br>Paragraph 5.  | <b>Y</b>         | <b>Y</b>         |
|   | peracetic acid           | Annex IIE.   |   | <b>Y</b>         | <b>Y</b>         |
|   | poloxalene               | No direct reference.   | See Annex I, Part B,<br>Paragraph 5.  | <b>Y</b>         | <b>Y</b>         |
|   | DL-methionine            | No direct reference.   | See Annex I, Part B,<br>Paragraph 4.  | <b>N</b>         | <b>N</b>         |
| <a href="#">EU allowed veterinary<br/>treatments prohibited<br/>in the US</a>   | No direct reference      | Annex 1, Part B  | Allowed veterinary<br>treatment includes<br>antibiotics, hormones<br>and parasiticides<br>(therapeutic) | <b>N</b>         | <b>Y</b>         |
| <a href="#">Items submitted to<br/>NOSB for review but<br/>not yet voted on by<br/>the NOSB</a>   |                          |  |   |                  |                  |
|   | Spinosad                 | No direct reference.   |   |                  |                  |
| <b>The following conventionally produced agricultural ingredients represent the current EU list of products not commercially available organically.</b> |                          |  |   |                  |                  |
| <a href="#">Materials in the EU<br/>Rule and not<br/>explicitly on the US<br/>List</a>  | <b>EU Materials</b>      |  |   |                  |                  |



## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material  | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations) | Allowed<br>in US | Allowed<br>in EU |
|------------------|---|--|-----------------------------|------------------|------------------|
|                  | 1.1. Cereals, grains, their products and by-products. The following substances are included in this category: | Annex IIC(1.1)   |                             |                  |                  |
|                  | Oats as grains, flakes, middlings, hulls and bran;  |  |                             | N                | Y                |
|                  | barley as grains, protein and middlings;  |  |                             | N                | Y                |
|                  | rice as grains, rice broken, bran, and germ expeller; millet as grains;                                       |  |                             | N                | Y                |
|                  | rye as grains, middlings, feed and bran;  |  |                             | N                | Y                |
|                  | sorghum as grains;  |  |                             | N                | Y                |
|                  | wheat as grains, middlings, bran, gluten feed, gluten and germ;   |  |                             | N                | Y                |
|                  | spelt as grains;  |  |                             | N                | Y                |
|                  | triticale as grains;  |  |                             | N                | Y                |
|                  | maize as grains, bran, middlings, bran, germ expeller and gluten;   |  |                             | N                | Y                |
|                  | malt culms;   |  |                             | N                | Y                |
|                  | brewers' grains.  |  |                             | N                | Y                |
|                  | Oil seeds, oil fruits, their products and by-products.  | Annex IIC(1.2)   |                             | N                | Y                |
|                  | Rape seed, expeller, and hulls;   |  |                             | N                | Y                |

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### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material   | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations) | Allowed<br>in US | Allowed<br>in EU |
|------------------|--|--|-----------------------------|------------------|------------------|
|                  | soya bean as bean,<br>toasted, expeller<br>and hulls;  |  |                             | N                | Y                |
|                  | sunflower seed as<br>seed and expeller;  |  |                             | N                | Y                |
|                  | cotton as seed and<br>seed expeller;   |  |                             | N                | Y                |
|                  | linseed as seed and<br>expeller;   |  |                             | N                | Y                |
|                  | sesame seed as<br>seed and expeller;   |  |                             | N                | Y                |
|                  | palm kernels as<br>expeller;   |  |                             | N                | Y                |
|                  | turnip rape seed as<br>expeller and hulls;   |  |                             | N                | Y                |
|                  | pumpkin seed as<br>expeller;   |  |                             | N                | Y                |
|                  | olive pulp (from<br>physical extraction<br>of olives).   |  |                             | N                | Y                |
|                  | 1.3. Legume seeds,<br>their product and by-<br>products. The<br>following<br>substances are<br>included in this<br>category: | Annex IIC(1.3)   |                             |                  |                  |
|                  | Chick peas as<br>seeds;  |  |                             | N                | Y                |
|                  | ervil as seeds;  |  |                             | N                | Y                |
|                  | chickling vetch as<br>seeds submitted to<br>an appropriate heat<br>treatment;  |  |                             | N                | Y                |
|                  | peas as seeds,<br>middlings, and bran;   |  |                             | N                | Y                |
|                  | broad beans as<br>seeds, middlings<br>and bran;  |  |                             | N                | Y                |

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### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material  | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations) | Allowed<br>in US | Allowed<br>in EU |
|------------------|---|--|-----------------------------|------------------|------------------|
|                  | horse beans as seeds, vetches as seeds and lupin as seeds.  |  |                             | N                | Y                |
|                  | 1.4. Tuber roots, their products and by-products. The following substances are included in this category: | Annex IIC(1.4)   |                             |                  |                  |
|                  | Sugar beet pulp,  |  |                             | N                | Y                |
|                  | dried beet,   |  |                             | N                | Y                |
|                  | potato,   |  |                             | N                | Y                |
|                  | sweet potato as tuber,  |  |                             | N                | Y                |
|                  | manioc as roots,  |  |                             | N                | Y                |
|                  | potato pulp (by-product of the extraction of potato starch),  |  |                             | N                | Y                |
|                  | potato starch,  |  |                             | N                | Y                |
|                  | potato protein and tapioca.   |  |                             | N                | Y                |
|                  | 1.5. Other seeds and fruits, their products and by-products.  | Annex IIC(1.5)   |                             | N                | Y                |
|                  | Carob pods,   |  |                             | N                | Y                |
|                  | citrus pulp,  |  |                             | N                | Y                |
|                  | apple pomace,   |  |                             | N                | Y                |
|                  | tomato pulp,  |  |                             | N                | Y                |
|                  | and grape pulp.   |  |                             | N                | Y                |
|                  | 1.6. Forages and roughages.   | Annex IIC(1.6)   |                             | N                | Y                |
|                  | Lucerne,  |  |                             | N                | Y                |
|                  | lucerne meal,   |  |                             | N                | Y                |
|                  | clover,   |  |                             | N                | Y                |
|                  | clover meal,  |  |                             | N                | Y                |
|                  | grass (obtained from forage plants),  |  |                             | N                | Y                |

## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material  | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations) | Allowed<br>in US | Allowed<br>in EU |
|------------------|---|--|-----------------------------|------------------|------------------|
|                  | grass meal,   |  |                             | N                | Y                |
|                  | hay,  |  |                             | N                | Y                |
|                  | silage,   |  |                             | N                | Y                |
|                  | straw of cereals,   |  |                             | N                | Y                |
|                  | and root vegetables<br>for foraging.  |  |                             | N                | Y                |
|                  | 1.7. Other plants,<br>their products and<br>by-products.  | Annex IIC(1.7)   |                             | N                | Y                |
|                  | Molasses as a<br>binding agent in<br>compound<br>feedingstuffs  |  |                             | N                | Y                |
|                  | seaweed meal<br>(obtained by drying<br>and crushing<br>seaweed and<br>washed to reduce<br>iodine content) |  |                             | N                | Y                |
|                  | powders and<br>extracts of plants,  |  |                             | N                | Y                |
|                  | plant protein<br>extracts (solely<br>provided to young<br>animals),                                       |  |                             | N                | Y                |
|                  | spices and herbs.   |  |                             | N                | Y                |
|                  | 2. Feed materials<br>from animal origin   |  |                             |                  |                  |
|                  | 2.1. Milk and milk<br>products. The<br>following<br>substances are<br>included in the<br>category:        | Annex IIC(2.1)   |                             | N                | Y                |

## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material   | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations) | Allowed<br>in US | Allowed<br>in EU |
|------------------|--|--|-----------------------------|------------------|------------------|
|                  | Raw milks as defined in Article 2 of Directive 92/46/EEC (6), milk powder, skimmed milk, skimmed-milk powder, buttermilk, buttermilk powder, whey, whey powder, whey powder low in sugar, whey protein powder (extracted by physical treatment), casein powder and lactose powder. |  |                             | N                | Y                |
|                  | 2.2. Fish, other marine animals, their products and by-products. The following substances are included in the category:  | Annex IIC(2.2)   |                             |                  |                  |
|                  | Fish, fish oil and cod-liver oil not refined; Fish molluscan or crustacean autolysates, hydrolysate and proteolysates obtained by an enzyme action, whether or not in soluble form, solely provided to young animals. Fish meal.   |  |                             | N                | Y                |

## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205                  | Generic Material   | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations)                   | Allowed<br>in US | Allowed<br>in EU |
|-----------------------------------|--|--|---|------------------|------------------|
| 205.238(a)(2) - Trace<br>minerals | 3. Feed materials<br>from mineral origin<br>The following<br>substances are<br>included in this<br>category: |  |   |                  |                  |
|                                   |  | Annex IIC(3)   |   |                  |                  |
|                                   | Sodium:  | Annex IIC(3)   |   | Y                | Y                |
|                                   | unrefined sea salt   | Annex IIC(3)   |   | Y                | Y                |
|                                   | coarse rock salt   | Annex IIC(3)   |   | Y                | Y                |
|                                   | sodium sulphate  | Annex IIC(3)   |   | Y                | Y                |
|                                   | sodium carbonate   | Annex IIC(3)   |   | Y                | Y                |
|                                   | sodium bicarbonate   | Annex IIC(3)   |   | Y                | Y                |
|                                   | sodium chloride  | Annex IIC(3)   |   | Y                | Y                |
|                                   |  |  |   | Y                | Y                |
|                                   | Calcium:   |  |   | Y                | Y                |
|                                   | lithotamnion and<br>maerl  | Annex IIC(3)   |   | Y                | Y                |
|                                   | Shells of aquatic<br>animals (including<br>cuttlefish bones)   | Annex IIC(3)   |   | Y                | Y                |
|                                   | calcium carbonate  | Annex IIC(3)   |   | Y                | Y                |
|                                   | calcium lactate  | Annex IIC(3)   |   | Y                | Y                |
|                                   | calcium gluconate  |  |   | Y                | Y                |
|                                   |  |  |   |                  |                  |
|                                   | Phosphorus:  |  |   | Y                | Y                |
|                                   | bone dicalcium<br>phosphate<br>precipitate   |  |   | Y                | Y                |
|                                   | defluorinated<br>dicalcium<br>phosphate  |  |   | Y                | Y                |
|                                   | defluorinated<br>monocalcium<br>phosphate  |  |   | Y                | Y                |
|                                   | Magnesium:   |  |   | Y                | Y                |
|                                   | anhydrous<br>magnesia  |  | Ammoniated nitrogens<br>prohibited in the US. | N                | N                |

## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material  | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations) | Allowed<br>in US | Allowed<br>in EU |
|------------------|---|--|-----------------------------|------------------|------------------|
|                  | magnesium sulphate                                      |  |                             | Y                | Y                |
|                  | magnesium chloride                                      |  |                             | Y                | Y                |
|                  | magnesium carbonate                                     |  |                             | Y                | Y                |
|                  |   |  |                             | Y                | Y                |
|                  | Sulphur:  |  |                             | Y                | Y                |
|                  | sodium sulphate   |  |                             | Y                | Y                |
|                  |   |  |                             | Y                | Y                |
|                  | Iron:   | Annex IID(1.1E1)   |                             | Y                | Y                |
|                  | ferrous (II) carbonate                                  |  |                             | Y                | Y                |
|                  | ferrous (II) sulphate monohydrate                       |  |                             | Y                | Y                |
|                  | ferric (III) oxide                                      |  |                             | Y                | Y                |
|                  | Iodine:   | Annex IID(1.1E2)   |                             | Y                | Y                |
|                  | calcium iodate, anhydrous                               |  |                             | Y                | Y                |
|                  | calcium iodate, hexahydrate                             |  |                             | Y                | Y                |
|                  | potassium iodide  |  |                             | Y                | Y                |
|                  | Cobalt:   | Annex IID(1.1E3)   |                             | Y                | Y                |
|                  | cobaltous (II) sulphate monohydrate and/or heptahydrate |  |                             | Y                | Y                |
|                  | basic cobaltous (II) carbonate, monohydrate             |  |                             | Y                | Y                |
|                  | Copper:   | Annex IID(1.1E4)   |                             | Y                | Y                |
|                  | copper (II) oxide                                       |  |                             | Y                | Y                |
|                  | basic copper (II) carbonate, monohydrate                |  |                             | Y                | Y                |
|                  | copper (II) sulphate, pentahydrate                      |  |                             | Y                | Y                |
|                  | Manganese:  | Annex IID(1.1E5)   |                             | Y                | Y                |
|                  | manganose (II) carbonate                                |  |                             | Y                | Y                |

## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material  | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations)                   | Allowed<br>in US | Allowed<br>in EU |
|------------------|---|--|---|------------------|------------------|
|                  | manganous oxide<br>and manganic oxide   |  |   | Y                | Y                |
|                  | manganous (II)<br>sulfate, mono-<br>and/or tetrahydrate   |  |   | Y                | Y                |
|                  | Zinc:   | Annex IID(1.1E6)   |   | Y                | Y                |
|                  | zinc carbonate  |  |   | Y                | Y                |
|                  | zinc oxide  |  |   | Y                | Y                |
|                  | zinc sulphate mono-<br>and/or hepta-<br>hydrate   |  |   | Y                | Y                |
|                  | Molybdenum:   | Annex IID(1.1E7)   |   | Y                | Y                |
|                  | ammonium<br>molybdate, natrium<br>molybdate   |  | Ammoniated nitrogens<br>prohibited in the US. | N                | N                |
|                  | Selenium:   | Annex IID(1.1E8)   |   | Y                | Y                |
|                  | sodium selenate   |  |   | Y                | Y                |
|                  | sodium selenite.  |  |   | Y                | Y                |
|                  | 1.4.<br>Microorganisms.<br>The following micro-<br>organisms are<br>included in this<br>category: | Annex IID(1.4)   |   |                  |                  |
|                  | micro-organisms<br>authorised under<br>Directive<br>70/524/EEC.                                   |  |   | Y                | Y                |
|                  | 1.5. Preservatives.<br>The following<br>substances are<br>included in this<br>category:           | Annex IID(1.5)   |   |                  |                  |
|                  | E 236 Formic<br>acid only for silage  | Annex IID(1.5)   |   | N                | Y                |
|                  | E 260 Acetic acid<br>only for silage  | Annex IID(1.5)   |   | Y                | Y                |
|                  | E 270 Lactic acid<br>only for silage  | Annex IID(1.5)   |   | Y                | Y                |



## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material  | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations)   | Allowed<br>in US | Allowed<br>in EU |
|------------------|---|--|---|------------------|------------------|
|                  | E 280 Propionic acid only for silage  | Annex IID(1.5)   |   | <b>N</b>         | <b>Y</b>         |
|                  | 1.6. Binders, anti-caking agents and coagulants. The following substances are included in this category:  | Annex IID(1.6)   |   |                  |                  |
|                  | E 551b Colloidal silica   | Annex IID(1.6)   |   | <b>N</b>         | <b>Y</b>         |
|                  | E 551c Kieselgur  | Annex IID(1.6)   |   | <b>N</b>         | <b>Y</b>         |
|                  | E 553 Sepiolite   | Annex IID(1.6)   |   | <b>Y</b>         | <b>Y</b>         |
|                  | E 558 Bentonite   | Annex IID(1.6)   |   | <b>Y</b>         | <b>Y</b>         |
|                  | E 559 Kaolinitic clays  | Annex IID(1.6)   |   | <b>Y</b>         | <b>Y</b>         |
|                  | E 561 Vermiculite   | Annex IID(1.6)   |   | <b>Y</b>         | <b>Y</b>         |
|                  | E 599 Perlite   | Annex IID(1.6)   |   | <b>Y</b>         | <b>Y</b>         |
|                  | 3. Processing aids used in feedingstuffs  |  |   |                  |                  |
|                  | 3.1. Processing aids for silage.  | Annex IID(3.1)   |   |                  |                  |
|                  | Sea salt, coarse rock salt, enzymes, yeasts, whey, sugar, sugar beet pulp, cereal flour, molasses and lactic, acetic, formic, and propionic bacteria. |  | Some of these the US allows such as sea salt and enzymes and some they don't (formic & propionic bacteria.) |                  |                  |

## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material  | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations) | Allowed<br>in US | Allowed<br>in EU |
|------------------|---|--|-----------------------------|------------------|------------------|
|                  | When weather conditions do not allow for adequate fermentation, the inspection authority or body may authorise the use of lactic, formic, propionic and acetic acids in the production of silage. |  |                             | N                | Y                |
|                  | E. PRODUCTS<br>AUTHORISED FOR<br>CLEANING AND<br>DISINFECTION OF<br>LIVESTOCK<br>BUILDINGS AND<br>INSTALLATIONS<br>(E.G. EQUIPMENT<br>AND UTENSILS)   |  |                             |                  |                  |
|                  | Potassium and sodium soap   | Annex IIE  |                             | Y                | Y                |
|                  | Water and steam   | Annex IIE  |                             | Y                | Y                |
|                  | Milk of lime  | Annex IIE  |                             | N                | Y                |
|                  | Lime  | Annex IIE  |                             | N                | Y                |
|                  | Quicklime   | Annex IIE  |                             | N                | Y                |
|                  | Sodium hypochlorite (e.g. as liquid bleach)   | Annex IIE  |                             | Y                | Y                |
|                  | Caustic soda  | Annex IIE  |                             | Y                | Y                |
|                  | Caustic potash  | Annex IIE  |                             | Y                | Y                |
|                  | Hydrogen peroxide   | Annex IIE  |                             | Y                | Y                |
|                  | Natural essences of plants  | Annex IIE  |                             | Y                | Y                |
|                  | Citric, peracetic acid, formic, lactic, oxalic and acetic acid  | Annex IIE  |                             | N                | Y                |
|                  | Alcohol   | Annex IIE  |                             | Y                | Y                |

## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Livestock Materials

Allowed: Y = Yes, Allowed, N - No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material  | EU Reference<br>EEC 2092/91 (as<br>amended by<br>1804/1999 etc.) | Exceptions<br>(Derogations) | Allowed<br>in US | Allowed<br>in EU |
|------------------|---|--|-----------------------------|------------------|------------------|
|                  | Nitric acid (dairy equipment)                                       | Annex IIE  |                             | Y                | Y                |
|                  | Phosphoric acid (dairy equipment)                                   | Annex IIE  |                             | Y                | Y                |
|                  | Formaldehyde  | Annex IIE  |                             | N                | Y                |
|                  | Cleaning and disinfection products for teats and milking facilities | Annex IIE  |                             |                  |                  |
|                  | Sodium carbonate  | Annex IIE  |                             | Y                | Y                |

## LIVESTOCK MATERIALS - FOOTNOTES

| footnote from sheet 1 | annotation from National List 205.603   | annotation from EU rule   | other comments   |
|-----------------------|---|---|--|
| 1                     | ethanol--disinfectant and sanitizer only, prohibited as a feed additive   | Products authorised for cleaning and disinfection of livestock buildings and installations (e.g. equipment and utensils): Alcohol | Form of alcohol not specified. See 34.   |
| 2                     | isopropanol--disinfectant only  | Products authorised for cleaning and disinfection of livestock buildings and installations (e.g. equipment and utensils): Alcohol | Form of alcohol not specified in EU reg. May be ethanol exclusively; may include forms of alcohol prohibited by NOP e.g. methanol. See 34. |
| 3                     | aspirin--approved for health care use to reduce inflammation  | No direct reference.  | See 32   |
| 4                     | for all three chlorine materials--disinfecting and sanitizing facilities and equipment. Residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act. | Annex IIE. Sodium hypochlorite only.  | See 34.  |
| 5                     | chlorhexidine--allowed for surgical procedures conducted by a veterinarian. Allowed for use as a teat dip when alternative germicidal agents and/or physical barriers have lost their effectiveness.                      | No direct reference.  | See 32 and 34.   |
| 6                     | electrolytes--without antibiotics   | No direct reference.  | See 32   |
| 7                     |   |   |  |
| 8                     | glycerin--allowed as a livestock teat dip, must be produced through the hydrolysis of fats or oils.   | No direct reference.  | See 34.  |
| 9                     |   |   |  |
| 10                    |   |   |  |
| 11                    |   |   |  |
| 12                    | oxytocin--use in postparturition therapeutic applications.  | No direct reference.  | See 32   |

| <b>LIVESTOCK MATERIALS - FOOTNOTES</b> |  |   |                       |
|--|--|---|-----------------------|
| <b>footnote<br/>from<br/>sheet 1</b>   | <b>annotation from National List 205.603</b>   | <b>annotation from EU rule</b>  | <b>other comments</b> |
| 13                                     | parasiticides--Ivermectin--prohibited in slaughter stock, allowed in emergency treatment for dairy and breeder stock when organic system plan-approved preventive management does not prevent infestation. Milk or milk products from a treated animal cannot be labeled as provided for in subpart D of this part for 90 days following treatment. In breeder stock, treatment cannot occur during the last third of gestation if the progeny will be sold as organic and must not be used during the lactation period of breeding stock. | No direct reference.  | See 32                |
| 14                                     | phosphoric acid--allowed as an equipment cleaner, Provided, That, no direct contact with organically managed livestock or land occurs.   | Annex IIE. "Phosporic acid (sic) (dairy equipment)."<br>Spelling is corrected in various unofficial compilations. | See 34.               |
| 15                                     |  |   |                       |
| 16                                     |  |   |                       |
| 17                                     | lidocaine--as a local anesthetic. Use requires a withdrawal period of 90 days after administering to livestock intended for slaughter and 7 days after administering to dairy animals.   | No direct reference.  | See 32                |
| 18                                     | lime, hydrated (bordeaux mixes), not permitted to cauterize physical alterations or deodorize animal wastes.   | No direct reference.  | See 32                |
| 19                                     | mineral oil--for topical use and as a lubricant.   | No direct reference.  | See 32                |
| 20                                     | procaine--as a local anesthetic, use requires a withdrawal period of 90 days after administering to livestock intended for slaughter and 7 days after administering to dairy animals   | No direct reference.  | See 32                |
| 21                                     | as topical treatment, external parasiticide or local anesthetic as applicable  |   | See 32                |

| <b>LIVESTOCK MATERIALS - FOOTNOTES</b> |   |   |   |
|--|---|---|---|
| <b>footnote from sheet 1</b>           | <b>annotation from National List 205.603</b>  | <b>annotation from EU rule</b>  | <b>other comments</b>   |
| 22                                     | As feed supplements--milk replacers without antibiotics, as emergency use only, no nonmilk products or products from BST treated animals. | No direct reference.  | See 33  |
| 23                                     | trace minerals, used for enrichment or fortification when FDA approved, including: (i) copper sulfate. (ii) magnesium sulfate.            | 3. Feed materials from mineral origin; The following substances are included in this category: Sodium:; unrefined sea salt, coarse rock salt, sodium sulphate, sodium carbonate, sodium bicarbonate, sodium chloride. Calcium: lithotamnion and maerl, Shells of aquatic animals (including cuttlefish bones), calcium carbonate, calcium lactate, calcium gluconate. Phosphorus:; bone dicalcium phosphate precipitate, defluorinated dicalcium phosphate, defluorinated monocalcium phosphate. Magnesium:; anhydrous magnesia, magnesium sulphate, magnesium chloride, magnesium carbonate. Sulphur: sodium sulphate. | See 33  |
| 24                                     |   |   |   |
| 25                                     | strychnine- as nonsynthetic, prohibited   | No direct reference.  | Not listed as permitted by EU for crops or livestock: US prohibits (generally used as rodent control) in crop or livestock production areas   |
| 26                                     | vitamins, used for enrichment or fortification when FDA approved.   | 1.2. Vitamins, provitamins and chemically well defined substances having a similar effect. The following substances are included in this category: Vitamins authorised under Directive 70/524/EEC (**): — preferably derived from raw materials occurring naturally in feedingstuffs, or — synthetic vitamins identical to natural vitamins only for monogastric animals.   | Determination of differences will require a clarification if the NOP Rule means FDA by regulation or FDA by discretion. This can then be used to compare with EC Directive 70/524. Note that the allowance for synthetics is for monogastric animals only. Also, see Note 33. |

