



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 – 2016 Sunset Proposals**

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment to the National Organic Standards Board on its 2016 Sunset Review process and the summaries posted for the spring 2015 meeting.

The Organic Trade Association (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.

OTA thanks NOSB for carefully considering each handling input scheduled to sunset in 2016. It's critical that NOSB hear from certified handlers on whether these inputs are consistent with and essential to organic production and handling, or whether there are other natural or organic alternatives available.

To help facilitate a thorough comment and review process, OTA created an electronic survey for each input under review for 2016 and 2017. The surveys are user-friendly, available to **every NOP certificate holder**, and include 7-10 questions addressing the essentiality of the National List input under review. The names of the companies submitting the information are confidential (not disclosed to OTA).

To ensure wide distribution of the surveys beyond OTA membership, OTA worked with Accredited Certifying Agencies (ACAs) to distribute the survey links to all of their certified clients as well as to targeted clients they know are using the inputs under review. We also worked through our Farmers Advisory Council (FAC<sup>1</sup>) to help assist us with distribution to NOP certified farmers. We hope these efforts will help NOSB in its review process.

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<sup>1</sup> OTA's Farmers Advisory Council was established in 2013 to formalize two-way communication between OTA and member producers as well as regional organic producer organizations across the United States. Through dialog and input, FAC gives organic farmers a voice to directly influence OTA's policy and provides an avenue for OTA to share information and advocacy work with this stakeholder group.

### **National List Criteria**

Materials that have been placed onto the National List for use in handling should remain on the National List if: 1) they are still essential to and compatible with organic production and handling practices; 2) there are no commercially available alternative materials (natural, organic) or practices; and 3) no new information has been submitted demonstrating adverse impacts on humans or the environment (OFPA SEC. 2118 [7 U.S.C. 6517 and 6518] National List). Furthermore, decisions must be transparent, non-arbitrary, and based on the best current information and in the interest of the organic sector and public at-large.

Based on survey results and/or feedback received from members, the following materials meet the essential criteria listed above. We are not aware of any new information regarding adverse impacts on humans and on the environment:

- L-Malic Acid
  - *Summary of member comments:* Used in a number of different organic products ranging from juices to chips to salsas. Primary uses are for pH control and flavor. Other alternatives include lemon juice and citric acid. However, based on R & D trials, the taste imparted by the alternatives does not meet the flavor profiles of the products meeting consumer expectation. The use of the alternatives would downgrade the quality of the products and marketability to established customer base. All responses said this substance is essential to critically essential, and its removal would have a significant and negative impact on the future production of established organic products.
- Microorganisms
  - *Summary of member comments:* Used in numerous organic products throughout the country and world including baked goods, miso, pretzels, tempeh, wine, vinegar, cheese, sour cream, yogurt, sauerkraut, and more. Companies responding have been certified organic for 10 to 19 years. The only organic alternatives are organic yeast (required to be used when commercially available), which does not apply to many fermented food applications. Microorganisms are essential to all of the products listed and more. The companies responding would not be able to continue to produce organic products, or would have to drop certain product lines (e.g., products containing cheese). Ancillary substances missing from the NOSB chart include: 1) potassium phosphate; 2) potassium sulfate; and tricalcium phosphate.
- Activated Charcoal
  - *Summary of member comments:* Used as a filtering aid for water, refined organic oils and juice beverages. Companies responding have been certified for over 12 years. Products are sold throughout the United States in addition to export to other countries. Several companies replied that without activated charcoal, they would not have any products and/or they would be unacceptable to consumers. No alternatives are known that are more natural or more effective in removing impurities from water. All members rated this material as critically essential.

- Peracetic Acid
  - *Summary of member comments:* Used for a number of food processing applications. The only other equally effective alternative is chlorine, which is more difficult to use, and to calibrate and maintain application equipment. Chlorine is more caustic to equipment and leaves a residue on fruit and equipment surfaces. Chlorine requires a rinse. Peracetic acid decomposes quickly. Members expressed significant concern for food safety issues, noting increased spoilage and increased risks of exposure to human pathogens. All responses stated that peracetic acid is essential to their operations, and the loss of this input would significantly and negatively impact their business.
- Sodium Acid Pyrophosphate (SAP)
  - *Summary of member comments:* Used as a leavening agent in organic pancake mixes, cake mixes, cookie mixes and crackers. Companies responding have been certified from 12-20 years. Products are sold in all 50 states as well as in the UK, France, Belgium and Germany. There are no other known alternatives. Cream of tartar and baking soda are used in certain products, but SAP works best in cake and cookie mixes. Loss of this input would result in discontinued mixes and/or poor product performance and lost sales. This substance is also used to make baking powder in place of buying the pre-blended baking powder on the market. This input was rated as essential to critically essential.

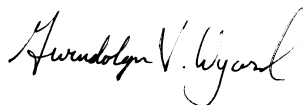
Based on member feedback, OTA supports the handling subcommittee's recommendation to remove the following:

- Boiler Chemicals (see separately submitted comments for these three inputs)
  - Cyclohexylamine,
  - Diethylaminoethanol,
  - Octadecylamine.

In closing, we thank the Board for its time and commitment. OTA is committed to collecting information from our broad membership and beyond to assist NOSB in determining whether or not a substance on the National List remains essential to organic handling.

Again, on behalf of our members across the supply chain and the country, 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