



April 7, 2015

Ms. Michelle Arsenault  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Avenue, SW  
Room 2648-So., Ag Stop 0268  
Washington, DC 20250-0268

**Docket:** AMS-NOP-15-0002

**RE: Handling Subcommittee – Glycerin**

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Handling Subcommittee’s Proposal on Glycerin. The Handling Subcommittee is proposing to remove glycerin from 205.605(b) of the National List as an allowed non-agricultural synthetic for use in or on processed products labeled “organic” or “made with organic (specified) ingredients.” Additionally, the Subcommittee is proposing to list glycerin at § 205.606 as a non-organic agricultural ingredient allowed in “organic” products only when organic forms are commercially unavailable. Finally, the Subcommittee is proposing to classify glycerin as “agricultural” when derived from agricultural source material and processed using biological and mechanical methods described under § 205.270(a).

In summary, the Organic Trade Association (OTA<sup>1</sup>) supports the Handling Subcommittee’s Proposal to remove synthetic Glycerin from 205.605(b) of the National List. We also support the Subcommittee’s classification motion and the listing of “Glycerin” on § 205.606 of the National List. This approach will align with NOP’s Draft Classification of Materials Guidance (NOP 5033), require use of organic glycerin in organic products, and allow for non-organic agricultural forms of glycerin in products when organic is not required. This, in turn, will help address the concerns regarding the use of glycerin in “natural flavors” and “made with organic (specified ingredients or food group(s))” products.

**We offer the following more detailed comments:**

The public comments provided at the spring and fall 2014 NOSB meetings expressed concern regarding the classification of glycerin and the need to be consistent with the National Organic Program’s (NOP)

---

<sup>1</sup> OTA is the membership-based business association for organic agriculture and products in North America. OTA is the leading voice for the organic trade in the United States, representing organic businesses across 50 states. Its members include growers, shippers, processors, certifiers, farmers’ associations, distributors, importers, exporters, consultants, retailers and others. OTA’s Board of Directors is democratically elected by its members. OTA’s mission is to promote and protect the growth of organic trade to benefit the environment, farmers, the public and the economy.

Draft Classification of Materials Guidance (NOSB adopted recommendation). Comments also expressed concern that the supply of organic glycerin is not sufficient in the quality, quantity and form needed for all NOP certified product applications. Comments also stressed that glycerin used in “natural flavors” and in the 30% non-organic portion of NOP “made with” products is not subject to commercial availability requirements and therefore does not need to be organic.

OTA thanks the Handling Subcommittee for taking these important factors into consideration and for drafting a proposal that adequately addresses these concerns.

### **Classification of glycerin**

Currently, glycerin produced by hydrolysis of fats and oils is listed on section 205.605(b) of the National List as a **non-agricultural synthetic** substance allowed in or on processed products labeled as “organic” or “made with (specified organic ingredient(s)).” If glycerin is removed from 205.605(b) of the National List and added to § 205.606 and the proposed classification of glycerin is accepted as written, the following forms of glycerin could potentially be used in NOP certified products given certifier approval:

- **\*Organic** glycerin produced in compliance with the 95/5 composition and handling requirements set forth in the organic regulations  
*\*Required in organic products; non-organic forms can be used only when organic forms are commercially unavailable*
- **\*\*Non-organic** glycerin derived from agricultural source material and produced using biological or mechanical/physical methods. Examples include: 1) microbial fermentation of agricultural substrate; enzymatic hydrolysis of fats and oils; and mechanical hydrolysis of fats and oils (steam-splitting)  
*\*\*Allowed in “made with” products and allowed in natural flavors without a requirement to use organic forms. Glycerin used in “organic” products must be organic unless commercially unavailable.*

Under the Subcommittee’s proposal, the following form of glycerin would **not** be allowed in any type of NOP certified product, including natural flavors added to “organic” or “made with” products:

- **Non-organic** glycerin produced by hydrolysis of fats and oils using an alkali process.

Based on the availability of alternatives, OTA agrees that glycerin produced by hydrolysis of fats and oils using an alkali process (and any other synthetic form) should be removed from the National List in favor of natural and organic alternatives.

