



AMERICAN SPICE TRADE ASSOCIATION,

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March 2, 2026

Ed Messina
Director
Office of Pesticide Programs
Environmental Protection Agency

Re: Ethylene Oxide Interim Registration Review Decision – Request for Clarification on
Classification of Mexican Oregano

Dear Mr. Messina,

The American Spice Trade Association (ASTA) appreciated the opportunity to meet with you and your team on January 22, 2026, to discuss the authorization of ethylene oxide (ETO) for use on “Mexican” oregano (*Lippia graveolens*).

As discussed during the meeting, the purpose of ASTA’s prior correspondence was regarding the use of ETO on both Mexican and Mediterranean varieties of oregano under “List 2” of the Interim Decision (ID), the category under which ETO use is permitted through January 1, 2032, after which ETO would be limited to reconditioning only. While ASTA respectfully disagrees with EPA’s current position that ETO is permitted on Mediterranean oregano, but not Mexican oregano, we understand EPA’s concerns with including Mexican oregano with the “vegetable, dried” category, for which ETO use has not been proposed to be phased out.

EPA’s position that ETO is not authorized on Mexican oregano has created significant challenges and uncertainty in the marketplace, as the spice supply chain considers compliance, since common spice industry and FDA definitions include both varieties of oregano. To remedy this issue, ASTA respectfully requests EPA remove the discussion of Mexican oregano in the ID, and provide clarity on enforcement discretion the Agency may support during the phase-out period for ETO, and revisions to the discussion of Mexican oregano the ID.

Background and History

ETO has been used for many years as a critical food safety tool for the treatment of oregano, which is commonly defined as encompassing both *Lippia graveolens* (Mexican oregano) and *Origanum* spp. (Mediterranean oregano).¹ While classified in different botanical families, *Lippia graveolens*

¹ Food and Drug Administration. *CPG Sec. 525.750 Spices – Definitions*. 1 Oct. 1980, U.S. Department of Health and Human Services, www.fda.gov/regulatory-information/search-fda-guidance-documents/cpg-sec-525750-spices-definitions. Accessed Jan 26, 2026



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and *Origanum oregano* are essentially considered the same commodity commercially, with nearly the same chemical and physical properties. They share many characteristics, including comparable essential oil profiles, density, appearance and physicochemical properties that are relevant to pesticide use, fumigation practices, and residue behavior. These commonalities support their treatment as a single commodity from a regulatory standpoint.

ASTA has worked closely with EPA on ETO authorization for oregano and other spices for decades and engaged extensively with the Agency during the recent ID process. This effort has included submitting extensive comments explaining that ETO is essential for food safety treatments for certain spices, including both varieties of oregano. At no point prior to publication of the ID did EPA communicate that ETO was not authorized for use on Mexican oregano, which was inconsistent with the industry's good-faith reliance on prior EPA guidance regarding ETO authorization for oregano.

Historically, ETO has been understood to be authorized for all spices included on the "ASTA Spice List", which EPA specifically referenced in the revision of the ETO tolerance expression in 2009. Notably, ASTA's Spice List lists both species parenthetically as oregano.

In 2005, EPA proposed revising the tolerance expression from the generic term "spices (whole and ground)" to "Crop Group 19." During that rulemaking process, the chemical registrant identified that several important spice commodities would be excluded as a result of the definitional change (EPA-HQ-OPP-2005-0203-0009).

Subsequently, in 2008, ASTA submitted comments to EPA, along with the ASTA Spice List, identifying gaps between commodities covered under Crop Group 19 and those previously authorized under the "spices (whole and ground)" tolerance. ASTA's spice list specifically listed both *Lippia graveolens* and *Origanum* spp. as "oregano", consistent with FDA's definition of oregano: "the dried leaves of *Origanum vulgare* L. or *Origanum* spp., or *Lippia* spp. (Mexican oregano)." This correspondence between ASTA and EPA is appended to this letter.

In response, EPA acknowledged these excluded spices in the 2009 Federal Register notice, explicitly including "oregano," and stated that "oregano is covered by the preferred term marjoram" (46694 Federal Register / Vol. 74, No. 175 / Friday, September 11, 2009). Considering the Agency did not distinguish between *Lippia graveolens* and *Origanum* spp. in this response and ASTA's Spice List (upon which the agency based this comment) included both species of oregano, the industry reasonably understood both to be covered by this interpretation of the term "oregano".

