



September 28, 2023

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP

Docket: AMS-NOP-23-0026

RE: Handling Subcommittee – 2025 Sunset Reviews for §205.605 & §205.606

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment to the National Organic Standards Board (NOSB) on its 2025 Sunset Review.

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. Our members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, consultants, retailers and others. OTA's mission is to promote and protect organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

OTA thanks NOSB for carefully considering each handling input scheduled for review as part of the 2025 Sunset Review cycle. 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. It's critical that NOSB hear from certified handlers on whether these inputs are consistent with and essential to organic handling, or whether there are other effective natural or organic alternatives available.

About OTA Sunset Surveys

OTA is submitting results to our Sunset Surveys created for each input under review as part of the 2025 Sunset Review cycle. These electronic surveys include about 10 questions addressing the **necessity (crop and livestock)** or **essentiality (handling)** of each input (**Appendix A**). Our surveys do not address information regarding the impacts on human health or the environment.

The surveys are open to any NOP certified organic operation. 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 to all of their clients as well as to targeted clients they know are using the inputs under review.

Results of OTA Sunset Surveys

OTA has received **13 total responses** on our 2025 Handling Sunset Surveys. Below is a summary of the feedback received via OTA’s Sunset Surveys to date on the handling materials under review.

§205.605(a) – Non-synthetic Non-agricultural (non-organic) substances allowed as ingredients in or on processed products labeled “organic” or “made with organic (specified ingredients or food group(s)).

Substance	Summary of responses	Average rating of Essentiality (from 1 to 5, with 5 being “critical – would leave organic without it”)
Calcium carbonate	No survey responses submitted.	
Flavors	<p>3 responses received from a manufacturer of organic flavors available in liquid and powdered forms, and from certified operations producing flavor milks, flavor creamers, and eggnog.</p> <p>Necessary because:</p> <ul style="list-style-type: none"> - Provides flavor to the product. <p>Frequency of use:</p> <ul style="list-style-type: none"> - Routinely (2) - Routinely, but only in a small product line up. <p>Are there ancillary substances used to formulate flavors?</p> <ul style="list-style-type: none"> - Glycerin - We currently use only organic flavors, so organic flavors do not need special ancillary review. <p>Are there alternatives to flavors that would replace their need?</p> <ul style="list-style-type: none"> - Yes (2) - We work with organic flavor suppliers and we do trials - Analysis in alignment with quality, quantity , and form is performed when an organic version of a natural flavoring is available. Search attempts are performed annually. 	4 out of 5

	<ul style="list-style-type: none"> - No (1) <p>What would be the impact if flavors were no longer allowed?</p> <ul style="list-style-type: none"> - Product quality - Natural (non-organic) flavors are necessary for the production of packaged organic food because natural flavors help create the taste that consumers expect. - Minimally. There may be some point where a non-organic flavor would be needed. We do reach out to vendors to develop the organic flavors we need if not commercially available. 	
<p>Gellan gum</p>	<p><u>2 Responses</u> received from certified operations using gellan gum in the production of flavor milks, flavor creamers, eggnog and heavy whipping cream.</p> <p>Necessary because:</p> <ul style="list-style-type: none"> - Used as a stabilizer in these products - Maintains ingredient suspension and provides product stability, viscosity, body, and creaminess. <p>Frequency of use:</p> <ul style="list-style-type: none"> - Routinely - Very routinely <p>Are there alternatives to gellan gum you have tried?</p> <ul style="list-style-type: none"> - We work with organic suppliers and do trials. - We used to use carrageenan, but switched several years ago due to customer preference. <p>Are there practices that would eliminate the need for gellan gum?</p> <ul style="list-style-type: none"> - No, but could replace with another "gum." <p>What would be the impact if gellan gum was no longer allowed?</p> <ul style="list-style-type: none"> - Product quality and an alternative to carrageenan which has customer concerns. - Product quality would be impacted with effects on particles in suspension, creaminess, and product stability. Our chocolate milk, eggnog and heavy whipping cream are highly sought after by our consumers. Removal of this substance would unquestionably affect our retail sales for these products. 	<p>5 out of 5 (Critical / would leave organic without it)</p>
<p>Oxygen</p>	<p>No survey responses submitted.</p>	

Potassium chloride	No survey responses submitted.	
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§205.605(b) – Synthetic Non-agricultural (non-organic) substances allowed as ingredients in or on processed products labeled “organic” or “made with organic (specified ingredients or food group(s)).

