



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 – 2017 Sunset Summaries for 205.606 (Agricultural)**

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment to the National Organic Standards Board on its 2017 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 2017. It's critical that NOSB hear from certified farmers and handlers on whether these inputs are consistent with and essential to organic production and handling, or whether there are other effective 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 **necessity (farm and livestock) or essentiality (handling)** 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. OTA also worked through its Farmers Advisory Council (FAC<sup>1</sup>) to help assist in distribution to NOP certified farmers.

---

<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.

Given the short comment period (less than 30 days), OTA left the surveys open beyond the comment deadline. We are still in the process of collecting information from certified handlers and we intend to deliver additional information in person at the meeting in La Jolla, CA. The comments submitted at this time include everything we have received through March 31.

**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.

Preliminary survey results address essentiality only. We are not aware of any new information regarding adverse impacts on humans and on the environment:

**§ 205.606 - Nonorganically produced agricultural products allowed as an ingredient in or on processed products labeled as “organic” only when the product is not commercially available in organic form.**

Substance	Survey Response
Casings	No response
Celery Powder	Used in Organic Pizza. Company has been certified since 2002. Products are sold in 48 states. It is used for flavor, shelf life stability and antimicrobial properties. Organic alternatives create and undesirable flavor and color. Testing at the ingredient supplier has been conducted. No there are no alternatives that work. This ingredient is critically essential to our organic processing.
Chia	-Supplier of organic chia seeds. Certified for 8 years. Products are sold in US and Canada. We sell Organic Chia Seeds and there are enough organic chia seeds to supply all quality, quantity, and forms. The continued listing of organic chia seeds is not essential.
Colors	<p>Responses for black current, carrot juice, blueberry, pumpkin, black/purple carrot, beta carotene, red cabbage, beet juice</p> <p>All 50 states. Certified since 2002.</p> <p>Pumpkin, Carrot, Black Currant, Black/Purple Carrot: We have had partial success in converting to Organic Colors. Other applications have not been as successful to achieve an acceptable color. We are continuing to do our due diligence as new colors and quality becomes available. Yes we have conducted research including R&amp;D trial as part of our due diligence. For the items that have not been converted to organic colors, there are no alternative management practices available. Loss this material would have significant affect on consumer acceptability. Unappealing colored food for our consumers. Essential.</p> <p>Carrot, Blueberry,: Our company diligently inquires about the organic availability of an organic colorant matching the functionality and quality as carrot juice. None is available. If available, the ingredient would be evaluated in our lab. If this ingredient is removed, the products using it would need reformulated. It would cause a change in quality as the color would be different. Any change to a product has the potential to lose a customer. Additionally, sourcing a new ingredient could increase the cost and effect the overall economic health of our business. Essential</p>

	<p>Beta Carotene: Used in Juice. Certified for 13 years, sold in USA/Canada. stabilizes color throughout the product. We have tried organic alternatives and they do not meet the quality and form needed for our products. Yes, they do not meet the quality and form needed. Loss of this ingredient would compromise quality and form and lead to loss of sales. Consumer will not purchase a bad quality product. Critically essential.</p> <p>Red Cabbage: Fruit fillings in snack bars, fruit bases in frozen desserts. Sold in 50 states. Exported to many countries. Certified for over 15 years. Organic forms are not available. Loss of this ingredient would change product; it would not be the same. Less visual appeal to consumers. Potential lower sales. Essential.</p> <p>Beet Juice: Strawberry Yogurt. Company certified for 40 years. Products sold to 12-15 states. We use organic beet juice. It is more expensive but definitely available and of high quality. As we only use organic beet juice, I cannot comment on how they compare, but the organic beet juice works well for our purposes. Organic beet juice is of high quality. Non-organic form is not essential, organic is available.</p>
Dillweed Oil	No response
Fish oil	Used in Gummy Confections, Gummy Nutritional Supplements, Panned Jelly Beans. Certified for 13 years. Sold throughout the U.S. Fish Oil is used in our products as a natural source of DHA. An organic form is not available. If commercially available in encapsulated form, we would test in our lab. No alternative management practices that would eliminate the need for the specific substance. Synthetic DHA is no longer allowed per NOP, nor is algae-based DHA. Fish Oil is a requirement of our customers that are seeking Organic certification. Removing fish oil would cause no form of DHA to be allowed. This would impact the nutritional quality of the product. Customers seeking/producing products using fish oil DHA would be eliminated. This would impact the economic health of our company. This ingredient is essential to our organic products.
Fructooligosaccharides	No response
Galangal, frozen	No response
Gelatin	Companies have been certified for over 10-13 years. Products are sold throughout the U.S., Canada and EU. Used as a bulking agent and processing aid. Organic forms are not commercially available. If available we would trial in our lab. Key ingredient, no alternatives. Gelatin is used in many of our Made with Organic products and has a different quality/form from pectin. Any change to the product with its removal would change the quality. Loss of this material would cause supply chain issues. Gelatin is a critical ingredient in our manufacturing process. If it were removed from the list, products using this ingredient would be discontinued. This would be devastating to the economic health of our business. Critically essential.
Gums	-Used for organic juice as a thickener and stabilizer. Certified for 13 years. Sold throughout the U.S., Canada, & EU. We purchase gum blends and while some may be available in organic form when used alone they are not sufficient. When used as individual, organic gums they should not be an issue to source. A variety of gums are used for ideal quality and function. If removed it would impact the quality of our product; juice blends would separate. This would result in loss in sales. This ingredient is critically essential to our organic products.
Inulin	No response
Kelp	No response
Konjac Flour	No response