This understanding is further supported by EPA's decision in the same notice to establish separate tolerances for certain spices not otherwise captured by Crop Group 19, such as licorice root,



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peppermint and spearmint leaves, and sesame seed, in order to align with the ASTA Spice List. Considering EPA's stated intent at the time to align the updated tolerance expression with the ASTA Spice List so as to not inadvertently cancel any authorized uses, we believe this species of oregano was not intended to be excluded.

Although the later establishment of Crop Group 25 (EPA-HQ-OPP-2006-0766) introduced greater specificity regarding marjoram/oregano species, it is unclear why this action would be interpreted as revoking a previously established tolerance. If the agency intended the definitional changes in Crop Group 25 to revoke an existing authorization for ETO use on Mexican oregano, such an action would ordinarily require rulemaking and an opportunity for stakeholder comment.

Taken together, these actions reasonably led industry to conclude that ETO use on oregano, including Mexican oregano, was authorized and had not been revoked.

Clarity Sought

Moreover, this interpretive shift has resulted in significant commercial disruption stemming from compliance concerns raised by the ID. As a practical matter, there is no distinction in the labeling, handling, or treatment of the two different species known as "oregano", as reflected in ASTA and FDA's definition, which encompass both types of oregano. ASTA believes the resulting regulatory burden is not justified by public health or safety considerations, particularly given that ETO use is already being phased out for oregano. Furthermore, this determination will not result in a change in exposure profile or risk mitigation assumptions reflected in the ID. Additionally, it raises concerns for commodities that are treated overseas and imported into the U.S.

ASTA understands that EPA may be revising the ID and respectfully requests that the Agency remove language explicitly stating that ETO use on Mexican oregano is not authorized as this interpretation is inconsistent with EPA's prior guidance to industry in 2009.

Additionally, we raised the issue of enforcement discretion during the phase-out period for ETO. While we recognize that FDA has the authority to offer enforcement discretion on pesticide residue matters, we respectfully request that you confirm that EPA would not oppose any enforcement discretion practiced by FDA with respect to this commodity during this timeframe.

We appreciate EPA's continued engagement on this issue and welcome further discussion as the Agency considers revisions to the ID.

Sincerely,



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CC:

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March 2, 2009

VIA E-MAIL AND U.S. MAIL

Debra Edwards, Ph.D.
Director, Special Review and Reregistration Division
c/o Office of Pesticide Programs (OPP)
Regulatory Public Docket (7502P)
U.S. Environmental Protection Agency, Room S-4400
One Potomac Yard (South Building)
2777 South Crystal Drive
Arlington, VA 22202-4501

Re: **Comments of the American Spice Trade Association (“ASTA”) Concerning the
Proposal to Change the Tolerance for Ethylene Oxide, Docket No. EPA-HQ-OPP-
2008-0834**

Dear Dr. Edwards:

On December 31, 2008, a notice of proposed rulemaking was published in the Federal Register which among other things, would change the tolerance for ethylene oxide (“EO”). *73 Fed. Reg. 80317-32*. The proposal included changes to the expression of the commodities subject to the tolerance for EO, the level of this tolerance and the level of ethylene chlorohydrin (“ECH”) the specific reaction product being added to the tolerance expression.

Our client, the American Spice Trade Association (ASTA), is a trade association that represents the U.S. spice industry. It was founded in 1907 and represents the interests of approximately 175 members including companies that grow, dehydrate, and process spices. ASTA’s members include U.S.-based agents, brokers, and importers, and companies based outside of the U.S. that grow spices and ship them to the U.S. and other companies associated with the U.S. spice industry. ASTA members manufacture and market the majority of spices sold in the U.S. at retail and to food processors.

EO is a critical fumigant used to prevent the spread of a variety of pests including microbial organisms which are injurious to human health. EO is the most significant tool available to the U.S. spice industry to prevent not only the introduction and dissemination of plant pests in spices but also extremely dangerous human microbial contaminants such as *salmonella*, *e-coli*, etc. Without EO, our nation would face a significant increase in actual risk from these dangerous pathogens. Consequently, ASTA's members are very interested in the continued availability of EO for use in treating spices and in assuring that residues in treated spices are within required tolerances.