Substance	Summary of responses	Average rating of Essentiality (from 1 to 5, with 5 being “critical – would leave organic without it”)
Alginates	No survey responses submitted.	
Calcium hydroxide	No survey responses submitted.	
Ethylene	<p>1 response received from a certified operation handling citrus.</p> <p>Necessary as:</p> <ul style="list-style-type: none"> - Ripening agent to bring citrus to full color in order to meet the Federal Market order requirements for fresh shipments. <p>Frequency of use:</p> <ul style="list-style-type: none"> - As needed in the beginning of the harvest before fruit reaches full color naturally. <p>Are there any alternative materials or practices that would eliminate the need for ethylene?</p> <ul style="list-style-type: none"> - No <p>What would be the impact if ethylene was no longer allowed?</p> <ul style="list-style-type: none"> - The fruit reaches internal maturity for shipment prior to reaching full color for fresh shipments. Without ethylene we would lose 30-60 days or 1/3 of our shipping season. The economic losses would devastate our company. 	5 out of 5 (Critical / would leave organic without it)
Glycerides (mono- and di-)	No survey responses submitted.	
Magnesium stearate	No survey responses submitted.	
Phosphoric acid	<p>2 responses received from certified operations.</p> <p>Necessary for:</p> <ul style="list-style-type: none"> - Cleaning of dairy processing equipment. 	4 out of 5

	<ul style="list-style-type: none"> - Occasionally used in our supply chain as a fluid dairy/whey tanker sanitizer. We are confused with the annotation - for use as a cleaning event only. Does this restrict phosphoric acid to be used as a last step no rinse sanitizer? <p>Frequency of use:</p> <ul style="list-style-type: none"> - Routinely - Occasionally found within tankers in a shared supply chain. Not directly used as a sanitizer in our facilities. <p>Are there any alternative materials or practices that would eliminate the need for phosphoric acid?</p> <ul style="list-style-type: none"> - Any sanitizer in commercial products with active ingredients on the national list. <p>What would be the impact if phosphoric acid was no longer allowed?</p> <ul style="list-style-type: none"> - Cleanliness <p>Is phosphoric acid essential as an equipment sanitizer to be incorporated into your sanitizer rotation? (this question is from the NOSB Spring 2023 Packet)</p> <ul style="list-style-type: none"> - Yes, it is used routinely. - Is it really a sanitizer? The National List calls out the material to be used for cleaning only. Yes, it would be important for rotation. <p>Is phosphoric acid used as an equipment sanitizer in a particular sector of the organic industry? (this question is from the NOSB Spring 2023 Packet)</p> <ul style="list-style-type: none"> - Yes, cleans food contact surfaces. - Unusual to be used. We have taken a deep look into sanitizers in our supply chain. Peroxies (and hydrogen peroxide) are most common, then sodium hypochlorite. 	
Potassium carbonate	No survey responses submitted.	
Sulfur dioxide	<p><u>1 response</u> received from a certified operation producing wine.</p> <p>Necessary as:</p> <ul style="list-style-type: none"> - Sterilant, antioxidant <p>Frequency of use:</p>	<p>5 out of 5 (Critical / would leave</p>

	<ul style="list-style-type: none"> - Routinely <p>Are there ancillary substances used to formulate commercial forms of sulfur dioxide?</p> <ul style="list-style-type: none"> - Yes, potassium in potassium metabisulfite, but not in SO2 specifically. <p>Are there any alternative materials or practices that would eliminate the need for sulfur dioxide?</p> <ul style="list-style-type: none"> - No <p>What would be the impact if phosphoric acid was no longer allowed?</p> <ul style="list-style-type: none"> - We would no longer be able to make wine made with organic grapes. There is no alternative. We would drop the cert and make wine without this label. <p>Do you or your members/clients produce wine from organic grapes? What label claims do you use and why? (this question is from the NOSB Spring 2023 Packet)</p> <ul style="list-style-type: none"> - Yes. We make wine made with organic grapes, and claim this on the label. We feel it is important for consumer awareness and transparency to label this claim. <p>What form of sulfur dioxide do you use? Is there another form you would prefer, and if so, what, and why? (this question is from the NOSB Spring 2023 Packet)</p> <ul style="list-style-type: none"> - SO2 in the form of gas and liquid <p>At what stage is the sulfite content of wine measured/verified (e.g., at bottling)? (this question is from the NOSB Spring 2023 Packet)</p> <ul style="list-style-type: none"> - We measure at every addition and pre-bottling. 	organic without it)
Xanthan gum	No survey responses submitted.	