| <b>LIVESTOCK MATERIALS - FOOTNOTES</b> |  |                                |  |
|--|--|--------------------------------|--|
| <b>footnote<br/>from<br/>sheet 1</b>   | <b>annotation from National List 205.603</b>   | <b>annotation from EU rule</b> | <b>other comments</b>  |
| 27                                     | [Formatting should be e(1) rather than f.] As synthetic inert ingredients as classified by the Environmental Protection Agency (EPA), for use with nonsynthetic substances or a synthetic substances listed in this section and used as an active pesticide ingredient in accordance with any limitations on the use of such substances. | No direct reference.           | Pesticide use is not directly mentioned in Annex I, Part B. Pesticides may fall under 'parasite treatment' or may be categorically prohibited. If the former, there is no direct reference to any active or non-active substances. |
| 28                                     | calcium borogluconate--for milk fever.   | No direct reference.           | See 32   |
| 29                                     | peracetic acid--for facility and processing equipment sanitation (barns, milking parlors, pipelines, processing areas).  | Annex IIE                      | See 34.  |
| 30                                     | poloxalene--for emergency treatment of bloat   | No direct reference.           | See 32   |
| 31                                     | methionine - for use until October 21, 2005  | No direct reference.           | Prohibited by both the NOP rule as published, as well as by the EU regulation. NOSB recommendation is effectively a 'derogation.'  |

## LIVESTOCK MATERIALS - FOOTNOTES

| footnote<br>from<br>sheet 1 | annotation from National List 205.603   | annotation from EU rule  | other comments   |
|-----------------------------|---|--|--|
| 32                          | 205.603(a) Medical treatments and 205.603(b) topical treatments, external parasiticides, or local anesthetics | 5. Disease prevention and veterinary treatment. 5.1. Disease prevention in organic livestock production shall be based on the following principles: (a) the selection of appropriate breeds or strains of animals as detailed in Section 3; (b) the application of animal husbandry practices appropriate to the requirements of each species, encouraging strong resistance to disease and the prevention of infections; (c) the use of high quality feed, together, with regular exercise and access to pasturage, having the effect of encouraging the natural immunological defense of the animal; (d) ensuring an appropriate density of livestock, thus avoiding overstocking and any resulting animal health problems. 5.2. The principles set out above, should limit animal-health problems so that they can be controlled mainly by prevention. 5.3. If, despite all of the above preventive measures, an animal becomes sick or injured, it must be treated immediately, if necessary in isolation, and in suitable housing. 5.4. The use of veterinary medicinal products in organic | Compare 7 CFR 205.237 with ECC 1804/1999 Annex I, Part B, Paragraph 5. The EU takes a more systematic approach, rather than a material-by-material approach as was taken by the NOP. Alternative modes of treatment are not subjected to the same regulatory restrictions in the EU as they are by the FDA. While the EU may allow access to a greater range of veterinary treatments, treatments that are allowed by both standards are usually subjected to greater restrictions under the EU regulations. |



| <b>LIVESTOCK MATERIALS - FOOTNOTES</b> |  |  |  |
|--|--|--|--|
| <b>footnote from sheet 1</b>           | <b>annotation from National List 205.603</b>               | <b>annotation from EU rule</b>   | <b>other comments</b>  |
| 33                                     | 205.603(c) Feed supplements and 205.603(d) Feed additives, | 4. Feed. 4.1. Feed is intended to ensure quality production rather than maximising production, while meeting the nutritional requirements of the livestock at various stages of their development. Fattening practices are authorised in so far as they are reversible at any stage of the rearing process. Force-feeding is forbidden. 4.2. Livestock must be fed on organically produced feedingstuffs. 4.3. Furthermore, livestock must be reared in accordance with the rules set out in this Annex, preferably using feed from the unit or, when this is not possible, using feed from other units or enterprises subject to the provisions of this Regulation. 4.4. Up to 30 % of the feed formula of rations on average may comprise in-conversion feedingstuffs. When the in-conversion feedingstuffs come from a unit of the own holding, this percentage can be increased to 60 %. 4.5. The feeding of young mammals must be based on natural milk, preferably maternal milk. All mammals must be fed on natural milk for a minimum period, depending on the species | The EU rule requires all organic feed, then provides broad derogations for non-organic feed, feed additives, and feed supplements. These derogations are all scheduled to expire on 24 August 2003, after which time all nutrients will be required to be provided by organic sources. The structure also includes references to in-conversion feed, gives preference to feed produced on-farm, and establishes a hierarchy that favors natural sources of nutrients over synthetic. |
| 34                                     | 205.603(a) Disinfectants and sanitizers                    | Annex IIE. "Products authorised for cleaning and disinfection of livestock buildings and installations (e.g. equipment and utensils)"  | Includes natural products, some substances that are specifically listed in 7 CFR 205.603(a), and "Cleaning and disinfection products for teats and milking facilities."  |

## Comparative Analysis of National Organic Program Final Rules and EU 2092/91 Legislation

### Processing Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205   | Generic Material   | EU Reference<br>EEC 2092/91                                   | Exceptions<br>(Derogations)               | Allowed<br>in US | Allowed<br>in EU |
|--|--------------------|---|---|------------------|------------------|
| <b>Subpart G -<br/>Administrative</b>  |                    |   |   |                  |                  |
| For agricultural materials allowed in the EU but not explicitly listed in the NOP National List, it is important to remember that these materials are not subject to commercial availability restrictions as they are in the US. |                    |   |   |                  |                  |
| 205.605(a)<br>Nonsynthetics<br>allowed   |                    |   |   |                  |                  |
| 605(a)(1)(i)   | alginic acid       | Annex VI-A  |   | Y                | Y                |
| 605(a)(1)(ii)  | citric acid        | Annex VI-A  |   | Y                | Y                |
| 605(a)(1)(iii)   | lactic acid        | Annex VI-A  |   | Y                | Y                |
| 605(a)(2)  | bentonite          | Annex VI-B  |   | Y                | Y                |
| 605(a)(3)  | calcium carbonate  | Annex VI-A  | All authorized functions except colouring | Y                | Y                |
| 605(a)(4)  | calcium chloride   | Annex VI-B  | coagulation agent                         | Y                | Y                |
| 605(a)(5)  | colors             | No direct reference.  |   | Y                | N                |
| 605(a)(6)  | dairy cultures     | Annex VI-A allows "Preparations of microorganisms."           |   | Y                | Y                |
| 605(a)(7)  | diatomaceous earth | Annex VI-B  |   | Y                | Y                |
| 605(a)(8)  | enzymes            | Annex VI-A, VIB, Annex IIB                                    |   | Y                | Y                |
| 605(a)(9)  | flavors            | Annex VI-A2.  |   | Y                | Y                |
| 605(a)(10)   | kaolin             | Annex VI-B  |   | Y                | Y                |
| 605(a)(11)   | magnesium sulfate  | No direct reference.  |   | Y                | N                |
| 605(a)(12)   | nitrogen           | Annex VI-A  |   | Y                | Y                |
| 605(a)(13)   | oxygen             | Annex VI-A  |   | Y                | Y                |
| 605(a)(14)   | perlite            | Annex VI-B  |   | Y                | Y                |
| 605(a)(15)   | potassium chloride | Annex VI-A3. (as a salt)                                      |   | Y                | Y                |
| 605(a)(16)   | potassium iodide   | No direct reference.  |   | Y                | N                |
| 605(a)(17)   | sodium bicarbonate | Annex VI-A  |   | Y                | Y                |
| 605(a)(18)   | sodium carbonate   | Annex VI-A, Annex VI-B  | Annex VI-B. Sugar production              | Y                | Y                |
| 605(a)(19)(i)  | carnauba wax       | Annex VI-B  | releasing agent                           | Y                | Y                |
| 605(a)(19)(ii)   | wood resin         | No direct reference.  |   | Y                | N                |
| 605(a)(20)(i)  | autolysate yeast   | Annex VI-A allows 'Preparations of Microorganisms' Annex II-D |   | Y                | Y                |

