



October 11, 2017

Ms. Michelle Arsenault  
National Organic Standards Board  
USDA-AMS-NOP  
1400 Independence Avenue, SW  
Room 2642-So., Ag Stop 0268  
Washington, DC 20250-0268

**Docket:** AMS-NOP-17-0024

**RE: Handling Subcommittee – Reclassification of Potassium Acid Tartrate (Proposal)**

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Handling Subcommittee’s Proposal to reclassify Potassium Acid Tartrate (Cream of Tartar) from a non-agricultural synthetic substance to an agricultural non-synthetic substance, and move the substance accordingly from § 205.605(b) to § 205.606 of the National List. We support the proposal as written, and we urge NOSB to pass it at this fall 2017 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 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.

OTA supports the Handling Subcommittee’s proposal to reclassify Potassium Acid Tartrate (commonly referred to as “cream of tartar”) from its current status as a synthetic non-agricultural substance to an agricultural ingredient.

Potassium Acid Tartrate is currently listed on the National List as an allowed “**non-agricultural, synthetic.**” It is also an ingredient commonly referred to as “cream of tartar” that is derived from agriculture and commonly found in the baking cabinet of household kitchens. It is most notable for its central role in making perfect homemade meringue. We agree that its current classification as a synthetic non-agricultural substance does not make sense given that it is derived from the wine lees (agricultural) during the winemaking process through mechanical and natural means utilizing hot water, filtering, cooling and precipitation. No reagents or solvents are involved in the process.

OTA supports the proposal to classify and list this substance as an **agricultural substance** for the following reasons:

- It is derived from wine grapes (crops);
- It is a by-product of wine making;
- During its extraction, it does not undergo a chemical change (aka remains non-synthetic). It forms

naturally through a precipitation process and, in fact, is the residue left on wine barrels;

- It is a product of minimal processing;
- The source and manufacturing process, when cross-referenced with the Classification of Materials Guidance (NOP 5033-1) and the Agricultural vs. Non-agricultural Decision Tree, results in an “agricultural” determination;
- No other method of manufacture is used. It’s a by-product of winemaking only;
- The classification as “agricultural” could incentivize the production of organic Potassium Acid Tartrate (organic cream of tartar).

We recognize that Potassium Acid Tartrate could be viewed as “non-agricultural” given the definition of ‘non-agricultural’ under § 205.2 (Definitions) of the USDA organic regulations:

***Non-agricultural substance.*** A substance that is not a product of agriculture, such as a mineral or a bacterial culture that is used as an ingredient in an agricultural product. For the purposes of this part, a non-agricultural ingredient also includes any substance, such as gums, citric acid, or pectin, that is extracted from, isolated from, or a fraction of an agricultural product so that the identity of the agricultural product is unrecognizable in the extract, isolate, or fraction.

One could argue that Potassium Acid Tartrate is a “fraction of an agricultural product” and that the “identity of the agricultural product (wine grape)” is unrecognizable in the cream of tartar itself. One could also make this argument for organic sugar (picture a pile of white crystals), or of guar gum, non-amidated forms of pectin and corn starch, all of which are listed as “agricultural” on 205.606 of the National List. It is important to recognize the ambiguity of the ‘non-agricultural’ definition in the regulation and its historical placement in the development of NOP’s Classification of Materials Guidance. The Agricultural vs. Non-agricultural Decision Tree was explicitly developed to address the ambiguity of the ‘nonagricultural’ definition and the contradiction in the examples provided (pectin and gums). OTA supports the Handling Subcommittee’s approach to use the Decision Tree designed for this exact purpose, and we agree with the determination.

In addition to improving the consistency of the National List, we believe this proposal offers incentive and opportunity for the development and use of organic cream of tartar. Given the limited amount of USDA certified organic wine, we don’t see the production of organic cream of tartar being realistic at this time, but recognition of its agricultural status and the fact that it is derived from wine may incentivize the next steps towards processing organic forms. OTA intends to spread the word and let the entrepreneurs of the world know of this opportunity.

In closing, OTA appreciates the subcommittee’s efforts to improve the consistency of the National List and to propose regulatory changes that may encourage the development and use of organic ingredients. OTA believes this proposal exemplifies forward thinking and should be approved at this meeting.

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,

A handwritten signature in black ink that reads "Gwendolyn V. Wyard".

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

cc: Laura Batcha  
Executive Director/CEO  
Organic Trade Association