§205.606 – Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic.”

Fructooligosaccharides	No survey responses submitted.	
Gums (Arabic, Guar, Locust/Carob bean)	<p>1 response received from a certified operation using guar gum to produce a ready to eat egg product.</p> <p>Necessary as:</p>	1 out of 5

	<ul style="list-style-type: none"> - Thickener <p>Frequency of use:</p> <ul style="list-style-type: none"> - Routinely <p>Are there any alternative materials or practices that would eliminate the need for guar gum?</p> <ul style="list-style-type: none"> - Yes, organic guar gum <p>What would be the impact if guar gum was no longer allowed?</p> <ul style="list-style-type: none"> - Not impacted. We currently use organic guar gum. 	
<p>Lecithin, de-oiled</p>	<p>3 responses received from certified operations. One uses lecithin to produce omega milks. One respondent noted it uses organic sunflower lecithin commercially available from Ukraine to agglomerate a bulk ingredient whey protein concentrate.</p> <p>Necessary as:</p> <ul style="list-style-type: none"> - Stabilizer - Helps the powder be more wettable so that it dissolves/goes into suspension better. <p>Frequency of use:</p> <ul style="list-style-type: none"> - When a certain product is run. - Most of our whey protein concentrate is not agglomerated. Agglomeration is targeted to protein drinks, baby formulas, nutritional drinks, etc. We currently do not have branded drinks like this on the market, but recently did. Our customers need agglomeration for their retail drink products. <p>Are there any alternative materials or practices that would eliminate the need for lecithin?</p> <ul style="list-style-type: none"> - Yes. As a 20-year veteran of producing organic lecithins, there is no valid claim that a de-oiled lecithin is necessary for any formulation. It is used for convenience as liquid versions which are used over 90% in all applications in the world are a viscous liquid that require more effort on the part of the user. - No (2) <p>What would be the impact if lecithin was no longer allowed?</p> <ul style="list-style-type: none"> - Product availability and product quality. 	<p>2.3 out of 5</p>

	- Today we think minimum. As mentioned, we have a source for organic soy lecithin from Ukraine. Stability in the region may disrupt supply.	
Tamarind seed gum	No survey responses submitted.	
Tragacanth gum	No survey responses submitted.	

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

Respectfully submitted,



Scott Rice
 Regulatory Director
 Organic Trade Association

cc: Tom Chapman, CEO
 Organic Trade Association

Appendix A – Sample Survey for Handling Inputs

- 1. Is your operation certified organic? Yes / No**
- 2. Is [SUBSTANCE] included in your organic system plan? Yes / No**
- 3. Which types of organic products do you use this substance in/on? (e.g., yogurt, fruit juices, baked goods, etc.)**
- 4. What function does the substance provide in/on your organic products and why is it essential? (e.g., stabilizer, thickener, flavor, sanitizer, etc.)**
- 5. With what frequency does your operation use the substance? (e.g., seldom, as needed when a certain condition arises, routinely, etc.)**
- 6. NOSB collects information about the "ancillary substances" (e.g. carriers, preservatives, stabilizers) that may be used to formulate commercial forms of the substance. Please list any ancillary substances that are identified on the ingredient statement on the specification sheet that accompanies the substance you purchase.**
- 7. Have you tried using any *other* substances as an alternative to [SUBSTANCE]? (e.g. other natural substances if the substance in question is synthetic; or organic substances if the substance in question is natural)**

If so, please describe your search and sourcing efforts, which substances you've tried and whether the quantity available was sufficient and/or whether the alternative substance had the quality and form necessary to fulfill the required function of the organic product or process.
- 8. Are there any other *management practices* that would eliminate the need for [SUBSTANCE]? If so, please describe the efficacy of the alternative management practices:**
- 9. How would your organic handling be impacted if [SUBSTANCE] was no longer be allowed? (describe the effects on product quality, economic effects, environment effects, or human health effects)**
- 10. On a scale from 1 to 5 stars, rate the overall necessity of [SUBSTANCE] for your organic operation:**

Unnecessary (don't
need it at all)

Neutral (nice to have
but could live without it)

Critical (would leave
organic without it)

