



This draft procedure is being posted for public input for 30 days prior to final review and implementation by the National Organic Program (NOP). Interested parties are encouraged to provide substantive comments to the NOP by August 24, 2009. Comments will be considered and final procedures posted for use on the NOP website. Please submit written comments to the attention of Mark Bradley, National Organic Program, 1400 Independence Avenue, SW; Room 4004-South, STOP 0268, Washington, DC 20250; or by fax to (202) 205-7808.

**DRAFT FOR COMMENT ONLY: Certification and Labeling of Soap Products Made From
Agricultural Ingredients**

Background

The Organic Foods Production Act of 1990 (OFPA), 7 U.S.C. Section 6501, *et. seq.*, as amended, and implemented in 7 CFR Part 205, National Organic Program (NOP) Final Rule, regulates the production, handling, processing, and labeling of all raw or processed agricultural products to be sold, labeled, or represented as organic in the United States. In an August 23, 2005 policy statement issued by the NOP, the Program clarified that agricultural products may be certified and labeled in accordance with the Act and its implementing regulations regardless of end use. The statement allows for certain products, such as soaps, to be certified under the NOP, providing they comply with 7 CFR 205.

This document describes the interim procedures to be used by certified operations and certifying agents accredited by the U.S. Department of Agriculture (USDA) to certify and label soap products as “organic” or “made with organic [specified ingredients]”, referred to throughout this document as “made with” products.

Discussion

Soap is produced by a process called saponification, whereby oils are hydrolyzed by the addition of an alkali, yielding soap, glycerin, water and other byproducts. Glycerin is produced by this process and has been determined by the National Organic Standards Board (NOSB) to be a synthetic and appears on the National List of Allowed and Prohibited Substances as such. (Insecticidal soaps are permitted under 205.601 for crop production.)

The NOP has been asked to provide guidance on the labeling of soap that has been formulated and produced in accordance with the NOP regulations.



28 Some in the industry have expressed concern that allowing certification and labeling of soap as organic is
29 a violation of OFPA. We disagree. The processing of agricultural products in accordance with NOP
30 regulations often results in chemical or physical changes, many of which may involve the synthesis of
31 new compounds. For example, the processes of baking bread or cooking meat create changes in the
32 products that may involve the creation of new compounds. However, neither of these common products
33 are viewed as synthetic under the regulations.

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35 Our interest is to create a consistent, fair policy that can be applied uniformly in a variety of situations.
36 Therefore, we base our analysis of the process on the NOP regulations. The NOP regulations describe the
37 inputs and processing which take place in the formulation and manufacturing of a finished product; they
38 do not prescribe the nature of the finished product itself. This allows agricultural products and allowed
39 synthetics to be used to create a wide variety of products which may be eligible for certification,
40 regardless of end use. Further, identification of products produced in compliance with the NOP
41 regulations, and the percentage of organic products that they contain, allows for subsequent formulation
42 into products which retain their eligibility for labeling as organic or “made with” organic products,
43 depending upon the percentage of organic ingredients used to create the product. This allows producers to
44 retain the added value of organic products throughout the production process and provides consumers
45 with a choice when searching for products that contain organically produced ingredients.

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47 In general, products that have been formulated in compliance with the NOP regulations may be eligible
48 for certification as “organic” or “made with” products. Further, products produced in compliance with the
49 regulations should be eligible for further processing and certification based on their true organic
50 component content. Thus, a formulated product produced using 75% organic ingredients and 25%
51 allowed synthetics is eligible for certification as a “made with” product. In addition, the “made with”
52 products should carry a certified organic content of 75% when used in subsequent down-stream
53 processing, under the condition that full disclosure of its organic content and other ingredients is provided
54 by the manufacture. If a soap is produced using 80% certified organic oil and 20% sodium hydroxide, the
55 soap would be eligible for certification as a soap “made with organic oils.” Further, the soap “made with
56 organic oils” may be processed downstream into other products using 80% as the organic content for
57 those calculations.



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59 Labeling of these products should be consistent with labeling done for any other certified organic
60 processed product, with full disclosure of the ingredients in the ingredient statement on the information
61 panel. This should include all certified organic ingredients and any synthetics used to produce the
62 product. Although Food and Drug Administration (FDA) regulations allow downstream processors to list
63 “saponified organic oils” in the ingredient statement, FDA does not prohibit full disclosure of the organic
64 and synthetic ingredients, consistent with NOP regulations. Therefore, ingredient statements for products
65 containing saponified oils must include the name of the actual organic ingredient and the synthetic
66 ingredients used to create the soap. If the saponified oils are produced as a part of a separate process, they
67 may be listed as a parenthetical statement, such as “saponified organic oils (organic coconut oil,
68 potassium hydroxide), water, glycerin, beet juice color.”

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70 **Guidance**

71 Soap products formulated using certified organic oils and materials included on the National List may be
72 certified and labeled as “organic” or “made with organic [specified ingredients].” Further, when
73 manufacturers of saponified organic oils produce such products in compliance with the regulations and
74 provide certified formulations to downstream processors, they may be further processed into “organic” or
75 “made with” products.

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77 When saponified oils are produced by a certified organic handler and are to be sold as “made with organic
78 oils” for further processing into certified “organic” or “made with” products, they must be accompanied
79 by a complete ingredient statement which gives the actual percentage of the organic ingredients contained
80 in the “made with” product.

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82 When labeling products produced with saponified oil, the ingredient statement of the further processed
83 product must include the ingredients used to produce the saponified oil. As an option, the saponified
84 organic oil may be stated on the ingredient statement followed by a parenthetical statement. Listing the
85 saponified oils without listing the ingredients used to produce the saponified oils is not sufficient.

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88 **Procedures**

89 As always, certifiers must review and approve all organic handling plans for products produced with
90 saponified oils, including the ingredient statements for the saponified oils themselves, prior to issuing
91 certification for handling operations producing these products.

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93 Producers of saponified oils to be further processed into other personal care products must provide
94 statements of the type and percent of all ingredients used to produce the saponified oils so that this
95 information may be included in the ingredient statement of the finished product.

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97 All labels for certified organic soaps and products containing saponified oils must be reviewed and
98 approved by the certifying agent prior to printing and labeling.

99

100 **Approval**

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102 [PENDING FINAL REVIEW]

103

104 Barbara C. Robinson

105 Acting Director

106 National Organic Program