Lecithin	<p>-Used in Many baked goods, frozen desserts, beverages. Certified for over 15 years. Sold in 50 states and many countries. Organic lecithin is available in liquid form. We use it in some products. Other products require a de-oiled lecithin. There is no organic de-oiled lecithin. The so-called dry organic lecithins are just liquid lecithin mixed with a carrier. These do not work in many applications. Alternative and organic emulsifiers do not work in many applications. There are no alternative management practices that would eliminate the need for the specific substance. Loss of this listing would diminish quality and marketability of our products and would lead to loss of sales. Critically essential.</p> <p>-Cake mixes, cookies, crackers, pizza crust, waffles/pancakes, cheese sauces, chewing gum, colors, frosting's, granola bars, ice cream, frozen desserts, cones, instantiating, meat sauces, gravies, milk powders, non-dairy creamers. Certified for 11 years.</p> <p>-Cookies and crackers. We source organic.</p> <p>-Used as an emulsifier in Cheese: Cheese and Dairy Based Seasonings. There are no alternatives. Company is 15 years certified. Products are sold in all US states and around the world. Loss of lecithin would result in loss of business due to products not functioning as needed by the customer. Critically essential.</p> <p>-Supplier of Certified Organic Soy Lecithin Powder De-oiled. We currently ship this product to Certified Organic customers in ME, CA, MN, &amp; PA. Other countries we ship this product to are Australia, New Zealand, &amp; Norway. Certified Organic Soy Lecithin Powder De-oiled has superior quality as verified by a leading lecithin expert of 40+ yrs. experience. We have been providing this product from the manufacturer for over 2 years in the US Organic Market with growing usage by our customers. The manufacturer now has 2 facilities that can produce this product with their majority of sales going to Europe. Since de-oiled lecithin use in the world is less than 5%, these 2 facilities alone can easily produce enough supply for the demand. 95% of all lecithin used in the world is in liquid form. So there are only a few applications a de-oiled lecithin would be necessary primarily in baking. It is used primarily as a convenience using a dry product vs. a viscous liquid in all other applications, being easier to handle. Certified Organic (de-oiled) Soy Lecithin has been available for over 2 years and if the allowance of non-organic de-oiled lecithin is removed more companies would produce this ingredient. If de-oiled lecithin were removed from Sunset there would be economic gain for Organic Companies supplying Organic De-oiled Lecithin to the US Organic Market. Non-organic form is <b>not</b> essential.</p>
Lemongrass - frozen	<p>-Used in certified organic rice pilaf as a flavor. Company has been certified for 8 years. Products are sold throughout US and Canada. Organic Lemongrass is available. We use organic. The continued listing of organic chia seeds is not essential.</p>
Orange pulp, dried	<p>No response</p>
Orange, Shellac - unbleached	<p>-Used in Gummy Confections, Gummy Nutritional Supplements, Panned Jelly Beans. Certified for 13 years. Sold throughout the U.S. Our company diligently inquires about the commercial availability of organic orange shellac. None is available. If an organic form is available, it would be evaluated in our lab. There are no alternative management practices that would eliminate the need for the specific substance. The ingredient is a key part to the panning process. The seal on the outside of Jelly Beans is critical for its quality and product integrity. It has an important function. Should Orange Shellac be removed from the list, our jelly beans business would discontinue. This would negatively impact the economic health of our business. This ingredient is essential to organic processing.</p>
Pectin (non-amidated forms only)	<p>Used in fruit spreads, yogurt fruit filling, gummy confections as a bulking agent, thickener and stabilizer. Companies have been certified for 13-15 years. Products are sold throughout the United States and Canada. Our company diligently obtains commercial availability documentation looking for organic sources. None are available. No workable alternatives available. Others do not provide the same properties. If one were available, it</p>