## Processing Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205                 | Generic Material         | EU Reference<br>EEC 2092/91                                   | Exceptions<br>(Derogations)  | Allowed<br>in US | Allowed<br>in EU |
|----------------------------------|--------------------------|---|--|------------------|------------------|
| 605(a)(20)(ii)                   | bakers yeast             | Annex VI-A allows 'Preparations of Microorganisms' Annex II-D |  | Y                | Y                |
| 605(a)(20)(iii)                  | brewers yeast            | Annex VI-A allows 'Preparations of Microorganisms' Annex II-D |  | Y                | Y                |
| 605(a)(20)(iv)                   | nutritional yeast        | Annex VI-A allows 'Preparations of Microorganisms' Annex II-D |  | Y                | Y                |
| 605(a)(20)(v)                    | smoked yeast             | Annex VI-A allows 'Preparations of Microorganisms' Annex II-D |  | Y                | Y                |
| 205.605(b)<br>Synthetics allowed |                          |   |  | Y                | Y                |
| 605(b)(1)                        | alginates                | Annex VI-A refers to sodium alginate and potassium alginate.  |  | Y                | Y                |
| 605(b)(2)                        | ammonium bicarbonate     | Annex VI-A allows ammonium carbonates.                        | US only allows for leavening.  | Y                | Y                |
| 605(b)(3)                        | ammonium carbonate       | Annex VI-A allows ammonium carbonates.                        | US only allows for leavening.  | Y                | Y                |
| 605(b)(4)                        | ascorbic acid            | Annex VI-A  |  | Y                | Y                |
| 605(b)(5)                        | calcium citrate          | Annex VI-A  |  | Y                | Y                |
| 605(b)(6)                        | calcium hydroxide        | Annex VI-B  | Processing aid only  | Y                | Y                |
| 605(b)(7)                        | calcium phosphates       | No direct reference.  | Annex VI-C lists monocalcium phosphate only as raising agent for self-raising flour. | Y                | Y                |
| 605(b)(8)                        | carbon dioxide           | Annex II-B  | Processing aid only  | Y                | Y                |
| 605(b)(9)(i)                     | calcium hypochlorite     | No direct reference.  |  | Y                | N                |
| 605(b)(9)(ii)                    | chlorine dioxide         | No direct reference.  |  | Y                | N                |
| 605(b)(9)(iii)                   | sodium hypochlorite      | No direct reference.  |  | Y                | N                |
| 605(b)(10)                       | ethylene                 | No direct reference.  | Included on Annex II-B for degreening bananas.                                       | Y                | Y                |
| 605(b)(11)                       | ferrous sulfate          | Annex VI-A5.  | Can only be used if legally required.  | Y                | N                |
| 605(b)(12)                       | glycerides (mono and di) | No direct reference.  |  | Y                | N                |
| 605(b)(13)                       | glycerin                 | Annex VI-A listed as "glycerol-plant extracts".               |  | Y                | Y                |
| 605(b)(14)                       | hydrogen peroxide        | No direct reference   |  | Y                | N                |
| 605(b)(15)                       | lecithin--bleached       | Annex VI-A  |  | Y                | Y                |
| 605(b)(16)                       | magnesium carbonate      | Annex VI-A  |  | Y                | Y                |
| 605(b)(17)                       | magnesium chloride       | Annex VI-B  | coagulation agent  | Y                | Y                |

## Processing Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205   | Generic Material                           | EU Reference<br>EEC 2092/91   | Exceptions<br>(Derogations)   | Allowed<br>in US | Allowed<br>in EU |
|--|--|---|---|------------------|------------------|
| 605(b)(18)   | magnesium stearate                         | No direct reference.  |   | Y                | N                |
| 605(b)(19)   | nutrient vitamins and minerals             | Annex VI-A5.  |   | Y                | N                |
| 605(b)(20)   | ozone                                      | No direct reference.  | Could be identified as a process.   | Y                | N                |
| 605(b)(21)   | pectin (low-methoxy)                       | Annex VI-A  |   | Y                | Y                |
| 605(b)(22)   | phosphoric acid                            | No direct reference for processing                                  |   | Y                | N                |
| 605(b)(23)   | potassium acid tartrate                    | No direct reference.  |   | Y                | N                |
| 605(b)(24)   | potassium tartrate made from tartaric acid | Annex VI-A  |   | Y                | Y                |
| 605(b)(25)   | potassium carbonate                        | Annex VIA - Potassium carbonates<br>Annex VIB - Potassium carbonate | Annex VIB--drying of grapes   | Y                | Y                |
| 605(b)(26)   | potassium citrate                          | No direct reference.  |   | Y                | N                |
| 605(b)(27)   | potassium hydroxide                        | No direct reference.  |   | Y                | N                |
| 605(b)(28)   | potassium iodide                           | No direct reference.  |   | Y                | N                |
| 605(b)(29)   | potassium phosphate                        | No direct reference.  |   | Y                | N                |
| 605(b)(30)   | silicon dioxide                            | Annex VI-A, Annex VI-B  | Annex VI-A: Anti-caking agent for herbs and spices; Annex VI-B: gel or colloidal solution | Y                | Y                |
| 605(b)(31)   | sodium citrate                             | No direct reference   |   | Y                | N                |
| 605(b)(32)   | sodium hydroxide                           | Annex VI-B  | Oil production from rape seed (Brassica spp) only.  | Y                | N                |
| 605(b)(33)   | sodium phosphates                          | No direct reference.  |   | Y                | N                |
| 605(b)(34)   | sulfur dioxide                             | No direct reference.  |   | Y                | N                |
| 605(b)(35)   | tocopherols                                | Annex VI-A  | anti-oxidant in fats and oils   | Y                | Y                |
| 605(b)(36)   | xanthan gum                                | Annex VI-A  |   | Y                | Y                |
| <a href="#"><u>205.606</u></a><br><a href="#"><u>Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as organic or made with organic ingredients.</u></a> |  | Annex VI-C  |   |                  |                  |

## Processing Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205  | Generic Material          | EU Reference<br>EEC 2092/91 | Exceptions<br>(Derogations)                                 | Allowed<br>in US | Allowed<br>in EU |
|---|---------------------------|-----------------------------|---|------------------|------------------|
| 606(a)  | cornstarch (native)       | Annex VI-C                  | starch from rice and waxy maize,<br>not chemically modified | Y                | Y                |
| 606(b)  | gums                      | Annex VI-A                  | tragacanth, and karaga                                      | Y                | Y                |
| 606(c)  | kelp                      | Annex VI-C                  |   | Y                | Y                |
| 606(d)  | lecithin--unbleached      | Annex VI-A                  |   | Y                | Y                |
| 606(e)  | pectin (high-<br>methoxy) | Annex VI-A                  |   | Y                | Y                |
| <u>Materials recommended for placement on the National List by the NOSB but not yet on the National List</u>  |                           |                             |   |                  |                  |
|   | Ammonium hydroxide        | No direct reference         |   | Y                | N                |
|   | Calcium sulphate          | Annex VI-A                  |   | Y                | Y                |
|   | Cellulose                 | Annex VI-B                  |   | Y                | Y                |
|   | Cyclohexylamine           | No direct reference         |   | Y                | N                |
|   | Enzymes, animal derived   | No direct reference         |   | Y                | N                |
|   | Octadecylamine            | No direct reference         |   | Y                | N                |
|   | Peracetic acid            | Annex II-E                  |   | Y                | Y                |
|   | potassium hydroxide       | No direct reference         |   | Y                | N                |
|   | Tartaric acid             | Annex VI-A                  |   | Y                | Y                |
| <u>Items submitted to NOSB for review but not yet voted on by the NOSB</u>  |                           |                             |   |                  |                  |
|   | Diethylaminoethanol       | No direct reference.        |   |                  |                  |
|   | Gelatin                   | Annex VI-B                  |   |                  |                  |
|   | Isinglass                 | Annex VI-B                  |   |                  |                  |
|   | Tetrasodium pyrophosphate | No direct reference.        |   |                  |                  |
|   | Activated carbon          | Annex VI-B                  |   |                  |                  |
| <u>Materials in the EU Rule and not explicitly on the US List</u>   |                           |                             |   |                  |                  |
| <b>EU Materials</b>   |                           |                             |   |                  |                  |
| <b>The following conventionally produced agricultural ingredients represent the current EU list of products not commercially available organically.</b> |                           |                             |   |                  |                  |
|   | Agar                      | Annex VI-A                  |   | N                | Y                |