There is on-going work to consistently define “agricultural,” “non-synthetic,” or “synthetic” glycerin. We know, however, that glycerin produced via hydrolysis of fats and oils AND glycerin produced via fermentation of sugar **can be produced** in accordance with NOP organic regulations, and thus certified organic forms of both are available. Furthermore, NOP’s draft guidance on Classification of Materials clarifies that glycerin produced from agricultural sources that have been hydrolyzed through heat, pressure, steam and enzymes are all classified as agricultural.

From NOP’s Draft Guidance Decision Tree for Classification of Agricultural and

Nonagricultural Materials (NOP 5033-2):

- The substance is derived from a plant or animal but has undergone a chemical change during processing. Is the chemical change a result of naturally occurring biological processes such as fermentation or enzymatic hydrolysis; or a result of mechanical/physical process described under section 205.270(a)? **Yes = Agricultural**

From NOP's Draft on Materials Allowed for Organic Crop Production (NOP 5034-1):

- Glycerin (non-synthetic): Produced from plant or animal oils that have been hydrolyzed through heat, pressure, steam, or enzymes only.

OTA thanks the Handling Subcommittee for a proposal that is consistent with NOP's Draft Guidance on Classification of Materials and for a classification motion that accommodates all agricultural forms of glycerin.

### **Commercial availability**

Based on feedback collected from OTA members, there does not appear to be sufficient supply to meet the current demand for organic glycerin in the quality, quantity and form needed for all NOP certified product applications. The petition cites the ability to produce between 260 and 400 thousand pounds annually. Data on demand collected from membership surpass that by two to three times. Data do not include the type and quantity of glycerin used in natural flavors that are, in turn, used in NOP certified products. The petition also does not address the amount of glycerin that is used in NOP products certified in the "made with organic" labeling category where organic forms are not required. Furthermore, the proposal states that there are 21 USDA certified organic operations supplying organic glycerin. However, our research shows that there are only three manufacturers. The remaining companies noted are suppliers only.

OTA remains concerned that we do not have enough information at this time to prove that the supply of organic glycerin can meet the demand for NOP certified products, INCLUDING its use in natural flavors and "made with" products. Therefore we thank the Handling Subcommittee for a proposal that requires the use of organic glycerin when commercially available and provides for the use of non-organic agricultural glycerin in applications where organic is not required. This is a step in the right direction as we continue to build the supply of organic glycerin.

### **Conclusion**

The Handling Subcommittee's proposal, if accepted by NOP, will accomplish the following:

- Organic forms of glycerin **will be required** in all NOP **certified organic** products unless commercially unavailable.
- Non-synthetic (agricultural) forms of glycerin would be required for use in natural flavors used in NOP certified products.
- Organic forms of glycerin **will be required** in organic flavors unless commercially unavailable.
- Allowed non-organic glycerin (including forms used in natural flavors) would be processed through the hydrolysis *or* fermentation of agricultural material using methods allowed under the organic regulations and in line with NOP guidance on classification of materials. This would invite more companies to participate, and would move them a step closer to a certified organic version.

- The listing on § 205.606 will be clean and straightforward. Further guidance on the agricultural forms allowed would be communicated through NOP's Guidance Permitted Substance List<sup>2</sup> providing greater clarity for certifiers and industry as well as flexibility for future innovation and improvements.

Again, on behalf of our members across the supply chain and the country, OTA supports the National List process, and we're committed to decisions that will both encourage the development and use of organic ingredients and support the use of the organic label.

OTA thanks NOSB for the opportunity to comment and for your commitment to furthering organic agriculture.

Respectfully submitted,



Gwendolyn Wyard  
Senior Director of Regulatory and Technical Affairs  
Organic Trade Association

cc: Laura Batcha  
Executive Director/CEO  
Organic Trade Association

---

<sup>2</sup> NOP is in the process of releasing guidance on materials allowed in organic crop and livestock production as well as in handling. The Draft Guidance on Materials for Organic Crop Production (NOP 5034-1) is pending final release. The guidance on livestock and handling is forthcoming.