



October 3, 2019

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

Docket: AMS-NOP-19-0038

RE: Dairy Cultures (Sunset 2021)

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the 2021 Sunset Review of dairy cultures listed on 205.605(a) of the National List (non-agricultural (non-organic), non-synthetics allowed in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s))”.

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 over 9,500 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.

The Organic Trade Association supports the continued listing of dairy cultures on the National List because they are an essential ingredient for organic processing used in a number of different kinds of fermented organic dairy applications such as yogurt, cheese and cultured butter production. Certified organic ‘dairy cultures’ are not commercially available, and we are unaware of any recent or new information demonstrating that they are harmful to the human health or the environment. Please see our 2021 Sunset Survey results for more information on the essentiality of dairy cultures.

We support the retention of dairy cultures as a separate listing on the National List, and do not support folding the allowance into the broader listing of microorganisms.

The Organic Trade Association supports retention of dairy cultures as a separate listing on the National List for the following reasons:

1. Removing dairy cultures from the National List could have a negative impact. Dairy cultures are listed in the ingredient statement of dairy products they are added to, generally as dairy culture, live cultures or microbial cultures. **See exhibit A.** The continued listing of dairy cultures on the National List supports the interests of food manufacturers and shoppers focused on food label literacy and transparency. Organic companies strongly favor a separate listing of dairy cultures on the National List that can be easily cross-referenced with the listing on an ingredient label and visa-versa. The listing of “microorganisms” on the National List does not easily match or translate in lay terms to the appearance of “cultures” on an ingredient label. The Organic Trade Association supports a National List that is user friendly and accessible to shoppers and label readers.

2. The listing of dairy cultures is not redundant. From a technical and phylogenetic perspective, we agree that ‘dairy cultures’ can be viewed as sub-category of microorganisms. However, dairy starter cultures include a unique subset of microorganisms used for certain dairy products to create a desired outcome, most often through their growth and fermentation process. The unique application of dairy cultures, the composition of the starter cultures, and the process to grow the starter cultures, in combination with a distinct listing on the National List, provide an opportunity to create and/or tailor an annotation that could address certain specifications or restrictions such as organic preference or use of ancillary substances. One noteworthy example is the listing of “yeast,” also a microorganism, but maintained as a separate listing with an annotation that supports organic preference. Retaining a separate listing of dairy cultures provides long-term flexibility, potentially saves USDA resources and caters to future innovation.

3. Removing dairy cultures from the National List for the purpose of folding its continued allowance into a separate listing (microorganism) is not an appropriate action during the Sunset Review process. A recommendation to remove a substance from the National List for organizational or “clean-up” purposes should be done through a petition or separate recommendation that follows its own regulatory track, separate from the Sunset process. We believe the background, discussion and proposal will be better tracked and responded to if a stand-alone proposal is presented to the public. We are concerned that a Sunset proposal to remove dairy cultures may get lost in the process and will not be easily searchable or accessible through the listing of microorganisms. We also view the proposed action to be analogous to changing an annotation during the Sunset Review, which is not allowed under the current Sunset process. We strongly urge NOSB to address the organization of the National List outside of the Sunset Review process and focus its review strictly on renewal or removal.

Overall, we believe the potential negative impacts of removing dairy cultures from the National List (as a separate entity) far outweigh any perceived benefits. We urge NOSB to leave the listing as it is. On behalf of our members across the supply chain and the country, the Organic Trade Association thanks NOSB 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

Exhibit A: Example labels listing dairy cultures / live cultures



INGREDIENTS: Organic Pasteurized Whole Milk, Organic Pasteurized Nonfat Milk, Organic Agave Nectar, Organic Vanilla Extract, Organic Vanilla Flavor, Organic Inulin, Lactase Enzyme, Live Cultures (including 11 probiotic strains: *Bifidobacterium lactis* BB-12®, *L. acidophilus* LA-5®, *L. rhamnosus* LB3, *L. casei* [2 isolated strains], *L. rhamnosus* [2 isolated strains], *L. acidophilus* [2 isolated strains], *Bifidobacterium lactis* [2 isolated strains])
 BB-12® and LA-5® are registered trademarks of Chr. Hansen

Ingredients: Organic Cultured Unpasteurized Milk, Sea Salt, Vegetarian Enzyme.
Made with raw milk aged a minimum of 60 days.

INGREDIENTS: Pasteurized organic whole milk, organic nonfat dry milk, LIVE PROBIOTIC CULTURES (*Bifidobacterium lactis* BB-12®, *L. acidophilus* LA-5®, *L. casei*, *L. rhamnosus* LB3), LIVE YOGURT CULTURES (*L. bulgaricus*, *S. thermophilus*).