

What ingredients can be utilized in the 5% of non-organic ingredients allowed in a processed product labeled as “organic”?

Very few substances are allowed in a non-organic processed product labeled as organic. The National Organic Standards Board (NOSB) strictly regulates both allowed and prohibited substances. Per the USDA’s definition of organic, related to labeling products, any multi-ingredient or processed product must contain at least 95% organic ingredients to be called “organic.” The percentage is measured by weight or fluid volume, excluding water and salt. Up to 5% of the remaining ingredients may be non-organic, but must be approved for use as per 7 Code of Federal Regulations (CFR) [205.605](#) and [205.606](#), the National List of Allowed and Prohibited Substances.

It is important to remember that when calculating the percentage of organic ingredients, numbers are rounded down and not up, so a product containing 95.2% organic ingredients is considered to contain 95% organic ingredients and is compliant. A product containing 94.7% of organic ingredients is considered to contain 94% organic ingredients and does not qualify as organic. Note that water and salt are both excluded from the calculations.

This document answers common questions with regards to allowed substances in the 5% of non-organic ingredients that may be utilized in a product labeled as organic.

What substances can go into the 5% of non-organic ingredients?

Non-organic ingredients must meet these three *initial* criteria that the certified organic ingredients also meet by definition:

- Must not contain genetically modified ingredients (GMO’s)
- Must not be irradiated (exposed to ionizing radiation)
- If they are agricultural, they must not have been fertilized with sewage sludge.

After meeting the initial requirements, there are two main categories of non-organic substances allowed in processed products labeled as organic. They are:

- **Agricultural** – This category includes any agricultural product, whether raw or processed, including any product derived from livestock, that is marketed in the United States for human or livestock consumption. The agricultural ingredients found in this category could be used in a product labeled as organic even though they are not certified. This list includes items like gelatin, guar gum, and cornstarch.

USDA Organic Regulations 7 CFR 205.606

To use any one of the non-organic agricultural ingredients on the list, an organic version must not be commercially available. If an organic version of an ingredient is available, the organic ingredient must be used. See more about commercial availability below.
205.606

- **Non-agricultural** – This category includes any substance that is not a product of agriculture. Examples of non-agricultural ingredients include minerals (calcium

carbonate, magnesium sulfate, etc.), bacterial cultures (dairy cultures), enzymes and glycerin. These items are generally not eligible for certification in the first place, as they are not products of agriculture. 205.605

Non-agricultural substances are further divided into two sub-categories:

205.605

- **Non-synthetic** (natural) - A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic processing. For the purposes of this document, non-synthetic is used as a synonym for “natural” as the term is used in the Organic Food Production Act. Examples of non-synthetics include agar-agar, calcium chloride and carrageenan.
Organic Foods Production Act Section 7 U.S.C. 6502(21)
USDA Organic Regulations 7 CFR 205.605(a)
- **Synthetic** – A synthetic substance is one that is formulated or manufactured by an intentional chemical process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources. The term “synthetic” does not apply to substances created by naturally occurring biological processes. Examples of synthetics include ascorbic acid, calcium citrate, and xanthan gum.
USDA Organic Regulations 7 CFR 205.605(b)

In addition, for the purposes of compliance with the organic standards, a non-agricultural ingredient also includes any substance such as gums, citric acid, or pectin that is removed from, separated from, or has been reduced to a fraction of an originally agricultural product. The once agricultural product is now considered to non-agricultural due to manipulation or processing that caused the ingredient to become unrecognizable in its new form.

All of the allowed ingredients in the categories above are listed in the National List of Allowed and Prohibited Substances, which is part of the USDA’s organic regulations.

Where can I find the complete National List of Allowed and Prohibited Substances?

The complete list can be found in sections [7 CFR 205.601-606](#) of the USDA organic regulations.

Are there any further restrictions on the use of agricultural or non-agricultural ingredients in organic food?

Yes. Many of the substances and ingredients listed in USDA organic regulations 7 CFR 205.605-606 require adherence to certain restrictions in order for the substance or ingredient to be used. If an ingredient has a restriction, then the certifying agent will require proof of compliance with this restriction.

What is “commercial availability” as it relates to the use of non-organic agricultural products in foods labeled as organic?

205.606

In order to use any of the allowed non-organic agricultural ingredients listed in 205.606, an organic farmer or business owner must first search to see if there is an organic version on the market. If an organic version of the item is commercially available, the organic version must be used.

How can I verify an agricultural ingredient or substance is not available in an organic version?

205.606

An organic operator must make efforts to confirm the availability of an agricultural organic ingredient or substance listed in 205.606. Suggested methods include:

- Calling the Organic Trade Association
- Contacting distributors such as UNFI
- Conducting an internet search
- Reaching out to other common industry sources.

While the search methods may vary, the organic operator must be able to show the certifying agent that efforts were made to find an organic ingredient. Specific questions about commercial availability should be directed to the certifying agency. Each certification agency has its own procedures for determining whether the commercial availability requirements have been met.

Does the price of an ingredient or substance have any bearing on what non-organic ingredients I can choose to make my product labeled as organic?

No, price is not one of the criteria for allowing the use of a non-organic agricultural ingredient in a product labeled as organic.

For example, if an organic producer makes gourmet jellies, but notices that some organic ingredients cost more than the non-organic ingredients, the producer cannot rule out the use of the organic ingredient simply based on its price. If an ingredient is available in an organic version, it must be used, regardless of its price. Price cannot factor into the purchase and use of non-organic agricultural ingredients instead of organic ingredients.

Is there any flexibility with the list of allowed substances or ingredients used in my products labeled as “organic”?

The list is final. If a non-agricultural substance or ingredient is not on the list of allowed substances (205.605) then it may not be used in a product labeled as organic.

206.606 lists non-organic **agricultural** products that are allowed in organic foods, with restrictions noted, and only when the product is not commercially available in organic form.

For Further Reading & Questions

The full text of the [USDA organic regulations](#) can be found online at the U.S. Government Publishing Office (GPO) website in the Electronic Code of Federal Regulations (e-CFR). The complete National List of Allowed and Prohibited Substances can be found in section [7 CFR 205.601-606](#) of the regulations.

Specifically, these regulatory sections may be helpful to those with questions about what ingredients can be utilized in the 5% of non-organic ingredients allowed in a processed product labeled as organic:

[7 CFR 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)).”

[7 CFR 205.606](#) Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic.”

General information about the National List of Allowed and Prohibited Substances can also be found at the [USDA’s Agricultural Marketing Service](#) website.

Further questions may be directed to the certifying agency.

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