



Status Update on NOP Vitamins, Minerals and Accessory Nutrients

August 31, 2017

Dear Valued QAI Clients,

In 2010, QAI issued a bulletin with information on the status of nutrients, vitamins and minerals in “Organic” and “Made with Organic” products. While today’s notification does not introduce any new requirements for certification, we would like to take this opportunity to provide the current status on issues surrounding the use of nutrients in organic products.

Currently, the National List 205.605(b) allows synthetic “Nutrient vitamins and minerals, in accordance with 21 CFR 104.20, Nutritional Quality Guidelines for Foods” to be used in products making an Organic and Made with Organic claim.

In 2007, NOP clarified that DHA and ARA and other nutrients are allowed in organic foods because 21 CFR 104.20 allows a wide variety of nutrients beyond the vitamin and minerals allowed under § 104.20. In 2010, after meeting with FDA, NOP released a memo recognizing that its interpretation of 21 CFR 104.20 was incorrect. NOP explained it would be moving forward with draft guidance that would include adequate time for businesses to transition products to comply with the FDA regulations as written.

In 2012, NOP issued a proposed rule based on NOSB recommendations to change the 205.605 listing to read: “Vitamins and minerals. For food—vitamins and minerals identified as essential in 21 CFR 101.9. For infant formula—vitamins and minerals as required by 21 CFR 107.100 or 107.10.” NOP clarified that the nutrients like DHA, ARA and others had to be petitioned to the National List. In 2011-2013, many nutrients like DHA were petitioned to the National List. A few were recommended to be listed by the National Organic Standards Board (NOSB), including DHA and ARA.

NOP has not yet finalized any changes to the nutrient vitamin and mineral listing at 205.605(b) of the USDA Organic Standards’ National List, and on September 27, 2012, published an Interim Rule, which renewed without change the original listing (21 CFR 104.20). Upon release of the interim rule, NOP announced “that vitamins and minerals may continue to be added to organic products while the Department continues to clarify which additional nutrients may be added to organic products.” No further NOP rulemaking has occurred to date. Therefore, **DHA and other nutrients continue to be allowed in organic products, per the NOP interim rule.**

As an accredited certifier, QAI must certify according to the standards established by the USDA NOP. If the USDA NOP were to amend the USDA organic Standards related to products containing DHA and other nutrients, we would adjust our certification program, audits, tests and inspections accordingly, and affected clients would be given an adequate transition period to reformulate products. QAI would like to assure our clients that products certified under the 2007 NOP decision and the 2012 Interim Rule remain in full compliance until there are changes to the nutrient vitamin and mineral listing at 205.605(b) and after the completion of the transition period.

If we can be of any assistance, please don’t hesitate in contacting your QAI Certification Project Manager.

For additional information, please refer to the links below:

[NOP Press Release Regarding Reinterpretation of Allowable Accessory Nutrients](#)

[NOP Proposed Rule for Vitamins and Mineral in USDA Organic Products FAQ](#)

[Organic Trade Association \(OTA\) Position on Vitamins and Minerals Allowed in Organic Products](#)