



Commercial Availability Requirement for Nonorganic Ingredients and Processing Aids

If you use a nonorganic agricultural ingredient in a product labeled “organic,” you are required to show that you looked for an organic version first and couldn’t find one in the form, quality, or quantity you need. This article walks through what that search looks like, how to document it, and what to do when an organic version eventually becomes available.



What You’ll Learn

- When the commercial availability requirement applies and when it doesn’t
- What counts as a valid reason to use a nonorganic version and what doesn’t
- How to run and document a compliant search before you source the nonorganic version
- Which substances are commonly hard to source organically and what that means for your documentation
- What steps to take when an organic version of something you’ve been sourcing nonorganically finally shows up

Some nonorganic agricultural ingredients and processing aids are allowed for use in organic products, but only when an organic version is not commercially available.¹ This requirement matters when your product falls into the “organic” product composition category, where up to five percent of ingredients can be of nonorganic origin.^{2,3} If your product is labeled “made with organic,” the product is exempt from the commercially available requirement.^{3,4} If you use a nonorganic agricultural substance in a product labeled in the “organic” category, you are required to demonstrate that you adequately searched for an organic source before you can use the nonorganic one.

COMMERCIALLY AVAILABLE RULE

The regulations define **commercially available** 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.”⁵ Put plainly, if an organic version of a substance exists in the form, quality, and quantity you need, you must use it. Only when it is not available can you source the nonorganic version, and only for substances the National List allows.^{1,2,3,6}

Only certain substances qualify for the commercially available exception: a few nonagricultural substances listed in [§205.605](#) and all nonorganic agricultural substances in [§205.606](#). A substance has to be included in those lists to be sourced nonorganically at all.⁷ If you wanted pea protein and could not find it from an organic source, you still could not use a nonorganic version and keep your product’s “organic” category status, because pea protein is not listed in [§205.606](#). Further, a listed substance may only be used for the purpose annotated in its listing. If the substance you are needing is listed as allowed only as a coloring, you may use the nonorganic version only as a coloring, not as a flavoring or a processing aid.

Why the Rule Exists

The commercial availability requirement is a critical control for maintaining organic integrity. It keeps organic products at the highest feasible percentage of organic ingredients, which is the standard consumers expect when they purchase an organic product.⁸ It also generates market pull: every time a handler conducts a supplier search and requests an organic version of an ingredient, that demand signal registers with suppliers, giving them a business case to bring that ingredient to market organically or scale up existing organic volume. Your documented search isn't just a compliance record, it's a mechanism that helps build out the organic supply chain.

“When I’m formulating recipes, ... I am not only looking at the cost of ingredients, but I’m also looking at, can I actually get that ingredient [as] certified organic?”

Michelle Pusateri

Founder

Nana Joes Granola

HOW TO CONDUCT A COMMERCIAL AVAILABILITY SEARCH

Using only organic substances is simpler and saves you time. When you do decide to use a nonorganic agricultural substance, you must first search for organic versions and then document that search, so you can satisfy the requirement at your inspection.^{3,9}

1. Start in the [Organic Integrity Database](#) (OID) and search for organic suppliers of the specific substance.
2. Document your search.
 - Certifiers commonly expect you to contact at least three suppliers who are likely to carry an organic version, though yours may accept fewer on a case-by-case basis. This is a certifier convention, not a fixed number in the regulations.
 - Record how and when you contacted each supplier, and ask them to note your interest so they can reach you if they begin offering an organic version.
 - If a supplier does offer an organic version and you still need the nonorganic one, document why the organic option will not work, on grounds of form, quality, or quantity. Price is not an allowed reason.⁵ Your certifier likely has a form they want you to use.
3. Stay current. A yearly search is typical. If a single order lasts you multiple years, your certifier may let you search again only when you reorder, so ask.

WHEN YOU CAN SUBSTITUTE A NONORGANIC VERSION

There are three grounds on which you may substitute a nonorganic substance for an unavailable organic one:⁵

- **Form:** Physical attributes such as solid versus liquid, a carrier system like a flavor that must be suspended in oil, or a physical specification like fine versus coarse grind.
- **Quality:** Shelf life, grade such as food grade versus feed grade, or flavor qualities.
- **Quantity:** Low volume available from suppliers when you need large amounts, or a minimum purchase requirement too large for a smaller processor to justify.

WATCH OUT

The regulations do not allow purchase price to justify sourcing a nonorganic ingredient or processing aid.⁵ And because form, quality, and quantity are subjective and specific to your process, your certifier decides whether your justification is reasonable. Keep clear records of your search and be ready to explain why an available organic version will not work in your product.

Substances That Are Difficult to Source Organically

Some industries and substances routinely struggle to source organic options. Meat processing is a common one. Ingredients like collagen gel casings,¹⁰ celery powder,¹¹ and casings from intestines¹² all require a commercial availability search. With low volumes of organic meat processing in the United States, these are rarely available as organic today, but the search still has to be done and documented.

Natural flavors are their own world. A sufficient search is wider than your current suppliers, since checking only the flavor houses you already contract with does not satisfy the requirement. You must look for companies that offer, or could create, an organic version and contact them. The search also has to be by the flavor's properties, not just its name, so searching "candy cane flavor" alone is not enough. Comparing options may involve R&D testing, visual inspection on arrival, microbial testing, taste panels, and whether the flavor comes in the powder or liquid form your product needs.¹³

Yeast and alcohols add another challenge. The right yeast varies by product, since bread and baked goods often use different strains than beverages. Temperature, sugars, and flavor profile all steer the choice. Form matters too, whether you need liquid, dry, or rehydrated. And if you cultivate wild yeast strains, talk through that option with your certifier.

WHEN AN ORGANIC VERSION BECOMES AVAILABLE

The purpose of the repeated commercial availability search is to replace nonorganic substances with organic versions as they enter the market.

If you can switch, contact your certifier first, because a few things need to be handled with care:

- How much nonorganic substance do you have on hand, is it used in other products, and on what timeline can you use it up?
- How would switching affect your formulations and labels, and could it change your labeling category?
- Any change to formulations or labels must be reviewed and approved by your certifier, and a change in labeling category needs a certificate update.
- Organic ingredients must be shown as organic in the ingredient statement on your retail labels.
- Update all changes in your Organic System Plan.

WAYS TO AVOID THE SEARCH

If you would rather not perform these searches, you have two ways around them. You can reformulate the product so it no longer uses nonorganic ingredients or processing aids that require a commercial availability search. Or you can change your product composition category from "organic" to "made with organic," which is the only category that can still make organic claims on the product label and is not subject to the commercially available rule.

LEARN MORE

See [Product Composition - 100% Organic, Organic, and Made with Organic](#) to weigh the choice of which category is right for your product.

CONCLUSION

A documented commercial availability search is one part of the documentation package that gets a nonorganic substance approved to use in your product. For the full workflow, from gathering supplier documents to updating your Organic System Plan and submitting for approval, see [Documenting Nonorganic Ingredient Use](#). To confirm which of your substances carry a commercially available requirement, see [Navigating the National List for Allowed Ingredients and Processing Aids](#).

ACTION ITEMS

- List the nonorganic substances in your organic products.
- Confirm which ones carry a commercial availability requirement.
- Search the OID and contact suppliers of each one.
- Document the search on your certifier's form, quality, or quantity only.
- Repeat the search on schedule and switch to organic when you can.

SOURCES CITED

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2. USDA National Organic Program, 7 CFR §205.301(b).
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6. USDA National Organic Program, 7 CFR §205.605.
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United States Department of Agriculture
Agricultural Marketing Service
National Organic Program

