



October 25, 2016

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-16-0049

RE: Handling Subcommittee – Tocopherols (additional listing and annotation change)

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Handling Subcommittee’s Proposal and Discussion Document on Tocopherols.

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 organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

Summary of OTA’s Position

OTA supports the additional listing of “non-synthetic” tocopherols on the National List. We disagree, however, with the proposed annotation. To truly incentivize the use of natural and organic forms of tocopherols and to eliminate any confusion about the plant parts or plant sources that tocopherols may be derived from (e.g. vegetables, fruits, nuts, herbs), we urge the Subcommittee to take the proposal back and revise the recommendation so the annotations read accordingly:

205.605(a): Tocopherols - Derived from ~~vegetable-oil plants sources only~~. Organic forms must be used when commercially available.

205.605(b): Tocopherols - Derived from ~~vegetable-oil plants sources only~~. Non-synthetic or organic forms must be used when commercially available.

We offer the following more detailed comments:

Tocopherols are currently listed on the National List as an allowed **synthetic** substance with the following annotation:

“Derived from vegetable oil when rosemary extracts are not a suitable alternative.” Tocopherols function as antioxidants in foods and other non-food products such as personal care products, helping to prevent rancidity.

The Handling Subcommittee is strongly encouraging industry to move to non-synthetic, organic versions of tocopherols but recognizes that currently there is insufficient commercial availability of organic forms. For this reason, it is proposing a duplicate “non-synthetic” listing at 205.605(a) of the National List so that those manufacturers who wish to move from synthetic to non-synthetic tocopherol—while waiting on commercial availability of organic versions—are incentivized to do so.

The Handling Subcommittee is also proposing to eliminate part of the annotation on the existing listing of Tocopherols on §205.605(b) of the National List as follows: Derived from vegetable oil. ~~when rosemary extracts are not a suitable alternative.~~ This action is in response to public comments explaining that rosemary extracts are rarely used as an alternative and the annotation does not specify that organic rosemary extract should be used. The proposal to change the annotation coordinates with the Subcommittee’s proposal to include an additional “non-synthetic” listing of tocopherols at 205.605(a). To ensure that the source of tocopherols is limited and not randomly open to “any” synthetic tocopherol, the Subcommittee is recommending to keep “Derived from vegetable oil” as part of both listings for consistency.

Organic and Natural Preference

OTA agrees with NOSB’s assessment that tocopherols may be “organic,” “non-synthetic,” or “synthetic” depending on their source (plant vs. petroleum) and the processing method and processing aids used to isolate the tocopherol compound. We also agree with the Subcommittee that organic processors should be incentivized to use organic and non-synthetic (natural) forms when they are available. We would like to see NOSB take the *incentive to use* “organic” and “non-synthetic” forms a step further, however, and *require* they be used when they are commercially available.

The requirement to use an available organic or natural alternative instead of a synthetic form is a foundational part of the organic standards. However, any ingredient or processing aid listed as a NON-AGRICULTURAL substance on § 205.605 of the National List is unfortunately not subject to this requirement unless an annotation expressly requires that an organic/natural alternative be used. The poster-child example on the National List that explains this situation is “yeast,” which now, after many years of discussion, includes an annotation that requires the use of organic yeast when commercially available. Another example is the petition that OTA submitted to require organic flavors when commercially available that NOSB unanimously passed in 2015.

Adding a non-synthetic listing of tocopherols to the National List is definitely a step in the right direction. However, this proposal will not require processors using synthetic tocopherols to use “non-synthetic” forms when they are available, and equally so, it will not require processors using “non-synthetic” tocopherols to use organic forms when they are available—without another rule change.

Given the possibility of an organic form becoming available and the existing availability of non-synthetic forms, OTA believes the most appropriate and forward-thinking approach to take is to annotate both listings with an organic and natural preference.

Nuts are fruit, beans are vegetables and both are plants that we eat

NOSB is revising the annotation on tocopherols to delete the requirement to use rosemary extracts in part because the annotation does not require the use of organic forms.

Food sources with the highest concentrations of tocopherols are vegetable oils, followed by nuts and seeds. To eliminate any confusion about the plant parts or plant sources that tocopherols may be derived from (e.g. vegetables, fruits, nuts, herbs), OTA recommends that the annotation be broadened to list “plant oils” instead of “vegetable oils.”

Conclusion

OTA appreciates the time NOSB is taking to improve the organization and accuracy of the National List. We support these efforts and offer our assistance in any way that is helpful.

On behalf of our members across the supply chain and the country, OTA thanks the National Organic Standards Board for the opportunity to comment, and for your commitment to furthering organic agriculture.

Respectfully submitted,



Gwendolyn Wyard
Vice President, Regulatory and Technical Affairs
Organic Trade Association

cc: Laura Batcha
Executive Director/CEO
Organic Trade Association