	<p>would be tested in our laboratory immediately. Eliminating this ingredient would eliminate our organic business. All of our organic products use pectin as their base ingredient. If it were no longer allowed, the products would be discontinued. Quality and form of products would be compromised. Decreased quality and marketability. This ingredient is essential to organic processing.</p> <p><b>Ancillary Substances:</b> Trisodium Citrate, Sucrose. Spec sheets do not list any ancillary substances. Sucrose, sugars</p>
Peppers (Chipotle chile)	<p>Certified since 2002. Used in BBQ Sauces sold in 50 states plus Canada.</p> <p>Q. Describe the availability of allowed alternatives (organic or natural) for this substance in terms of quality, quantity and form? A. We have been able to source and are currently using Organic Chipotle in all of our products. The continued listing of non-organic chipotle is not essential to our organic products/operation.</p>
Seaweed, Pacific Kombu	No response
Corn Starch	<p>Used in dressings, sauces and mac and cheese as well as gummy confections, gummy nutritional supplements and panned jelly beans. It functions as a thickener. For the gummies it functions as starch molding to form the gummies. Operations that responded have been certified since 2002. Products are sold throughout the United States and Canada. Organic moulding starch is not available. Organic cornstarch is available but there can be supply problems. We use organic when we can. Corn starch is a critical processing aid for our facility. If removed from the list, it would devastate the economic health of our company. All companies that responded said cornstarch is critically essential.</p>
Sweet Potato Starch	No response
Turkish Bay Leaves	<p>We originally petitioned for Turkish bay leaves to be added to the National List in 2006. At that time, there were no organic sources of organic Turkish Bay Leaves commercially available to meet our sensory and quantity needs. Over the last 9 years, we have located 1 source of organic Turkish bay leaves to match our requirements and have been able to use them based on availability in two SKUs of "Organic" product. We are concerned however about the consistency of supply and request that this item remain on the National List through one more Sunset process to allow us to secure consistent supplies. This would have a critical impact on our ability to make several of our products as Organic.</p>
Wakame seaweed	No response
Whey protein concentrate	No Response

In summary:

***\*Ingredient NOSB is considering for removal***

**Ingredients for which surveys indicate a sufficient organic supply IS available**

- \*Chia Seeds (*Salvia hispanica L.*)
- \*Peppers (Chipotle chile)
- \*Lemongrass—frozen

**Organic alternatives are available but survey responses indicate supply/quality issues**

- Celery powder
- Colors – Various (must not be produced using synthetic solvents and carrier systems or any artificial preservative)
- Gums—water extracted only (Arabic; Guar; Locust bean; and Carob bean)

- Lecithin—de-oiled
- Cornstarch (native)
- Turkish bay leaves

**No known organic alternatives and surveys indicate a need for continued listing**

- Casings, from processed intestines
- Fish oil (stabilized with organic ingredients or only with ingredients on the National List, §§205.605 and 205.606)
- Gelatin
- \*Orange shellac-unbleached
- Pectin (non-amidated forms only)


**Others on 205.606 for which survey responses were not received**

- \*Dillweed oil
- Inulin-oligofructose enriched
- Fructooligosaccharides
- \*Galangal, frozen
- Kelp
- Konjac flour
- \*Orange pulp, dried
- Seaweed, Pacific kombu.
- Sweet potato starch (for bean thread production only)
- Wakame seaweed (*Undaria pinnatifida*).
- Whey protein concentrate

In closing, we thank the Board for its time and commitment. OTA is committed to collecting information from our broad membership and beyond in order 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



**Appendix A – Survey Questions (Example: Xanthan Gum)**

1. Please describe the types of certified products or processes this substance is used in:

2. How many years has your company been certified organic?

3. Where is your organic production located (state, region, country, etc):

4. How many states are your products sold in? Are they exported to other countries?

5. What is the function of the substance in your products or processes (e.g. stabilizer, thickener, flavor, sanitizer, etc.)?

6. Describe the availability of allowed alternatives (organic or natural) for this substance in terms of quality, quantity and form:

7. If available, have you conducted research (e.g. R & D trials) on the use of allowed natural or organic alternatives?

8. Are there any alternative management practices that would eliminate the need for the specific substance?

9. NOSB is requesting information about the ancillary substances (e.g. carriers, preservatives, stabilizers) that may be used in xanthan gum. Based on the ingredient statement provided in specification sheet that accompanies the xanthan gum you purchase, please list any ingredients that are added and remain in the product you buy. Note: The "ancillary substances" should be listed in the ingredient statement found on the specification sheet.

10. Describe the effects to your operation should you no longer be allowed to use xanthan gum:

Describe the effects to your operation should you no longer be allowed to use xanthan gum:

Organic product effects (effects to the quality and marketability of the organic product(s) you are marketing):

Environmental effects (effects to environment if the substance was no longer allowed AND