## Processing Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material  | EU Reference<br>EEC 2092/91 | Exceptions<br>(Derogations)  | Allowed<br>in US | Allowed<br>in EU |
|------------------|---|-----------------------------|--|------------------|------------------|
|                  | Carrageenan   | Annex VI-A                  |  | Y                | Y                |
|                  | Casein  | Annex VI-B                  |  | N                | Y                |
|                  | Egg white albumen   | Annex VI-B                  |  | N                | Y                |
|                  | Ethanol solvent   | Annex VI-B                  |  | N                | Y                |
|                  | Malic acid  | Annex VI-A                  |  | N                | Y                |
|                  | Minerals (trace elements included), vitamins, aminoacids and other nitrogen compounds | Annex VI-A5.                | Vitamins and minerals are allowed under NOP rules.                                     | Y                | Y                |
|                  | Sodium tartrate   | Annex VI-A                  |  | N                | Y                |
|                  | Talc  | Annex VI-B                  |  | N                | Y                |
|                  | Tannic acid   | Annex VI-B                  |  | N                | Y                |
|                  | Vegetable oils  | Annex VI-B                  |  | N                | Y                |
|                  | Hazelnut shells   | Annex VI-B                  |  | N                | Y                |
|                  | Rice meal   | Annex VI-B                  |  | N                | Y                |
|                  | Beeswax   | Annex VI-B                  |  | N                | Y                |
|                  |   |                             |  |                  |                  |
|                  | acorns  | Annex VI-C 1.1              |  | N                | Y                |
|                  | animal casings  | Annex VI-C                  |  | N                | Y                |
|                  | aquatic organisms   | Annex VI-C 2.3              | Not originating from aquaculture, and permitted in conventional foodstuffs preparation | N                | Y                |
|                  | beet sugar  | Annex VI-C 2.2              | until 1.4.2003 only  | N                | Y                |
|                  | buttermilk powder   | Annex VI-C 2.3              | Until 31.8.2001 only   | N                | N                |
|                  | cocoa butter  | Annex VI-C 2.1              |  | N                | Y                |
|                  | coconut [oil]   | Annex VI-C 2.1              |  | N                | Y                |
|                  | cola nuts   | Annex VI-C 1.1              |  | N                | Y                |

## Processing Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material             | EU Reference<br>EEC 2092/91 | Exceptions<br>(Derogations)  | Allowed<br>in US | Allowed<br>in EU |
|------------------|------------------------------|-----------------------------|--|------------------|------------------|
|                  | coriander, smoked            | Annex VI-C 2.3              | Coriandrum sativum until<br>31.12.2000 only  | N                | N                |
|                  | fructose                     | Annex VI-C 2.2              |  | N                | Y                |
|                  | gelatin                      | Annex VI-C 2.3              |  | N                | Y                |
|                  | gooseberries                 | Annex VI-C 1.1              |  | N                | Y                |
|                  | Gummi bears                  | Annex VI-C 2.3              | mixtures of crops permitted in<br>conventional foodstuffs<br>preparation, and giving colouring<br>and tasting qualities to<br>confectionary, only for preparation<br>of "Gummi Bärchen", until<br>30.9.2000 only | N                | N                |
|                  | honey                        | Annex VI-C 2.3              | Until 28.2.2001 only   | N                | N                |
|                  | horseradish seeds            | Annex VI-C 1.2              |  | N                | Y                |
|                  | kirsch                       | Annex VI-C 2.3              | prepared on the basis of fruits and<br>flavourings as referred to in<br>section A.2 of this Annex  | N                | Y                |
|                  | lactose                      | Annex VI-C 2.3              | Until 31.8.2001 only   | N                | N                |
|                  | lesser galanga               | Annex VI-C 1.2              |  | N                | Y                |
|                  | maracujas (passion<br>fruit) | Annex VI-C 1.1              |  | N                | Y                |
|                  | nutmeg                       | Annex VI-C 1.2              | Myristica fragrans, until<br>31.12.2000 only   | N                | N                |
|                  | olive [oil]                  | Annex VI-C 2.1              |  | N                | Y                |
|                  | palm [oil]                   | Annex VI-C 2.1              |  | N                | Y                |
|                  | pea protein                  | Annex VI-C 2.3              |  | N                | Y                |
|                  | pepper (Peruvian )           | Annex VI-C 1.2              |  | N                | Y                |
|                  | pepper green                 | Annex VI-C 1.2              | Piper nigrum, until 30.4.2001 only   | N                | Y                |
|                  | peppers                      | Annex VI-C 2.3              | mixtures of the following peppers:<br>Piper nigrum, Schinus molle and<br>Schinus terebinthifolium, until<br>31.12.2000 only  | N                | N                |
|                  | rape [oil]                   | Annex VI-C 2.1              |  | N                | Y                |
|                  | raspberries (dried)          | Annex VI-C 1.1              |  | N                | Y                |
|                  | red currants (dried)         | Annex VI-C 1.1              |  | N                | Y                |
|                  | rice paper                   | Annex VI-C 2.2              |  | N                | Y                |
|                  | rum                          | Annex VI-C 2.3              | only obtained from cane sugar<br>juice   | N                | Y                |
|                  | safflower [oil]              | Annex VI-C 2.1              |  | N                | Y                |
|                  | safflower flowers            | Annex VI-C 1.2              |  | N                | Y                |
|                  | sesame [oil]                 | Annex VI-C 2.1              |  | N                | Y                |
|                  | soya [oil]                   | Annex VI-C 2.1              |  | N                | Y                |

## Processing Materials

Allowed: Y = Yes, Allowed, N = No, Not Allowed

| NOP<br>7 CFR 205 | Generic Material   | EU Reference<br>EEC 2092/91 | Exceptions<br>(Derogations)                                | Allowed<br>in US | Allowed<br>in EU |
|------------------|--|-----------------------------|--|------------------|------------------|
|                  | starch from rice and waxy maize, not chemically modified | Annex VI-C 2.2              | Cornstarch but not rice starch is allowed under NOP rules. | N                | Y                |
|                  | sunflower [oil]  | Annex VI-C 2.1              |  | N                | Y                |
|                  | unleavened bread paper                                   | Annex VI-C 2.2              |  | N                | Y                |
|                  | watercress herb  | Annex VI-C 1.2              |  | N                | Y                |
|                  | whey powder  | Annex VI-C 2.3              |  | N                | Y                |



| <b>PROCESSING MATERIALS - FOOTNOTES</b> |   |   |  |
|---|---|---|--|
| <b>footnote from sheet 1</b>            | <b>annotation from National List 205.605-205.606</b>  | <b>annotation from EU rule</b>  | <b>other comments</b>  |
| 1                                       | <u>205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food group(s))."</u> |   | This roughly corresponds to EC 2092/91 Annex VI-A as amended. Despite the title, the NOP Final Rule does not distinguish between ingredients and processing aids, and a number of processing aids are included on this list. |
| 2                                       | Nonsynthetics allowed   |   | Annex VI-A does not distinguish between synthetic and non-synthetic.   |
| 3                                       | 205.605(a)(1)(ii): Citric acid--produced by microbial fermentation of carbohydrate substances   | None. Appears in IID.   | Annex VI-A does not limit source.  |
|   | 605(a)(1)(iii) lactic acid  | Appears in Annex IID, Annex IIE.  |  |
| 4                                       | 605(a)(3) calcium carbonate   | All authorised functions except colouring   | USDA does not limit uses   |
| 5                                       | 605(a)(4) calcium chloride  | coagulation agent   | EU restricts use, NOP does not.  |
| 6                                       | 605(a)(5) colors  | Annex VI-C 2.3 allows 'Mixtures of crops permitted in conventional foodstuffs preparation, and giving colouring and tasting qualities to confectionary, only for preparation of "Gummi Bärchen", until 30.9.2000 only.' | The NOSB did not recommend adding colors to the National List. Other than Gummi Bears, coloring agents are prohibited by EC 2092/91.   |

