



AMERICAN SPICE TRADE ASSOCIATION, INC.

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January 16, 2025

Anita Pease
Director
Office of Pesticide Programs
Antimicrobials Division
Environmental Protection Agency

Jean Overstreet
Director
Pesticide Re-evaluation Division
EPA Office of Pesticide Programs

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

Dear Ms. Pease and Ms. Overstreet,

I am writing on behalf of the American Spice Trade Association (ASTA) to express our appreciation for the U.S. Environmental Protection Agency's (EPA) recently published Interim Decision regarding the registration review of ethylene oxide (ETO) and to raise an urgent concern regarding the discussion about Mexican oregano (*Lippia graveolens*) and sassafras in that document.

ASTA was founded in 1907 and represents the interests of approximately 200 members, including companies that grow, dehydrate, and process spices. ASTA members include U.S. based agents, brokers and importers, 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. for industrial, food service, and consumer use. The highest priority for ASTA and our members is ensuring the supply of pure, safe spice to American consumers.

We would like to commend the EPA for its thoughtful consideration of the comments submitted by ASTA. We are grateful for the agency's continued transparency and engagement throughout this process.

That being said, we would like to raise a specific concern regarding the Interim Decision's conclusion about the use of ETO on Mexican oregano (*Lippia graveolens*) and sassafras. The Interim Decision states: "During the public comment period, the Agency received public comments that use of EtO is critical for food safety of Mexican oregano (*Lippia graveolens*) and sassafras. Mexican oregano and sassafras are not included in crop group 19, and there are no EtO or ECH tolerances for those commodities. **EtO is not currently allowed for use on those commodities.**" (emphasis added).



We respectfully disagree with this conclusion. ETO should be authorized for use on Mexican oregano and sassafras as part of the “dried vegetable” category. This is especially important in light of the critical food safety need for ETO on Mexican oregano and sassafras, as noted in ASTA’s earlier comments from 2023.

It is appropriate to include Mexican oregano and sassafras in the “dried vegetable” category because of their similarities with other herbs that fall under Crop Group 19 and, thus, are authorized for ETO treatment – including marjoram (*Origanum* spp.), parsley (*Petroselinum crispum*), and sage (*Salvia officinalis*). Mexican oregano and sassafras share similar growing practices and quality attributes to these other leafy green herbs and are also subject to similar food safety risks, including the potential presence of foodborne pathogens. As noted in ASTA’s previous comments and discussions with EPA on this matter, leafy green herbs are particularly challenging with respect to alternative treatment methods due to their low density and delicate flavors. Given that Mexican oregano and sassafras share similar characteristics to these herbs, we believe it would be appropriate to extend the same authorization to use ETO on these herbs as the EPA continues to better define the “dried vegetable” category. It is also noteworthy that the U.S. Food and Drug Administration (FDA) includes Mexican oregano under its definition of “oregano” in CPG Sec. 575.750 Spices – Definitions¹, alongside Mediterranean oregano (*Origanum vulgare*). In the Interim Decision, EPA notes “Similarly, the Agency determined that...Mediterranean oregano (*Origanum vulgare*)...[is] included in the existing tolerances for crop group 19.”

The spice industry has a long history of use of Mexican oregano and sassafras and ASTA includes these crops in our definition of spices. However, up until the revision of the spices crop group and the establishment of crop groups 25 and 26 in 2020, Mexican oregano and sassafras did not fall within any other EPA crop groups. Therefore, it is appropriate to include Mexican oregano and sassafras within the dried vegetables category for the purpose of ETO authorization, which includes a variety of other commodities which are considered spices but do not fall within Crop Group 19 (e.g., capsicums, ginger, paprika, garlic, onion, turmeric).

In the Interim Decision, EPA states:

Dried vegetables is identified as a commodity with a tolerance in 40 C.F.R. § 180.151. EtO is the only active ingredient with a dried vegetables tolerance. EPA’s tolerance regulation does not define the exact list of dried vegetables that are included in the dried vegetables tolerance, and public comments on the PID suggest that this list has evolved over time. Comments submitted by ASTA identify certain dried vegetables for which EtO treatment is critical for food safety. The dried vegetables identified in their comments include additional

¹ <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cpg-sec-525750-spices-definitions>



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dried vegetables not previously identified by EPA as included in the tolerance for dried vegetables.

We understand that EPA intends to revise the tolerance to clarify the definition of dried vegetables through a separate rulemaking process and is requiring that the registrants revise the definition on the label to list the specific dried vegetables that should be covered. We request that this list of dried vegetables be expanded to include Mexican oregano and sassafras.

We appreciate that the regulatory process involves careful deliberation, and we would be grateful for the opportunity to have further dialogue on this matter. We are hopeful that the EPA will agree with our position that the definition of dried vegetables for ETO use may include Mexican oregano and sassafras, in recognition of the food safety needs, industry practices, and agricultural similarities to other herbs that have such permission.

Once again, we appreciate the EPA's ongoing work on this issue and its openness to stakeholder feedback. We look forward to continued collaboration to ensure both the safety and efficacy of microbiological control measures used within the spice industry. To this end, we kindly request a meeting to further discuss the inclusion of Mexican oregano and sassafras under the dried vegetables category.

Thank you for your attention to this important matter.

Sincerely,

Laura Shumow
Executive Director
American Spice Trade Association

CC:

Sue Bartow, Chemical Review Manager, Pesticide Re-evaluation Division, EPA Office of Pesticide Programs

Linda Arrington, Branch Chief, Pesticide Re-evaluation Division, EPA Office of Pesticide Programs