ASTA members have reviewed the subject proposed rule and have several comments regarding the proposal. First, the description of the treated commodities that would be subject to the tolerance expression is too limited. Specifically, the Agency proposes to replace the current references to "whole spices" and "ground spices" in *40 CFR 180.151(a)* with "Herb and spice, group 19, dried, except basil" and "vegetable, dried". *Id at 80329*. ASTA and its members believe that the proposed tolerance expression may not be as comprehensive as the existing tolerance expression. We are not objecting to the exclusion of basil from the tolerance expression. It is recognized that sufficient data have not been developed to date that would allow the Agency to include basil in the revised tolerance expression.

Attached is the ASTA spice list. With the exception of basil, each of the other listed spices may be treated today with EO in accordance with the current label requirements. Consequently, ASTA and its members strongly believe that the tolerance expression should address all potentially treated commodities. ASTA would request that the Agency review the ASTA "spice list" and where necessary, modify the tolerance expression to include all of those spices. Again, it is understood that basil, at this time, would not be included in the tolerance expression.

Second, as the Agency has acknowledged, a new process for applying the EO was introduced into the spice industry. This treatment process is specified on the EO product label. In most cases, the ASTA members have been able to make the necessary changes resulting in treated product being within the proposed tolerance. This is particularly true for treatment of whole spices. However, in some limited circumstances involving treating certain ground (processed) spices, there has been some difficulty in meeting the proposed tolerance value for the reaction product ECH. There is no problem meeting the current tolerance for EO in effect. Some of ASTA's members need some additional brief time to help assure that the tolerance proposal can be met in all circumstances. During that time they will be examining the treatment application to see what additional steps need to be taken to assure that all treated commodities meet the proposed tolerance. Based on the foregoing, it is requested that the finalization in the tolerance expression not be made effective before August 31, 2009.

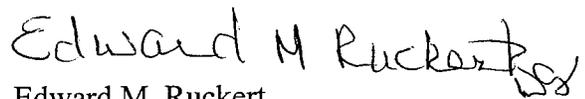
Debra Edwards, Ph.D.

March 2, 2009

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ASTA and its members appreciate the opportunity to comment on the proposed rule. EO's continued availability is of vital interest to our members and helping to assure the continued safety of our nation's food supply.

Very truly yours,

Handwritten signature of Edward M. Ruckert in black ink.

Edward M. Ruckert

Counsel to the American Spice Trade Association

cc: Cheryl Deem
Joanne Cashin

AMERICAN SPICE TRADE ASSOCIATION, INC.

SPICE LIST

Spices

ASTA recommends that for the purpose of complying with FDA food labeling regulations (21 CFR Sec. 101.22), the following items may be declared in a product's ingredient statement either individually by its common or usual name or included under the term "spice" as permitted in 21 CFR Sec. 101.22(h). The spices on this list, and their derivatives (e.g. extracts and oleoresins), are considered by FDA to be generally recognized as safe (GRAS), or approved food additives (See 21 CFR Secs. 172.510, 182.10, and 182.20).