| <b>PROCESSING MATERIALS - FOOTNOTES</b> |   |   |  |
|---|---|---|--|
| <b>footnote from sheet 1</b>            | <b>annotation from National List 205.605-205.606</b>  | <b>annotation from EU rule</b>  | <b>other comments</b>  |
| 7                                       | 605(a)(8) enzymes -must be derived from edible, nontoxic plants, nonpathogenic fungi, or nonpathogenic bacteria<br>605(a)(20) yeast(s) - nonsynthetic, growth on petrochemical substrate and sulfite waste liquor is prohibited | Annex VI-A allows 'Preparations of Microorganisms,' also in Annex II-D for livestock use.<br>Annex VI-B - Preparations of micro-organisms and enzymes - Any preparations of micro-organisms and enzymes normally used as processing aids in food processing, with the exception of micro-organisms genetically modified within the meaning of Article 2(2) of Directive 90/220/EEC, and with the exception of enzymes derived from genetically modified organisms within the meaning of Article 2(2) of Directive 90/220/EEC. | EU allows all micro-organisms, derivatives, and enzymes used in food, except for those from genetically engineered sources; NOP limits live organisms to dairy cultures and yeast; prohibits those produced by 'excluded methods.' |
| 8                                       | Processing Aids   | Annex II-A; Annex II-D  | Listed as an ingredient on the NOP National List and listed for use only as a processing aid on EC 2092/91 Annex VI-B.   |

| <b>PROCESSING MATERIALS - FOOTNOTES</b> |  |   |   |
|---|--|---|---|
| <b>footnote from sheet 1</b>            | <b>annotation from National List 205.605-205.606</b>   | <b>annotation from EU rule</b>  | <b>other comments</b>   |
| 9                                       | 605(a)(9) flavors--nonsynthetic sources only and must not be produced using synthetic solvents and carrier systems or any artificial preservative. | A.2. Flavourings within the meaning of Directive 88/388/EEC. Substances and products as defined in Article 1 (2) (b) (i) and 1 (2) (c) of Directive 88/388/EEC labeled as natural flavouring substances or natural flavouring preparations, according to Article 9 (1) (d) and (2) of that Directive. | Both standards are based on natural flavor standards of identity. Article 1 (2) (b) (i) and 1 (2) (c) of Directive 88/388/EEC allow physical (including distillation and solvent extraction), enzymatic, or microbiological processes from materials of vegetable or animal origin either in the raw state or by traditional food preparation methods, including drying, heating, and fermentation. Paragraph 9.2 does not permit 'nature-identical' or flavors isolated from sources other than those named. |
| 10                                      | 605(a)(11) magnesium sulfate. nonsynthetic sources only and 605(b)(17) Magnesium chloride. Derived from sea water.                                 | coagulation agent   | Annex VI-B allows nigari; FDA does not recognize a separate standard of identity for nigari. The NOP lists nigari according to its components.  |
| 11                                      | 605(a)(12) and (13) -- nitrogen and oxygen.  |   | NOP restricts sources.  |
| 12                                      | 605(a)(15) potassium chloride  |   | Considered as a 'salt' under Annex VI-C3.   |

| <b>PROCESSING MATERIALS - FOOTNOTES</b> |   |   |  |
|---|---|---|--|
| <b>footnote from sheet 1</b>            | <b>annotation from National List 205.605-205.606</b>  | <b>annotation from EU rule</b>  | <b>other comments</b>  |
| 13                                      | 605(b)(19) nutrient vitamins and minerals--in accordance with 21 CFR 104.20, Nutritional Quality Guidelines For Foods; 605(b)(11) Ferrous sulfate--for iron enrichment or fortification of foods when required by regulation or recommended (independent organization); 605(a)(16) Potassium iodide (non-synthetic, no annotation) and 605(b)(28) Potassium iodide (synthetic)--for use only in agricultural products labeled "made with organic (specified ingredients or food group(s))," prohibited in agricultural products labeled "organic" | Annex VI-A5. Minerals (trace elements included), vitamins, amino acids and other nitrogen compounds Minerals (trace elements included), vitamins, aminoacids and other nitrogen compounds, only authorized as far their use is legally required in the foodstuffs in which they are incorporated. | EC 2092/91 limits use of nutritional supplements to cases where they are required by law.  |
| 14                                      | 205.605(a)(17)--Sodium bicarbonate and 205.605(a)(18)--Sodium carbonate   | Annex VI-A lists sodiumcarbonates (E500) without limitation; Annex VI-B, lists only sodium carbonate, with an annotation for "Sugar production"   | Sodium bicarbonate is technically not listed for use as a processing aid under EC 2092/91 Appendix VIB; sodium carbonate is listed for such use. |
| 15                                      | 605(a)(19) carnauba wax and wood resin  | Carnauba wax--as a releasing agent.   | The listing does not mention use as a fruit coating.   |
| 16                                      | 605(b)(1) alginates   | Annex VI-A refers to sodium alginate and potassium alginate.  | Ammonium alginate was also considered in the 1995 TAP review.  |
| 17                                      | 605(b)(2) ammonium bicarbonate and 605(b)(3) ammonium carbonate--both for use only as a leavening agent   | Annex VI-A allows ammonium carbonates.  | NOP Limits specifies forms and limits uses.  |
| 18                                      | 605(b)(7) calcium phosphates (monobasic, dibasic, and tribasic)   | Annex VI-C lists monocalcium phosphate only as raising agent for self-raising flour. Aluminum calcium phosphate is on Annex II-A, and feed grade sources are on Annex II-C  | NOP specifies more forms and EC limits to a single specific use.   |

| <b>PROCESSING MATERIALS - FOOTNOTES</b> |   |   |  |
|---|---|---|--|
| <b>footnote from sheet 1</b>            | <b>annotation from National List 205.605-205.606</b>  | <b>annotation from EU rule</b>  | <b>other comments</b>  |
| 19                                      | 605(b)(9) Chlorine materials (calcium hypochlorite, sodium hypochlorite, and chlorine dioxide) - 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. |   | Unclear how disinfection, sanitizing are addressed in EC 2092/91.<br>Annex II-B Processing aid only  |
| 20                                      | 605(b)(10) Ethylene. Allowed for postharvest ripening of tropical fruit. (Note: NOSB has voted to add degreening of citrus as well.)  | Annex IIB - Degreening bananas  | NOP allows more uses on crops other than bananas. See also Crop uses. EU lists under crop pest control and prohibits all uses other than degreening bananas. |
| 21                                      | 605(b)(12) glycerides (mono and di) - for use only in drum drying of food   | No direct reference   | NOP allows; EU prohibits.  |
| 22                                      | 605(b)(13) glycerin -produced by hydrolysis of fats and oils  | Annex VIA - Glycerol - Plant extracts.                                      | Both standards restrict source, NOP conceivably allows animal extracts.  |
| 23                                      | 605(b)(14) hydrogen peroxide<br>605(b)(20) ozone<br>605(b)(22) phosphoric acid  | hydrogen peroxide, phosphoric acid--<br>Annex II-E for livestock sanitation | Unclear how disinfection, sanitizing are addressed in EC 2092/91.  |
| 24                                      | 605(b)(15) lecithin- bleached   |   | EU allows lecithins without annotation   |
| 25                                      | 605(b)(16) magnesium carbonate  |   | NOP restricts to "made with organic" products, EU allows in organic products.  |
| 26                                      | 605(b)(17) magnesium chloride   | Annex VIB - Magnesium chloride (or nigari) - coagulation agent              | NOP restricts source, EU restricts use.  |
| 27                                      | 605(b)(18) magnesium stearate - for use only in agricultural products labeled "made with organic (specified ingredients or food group(s))," prohibited in agricultural products labeled "organic"   |   | NOP allows 70% organic products, EU prohibits  |

