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Comment on US Interim Rule on fortification of organic products with vitamins and minerals

**USDA REF: Document Number AMS–NOP–10–0083; NOP–10–09IR]
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1. Background to IFOAM EU Group.

IFOAM EU group is a membership organisation representing the Organic Sector in the EU. We are a fully autonomous regional group set up by IFOAM. Our membership includes farmers, processors certifiers, importers and other interested groups. More details of our activities and structure can be found at the IFOAM EU Group website. Our objectives are to press for improvements in the administration of organic production within the EU, and where it affects our members beyond.

2. Background to this comment.

The IFOAM EU Group is aware of the current opportunity for public comment on the Sunset Clause on fortification, with the above Document and RIN Numbers. We would be grateful if the USDA could consider this comment, with the others regarding the Sunset Clause for us of Nutrient Vitamins and Minerals.

3. EU/US Equivalence Agreement.

IFOAM EU Group strongly welcomes the equivalence agreement between the EU and the US which came into operation at the beginning of June 2012. We believe that agreements such as this is the way forward for organic trade and support the commission in its discussions with other third countries to develop such agreements. We are grateful to the USDA for your part in reaching this agreement. We fully understand and support the needs, within agreements, to identify differences in standards, which mean that outcomes are not equivalent. In such cases, there must be exclusions or other processes to ensure that a signatory to an agreement is not disadvantaged, and/or does not see an erosion of confidence in their own standards as a result. The reciprocal agreement on management of antibiotic use in dairy and pome fruit production, within the overall agreement, is a good example of the way in which these differences have been addressed successfully.

4. EU regulation on fortification.

The EU organic implementing rules, Regulation EC No 889/2008 includes the following reference to fortification of foods in article 21, which lists the additives etc permitted in organic foods.

(f) minerals (trace elements included), vitamins, amino-acids, and micronutrients, only authorised as far their use is legally required in the foodstuffs in which they are incorporated.

The reason for this specific exclusion is that the EU consumer considers that organic foods are not fortified and that only vitamins, minerals and other micronutrients

naturally present in the foods should be in organic foods. We believe that this has had a number of positive effects in the EU.

In particular it was possible to place on the market clear concepts where word organic is a core indicator of “naturalness” for the consumer and a synonym for “good” food. Further, it minimises addition of non-organic ingredients, leading to increased use of organic ones and improved consumer confidence that organic means that food is “natural” when derived from organic agriculture. The prohibition of fortification with vitamins is also vitally important to the EU consumer in the light of the worldwide shortage of some vitamins, particularly of the B group, that are not derived from GM biotechnology, or E group that may be derived from GM plants. The EU consumer is concerned about such uses of GM technology and would not tolerate these vitamins in organic foods.

5. Effects of US allowing fortification of organic products.

The IFOAM EU Group is therefore concerned about the possibility that US organic products could come into the EU containing vitamin and mineral fortification and we are active in lobbying the European Commission to address this issue during discussions about the equivalence agreement. We believe that importing fortified US organic products would undermine the EU perception of organic products and could result in negative publicity for US imports. It could also cause significant disadvantage to some EU producers that cannot sell fortified products, but see their non-fortified products adversely affected in the market by fortified US products. This confusion and disadvantage cannot be allowed to happen.

6. Request.

IFOAM EU Group therefore formally requests that the USDA should not remove the Sunset Clause on fortification of US made organic foods, so that after the review, these compounds should no longer be permitted in organic products, except where required by other legislation. We fully understand the need for fortification of infant foods and others foods for specific nutritional purposes in organic quality where fortification is required by law should of course be excluded from the Sunset Clause. We believe that such a positive action by the USDA would greatly improve the perception of US organic foods in the EU. We understand that the current opportunity to comment only relates to extension of the current sunset rule, but we believe that even this extension could be damaging to the EU market and therefore request that the extension should not be granted.

An alternative could be a requirement that organic products exported from the US should not be fortified, but we understand that this would need additional legislation.

7. Other IFOAM EU Group Options regarding fortification

The IFOAM EU Group is currently active in requesting the EU commission to renegotiate the equivalence agreement in the area of fortification. Such renegotiation would not be required if the sunset clause will come into effect. We would also have to consider a public campaign against fortified organic imports if we could not achieve limitation of imports of fortified organic products with this request or renegotiation of the agreement.