COMMON OR USUAL NAME(s)	PART OF PLANT	BOTANICAL NAME(s) OF PLANT SOURCE(s)
Allspice (Pimento)	Berry	<i>Pimenta officinalis</i>
Anise Seed	Seed	<i>Pimpinella anisum</i>
Star Anise	Fruit	<i>Illicium verum</i> Hook
Balm (lemon balm)	Leaf	<i>Melissa officinalis</i> L.
Basil Leaves (Sweet)	Leaf	<i>Ocimum basilicum</i>
Bay Leaves (Laurel Leaves)	Leaf	<i>Laurus nobilis</i>
Black Caraway (Russian Caraway Black Cumin)	Seed	<i>Nigella sativa</i>
Camomile, English or Roman	Flower	<i>Anthemis nobilis</i> L.
Camomile, German or Hungarian	Flower	<i>Matricaria chamomilla</i> L.
Capsicums	Fruit	<i>Capsicum</i> spp.
Caraway Seed	Seed	<i>Carum carvi</i> Maton.
Cardamom ¹	Fruit	<i>Elettaria cardamomum</i>
Cassia/Cinnamon	Bark	<i>Cinnamomum</i> spp.
Celery Seed	Seed	<i>Apium graveolens</i>
Chervil	Leaf	<i>Anthriscus cerefolium</i>
Chives	Leaf	<i>Allium schoenoprasum</i>
Cilantro (Coriander Leaf)	Leaf	<i>Coriandrum sativum</i>
Cinnamon/Cassia	Bark	<i>Cinnamomum</i> spp.
Cloves	Bud	<i>Syzygium aromaticum</i>
Coriander Seed	Seed	<i>Coriandrum sativum</i>
Cumin Seed (Cummin)	Seed	<i>Cuminum cyminum</i>
Dill Seed	Seed	<i>Anethum graveolens</i> / <i>Anethum sowa</i>
Dill Weed	Leaf	<i>Anethum graveolens</i> / <i>Anethum sowa</i>
Fennel Seed	Seed	<i>Foeniculum vulgare</i>
Fenugreek Seed (Foenugreek Seed)	Seed	<i>Trigonella foenum-graecum</i>
Ginger	Root	<i>Zingiber officinale</i>
Horseradish	Root	<i>Armoracia lapathifolia</i> Gilib.
Juniper	Berry	<i>Juniperus communis</i>
Lavender	Flower	<i>Lavandula officinalis</i> Chaix.
Mace	Aril	<i>Myristica fragrans</i>
Marjoram Leaves	Leaf	<i>Majorana hortensis</i> Moench
Mustard Seed	Seed	<i>Brassica juncea</i> /B. <i>hirta</i> /B. <i>nigra</i>
Nutmeg	Seed	<i>Myristica fragrans</i>
Oregano Leaves	Leaf	<i>Origanum vulgare</i> /Lippia spp.

Paprika	Fruit	Capsicum spp.
Parsley (Dehydrated Parsley, Parsley Flakes)	Leaf	Petroselinum crispum
Black Pepper	Berry	Piper nigrum
White Pepper	Berry	Piper nigrum
Green Peppercorns	Berry	Piper nigrum
Pink Peppercorns	Berry	Schinus terebinthifolius
Peppermint Leaves (Peppermint Flakes)	Leaf	Mentha piperita
Poppy Seed	Seed	Papaver somniferum
Rosemary Leaves	Leaf	Rosmarinus officinalis
Sage Leaves	Leaf	Salvia officinalis/Salvia triloba
Savory Leaves	Leaf	Satureia montana/Satureia hortensis
Sesame Seed ¹	Seed	Sesamum indicum
Spearmint Leaves (Spearmint Flakes)	Leaf	Mentha spicata
Tarragon Leaves	Leaf	Artemisia dracunculus
Thyme Leaves	Leaf	Thymus vulgaris/Thymus serpyllum/Thymus satureioides
Vanilla Bean	Fruit	Vanilla planifolia/Vanilla tahitensis Moore

Dehydrated Vegetables Used As Spices

Because, in addition to their use as spices (e.g. granulated or powdered onion and garlic), these items are traditionally regarded as foods, they shall be declared by common or usual name consistent with 21 CFR Sec. 101.22(a)(2):

COMMON OR USUAL NAME(s)	PART OF PLANT	BOTANICAL NAME(s) OF PLANT SOURCE(s)
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Garlic	Bulb	Allium sativum
Onion	Bulb	Allium cepa

Spices Used As Color Additives

Consistent with 21 CFR Sec. 101.22(a)(2), the following spices, which can be used to impart color as well as flavor, shall be declared as "spice and coloring" or declared individually by common or usual name:

COMMON OR USUAL NAME(s)	PART OF PLANT	BOTANICAL NAME(s) OF PLANT SOURCE(s)
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Annatto Seed	Seed	Bixa orellana
Paprika	Fruit	Capsicum spp.
Saffron	Stigma	Crocus sativus
Turmeric	Root	Curcuma longa

FOOTNOTE:

¹Must be listed by specific form (i.e., natural or hulled).

Revised January 22, 2004

Approved by ASTA Board of Directors/Government Relations Committee March 2004