| <b>PROCESSING MATERIALS - FOOTNOTES</b> |  |                                |   |
|---|--|--------------------------------|---|
| <b>footnote from sheet 1</b>            | <b>annotation from National List 205.605-205.606</b>                                       | <b>annotation from EU rule</b> | <b>other comments</b>   |
| 28                                      | 605(b)(21) pectin low-methoxy<br>606(e) pectin (high-methoxy)                              |                                | EU does not distinguish between low and high-methoxy forms. NOP requires high methoxy forms to be from organic source when available.   |
| 29                                      | 605(b)(23) potassium acid tartrate   |                                | EU does not list potassium acid tartrate, NOP does. The Food Chemicals Codex lists Potassium Acid Tartrate as the food grade product, with synonyms of Potassium Bitartrate, and Cream of Tartar. May be a nomenclature problem.  |
| 30                                      | 605(b)(24) potassium tartrate made from tartaric acid                                      |                                | NOP restricts source for potassium tartrate; EU allows from any source. The Merck Index states that potassium tartrate, C <sub>4</sub> H <sub>4</sub> K <sub>2</sub> O <sub>6</sub> , known as Soluble Tartar, is used as a cathartic. FAO - CODEX International Numbering System lists - 336 Potassium Tartrates (includes mono and dipotassium forms) but does not list potassium acid tartrate. May be a nomenclature problem. |
| 31                                      | 605(b)(25) Potassium carbonate   | Allowed without annotation     | NOP allows all uses. EU VI-A allows all uses as an ingredient; VI-B restricts use as processing aid to drying grapes.   |
| 32                                      | 605(b)(27) potassium hydroxide- prohibited for use in lye peeling of fruits and vegetables |                                | NOP allows most uses, EU prohibits  |
| 33                                      | 605(b)(29) potassium phosphate   |                                | NOP allows in some products. EU prohibits.  |

| <b>PROCESSING MATERIALS - FOOTNOTES</b> |   |   |  |
|---|---|---|--|
| <b>footnote from sheet 1</b>            | <b>annotation from National List 205.605-205.606</b>  | <b>annotation from EU rule</b>  | <b>other comments</b>  |
| 34                                      | 605(b)(30) silicon dioxide  | Annex VIA - Anti-caking agent for herbs and spices<br>Annex VIB - gel or colloidal solution                                 | NOP allows without annotation. EU restricts use as an ingredient, and form as a processing aid.  |
| 35                                      | 605(b)(34) sulfur dioxide- for use only in wine labeled "made with organic grapes," Provided, That, total sulfite concentration does not exceed 100 ppm   |   | NOP allows in wine only when labeled "made with organic grapes." EU Annex VI General Principles exempts wine from organic labeling regulations.  |
| 36                                      | 605(b)(35) tocopherols - derived from vegetable oil when rosemary extracts are not a suitable alternative   | Annex VIA - Tocopherol-rich extract - anti-oxidant in fats and oils   | EU restricts use, NOP restricts source   |
| 37                                      | NOP defines commercial availability as : The ability to obtain a production input in an appropriate form, quality, or quantity to fulfill an essential function in a system of organic production or handling, as determined by the certifying agent in the course of reviewing the organic plan. | EU establishes a closed, positive list for non-organic agricultural ingredients allowed in 95%+ organic processed products. | NOP does not establish a closed list of commercially non-available organic ingredients but leaves decision to certification body. EU has a specific list of items deemed commercially non-available in organic form. |
| 38                                      | 606(a) cornstarch (native)  | Annex VI-C allows '[s]tarches produced from cereals or tubers.  | NOP restricts to 'native.' EU allows for other cereals and tubers to be used. NOP requires organic sources if available.   |
| 39                                      | water extracted only (arabic, guar, locust bean, carob bean)  | Not considered agricultural by the EU.  | NOP restricts extraction process, provides a list of four gums. EU considers these non-agricultural ingredients and lists karaga and tragacanth as well.   |
| 40                                      | For use only as a thickener and dietary supplement  | Annex VI-C allows algae, including seaweed.   | NOP restricts both family and use. EU allows all algae and seaweed without limitation.   |
| 41                                      | 606(d) lecithin - Unbleached  | Not considered agricultural by the EU.  | NOP requires organic to be used when commercially available. EU considers a non-agricultural ingredient.   |
| 42                                      | ammonium hydroxide: for use as boiler water additive only, until Oct.21 2005 (proposed)   |   | EU does not include any boiler chemicals on Annex IIB.   |

| <b>PROCESSING MATERIALS - FOOTNOTES</b> |  |                                |  |
|---|--|--------------------------------|--|
| <b>footnote from sheet 1</b>            | <b>annotation from National List 205.605-205.606</b>   | <b>annotation from EU rule</b> | <b>other comments</b>                                  |
| 43                                      | cyclohexylamine, octadecyclamine: - for use only as boiler water additive for package sterilization (proposed) |                                | EU does not include any boiler chemicals on Annex IIB. |



**Comparative Analysis of national organic Program Final Rules  
and EU 2092/91 Legislation**

| <b>Appendix 1 - List of EU regulations that are not addressed by the NOP</b> |                                     |  |
|--|-------------------------------------|--|
| <b>US Reference<br/>7 CFR 205</b>  | <b>EU Reference<br/>EEC 2092/91</b> | <b>Exceptions<br/>(Derogations)</b>  |
| No direct reference  | Article 5 5.                        | EU allows labeling of transition (in conversion) crop products   |
| No direct reference  | Article 8, Article 9                | While many parts of Articles 8 & 9 on the EU inspection system are discussed in relation to various NOP regulations, the US does not lay out specific inspection guidelines in the manner of the EU. |
| No direct reference  | Article 10 2.                       | The EU requires that organic label claims not suggest a superior organoleptic, nutritional, salubrious quality.  |
| No direct reference  | Article 11 1.                       | Imported organic products country of origin must appear on the annex contained in EEC 94/92  |
| No direct reference  | Annex I A.4.                        | The EU has standards for mushroom cultivation. The US has not published such standards yet.  |
| No direct reference  | Annex I B.3.13.                     | EU requires that for livestock brought in from conventional sources, special attention must be paid to animal health issues, including possible screening tests and quarantines.                     |
| No direct reference  | Annex I B.6.1.9                     | EU sets minimum slaughter ages for poultry.  |
| No direct reference  | Annex I B.8.3.8.                    | EU requires that the rearing of pigs comply with other EEC directives and sets very specific living conditions for sows and piglets.   |

**Comparative Analysis of national organic Program Final Rules  
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| <b>Appendix 1 - List of EU regulations that are not addressed by the NOP</b> |                                     |   |
|--|-------------------------------------|---|
| <b>US Reference<br/>7 CFR 205</b>  | <b>EU Reference<br/>EEC 2092/91</b> | <b>Exceptions<br/>(Derogations)</b>   |
| No direct reference  | Annex I B.8.4.6                     | EU requires that poultry housing be completely emptied between batches, cleaned and disinfected. In addition, runs must be left empty to allow vegetation to grow back. |
| No direct reference  | Annex I C.                          | EU has extensive beekeeping standards. The US does not.   |
| No direct reference  | Annex III A.1.2., A.2.1.            | EU requires organic operators to specify an undertaking (sign a legal affidavit) agreeing to comply with all relevant EU standards.                                     |
| No direct reference  | Annex III A.1.5.                    | EU requires separate storage of input products not compatible with organic production.  |
| No direct reference  | Annex III 9.                        | Annual crops of the same variety may not be grown on split operations.  |
| No direct reference  | Annex III C.                        | EU specifically requires importers to be certified.   |
| No direct reference  | Annex VI A.1                        | EU allows carriers, including solvents, as part of the list of approved food additives as approved under Directive 89/107/EEC   |
| No direct reference  | Annex VII                           | Specific annex for establishing densities of animals per ha per species.  |
| No direct reference  | Annex VIII                          | Specific indoor and outdoor surface areas and other characteristics of housing per species and type of production.  |