



Mr. Alex Belano  
Assistant Branch Chief  
Commodity Import Analysis and Operations  
APHIS, USDA

Docket No. APHIS-2008-0119  
Regulatory Analysis and Development, PPD  
APHIS, Station 3A-03.8  
4700 River Road Unit 118  
Riverdale, MD 20737-1238

Comments refer to: Docket No. APHIS-2008-0119

Dear Mr. Belano:

These comments are submitted on behalf of the American Spice Trade Association (ASTA) in response to the notice and request for comments regarding the implementation of revised Lacey Act provisions.

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.

Our primary interest in the implementation of the revised Lacey Act provisions is the definition of "common food crop." We want to make sure that spices (see ASTA's spice list on page 3) are included in the definition of "common food crop" and as a result will be exempt from the declaration requirements.

It may seem obvious that spices are a common food crop, but because they are a small segment of the food industry we wanted to ensure they were not overlooked. Also, because the vast majority of spices are imported from overseas, if spices were not exempt from the declaration requirement, it would be extremely costly and burdensome to the industry.

In addition, we would like to endorse your plan to delay implementation of the Lacey Act provisions until the electronic data base is functional.

Thank you for your consideration. Please contact me at [CDeem@astaspice.org](mailto:CDeem@astaspice.org) if you have questions.

Sincerely,

Cheryl Deem  
Executive Director

## ASTA Spice List

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).

<b>COMMON OR USUAL NAME (s)</b>	<b>PART OF PLANT</b>	<b>BOTANICAL NAME (s) OF PLANT SOURCE (s)</b>
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. <i>Matricaria</i>
Camomile, German or Hungarian	Flower	<i>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</i> <i>sowa</i>
Dill Weed	Leaf	<i>Anethum graveolens</i> / <i>Anethum</i> <i>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> / <i>Lippia</i> spp.
Paprika	Fruit	<i>Capsicum</i> spp.
Parsley (Dehydrated Parsley, Parsley Flakes)	Leaf	<i>Petroselinum crispum</i>
Black Pepper	Berry	<i>Piper nigrum</i>

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	<b>Vanilla planifolia/Vanilla tahitensis Moore</b>

Spices Used As Color Additives

<b>COMMON OR USUAL NAME (s)</b>	<b>PART OF PLANT</b>	<b>BOTANICAL NAME (s) OF PLANT SOURCE (s)</b>
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).**

<b>COMMON OR USUAL NAME (s)</b>	<b>PART OF PLANT</b>	<b>BOTANICAL NAMES (s) OF PLANT SOURCE (s)</b>
Garlic	Bulb	Allium sativum
Onion	Bulb	Allium cepa