



April 3, 2020

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

Docket: AMS-NOP-19-0095

RE: Handling Subcommittee – 2022 Sunset Reviews for §205.605 and §205.606

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment to the National Organic Standards Board (NOSB) on its 2022 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 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 thanks NOSB for carefully considering each handling input scheduled for review as part of the 2022 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 2022 Sunset Review cycle. These electronic surveys include about 10 questions addressing the **necessity (crop and livestock)** or **essentiality (handling)** of each input. See Appendix A for a sample survey. 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 54 responses on our 2022 Handling Sunset Surveys. Below is a summary of the feedback received via OTA’s Sunset Surveys to date.

§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	# of responses	Summary of responses	Average rating of Essentiality (from 1 to 5, with 5 being “critical – would leave organic without it”)
Kaolin	0		
Sodium bicarbonate	5	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Routinely used as a leavener to make cookies, crackers, cereal, baking mixes, refrigerated baking doughs, granola bars, tortillas, and baked goods. - Leavening agents are essential for non-yeast baked goods like cookies, crackers, and bread. - Also used as processing aid for soy extraction to make plant-based beverages and coffee creamers <p>Alternative are not sufficient because:</p> <ul style="list-style-type: none"> - Other leaveners are available, but this is the most functional and widely used in both consumer, commercial and industrial baking. Although it only performs in acidic foods, so often requires an acidic baking powder. - No organic alternatives or practices identified. - Have searched annually and confirmed lack of commercially available alternatives. <p>If the material were prohibited:</p> <ul style="list-style-type: none"> - Without it, baked products would be dense and unpalatable. - Several of the products we sell would have to reformulate, if possible, or convert to conventional. - We would not be able to produce the products to the same level as quality as currently offered to consumers. 	4.3
Wood rosin	0	Note: Wood rosin is erroneous listed as “wood resin” on the National List.	

§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	# of responses	Summary of responses	Average rating of Essentiality (from 1 to 5, with 5 being “critical – would leave organic without it”)
Ammonium bicarbonate	1	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Used as leavening agent to make cookies, crackers, baked goods <p>Alternative are not sufficient because:</p> <ul style="list-style-type: none"> - Non-synthetic alternatives have not been identified <p>If the material were prohibited:</p> <ul style="list-style-type: none"> - would have to reformulate many products, if possible, or convert to conventional 	4

Ammonium carbonate	0		
Calcium phosphates	3	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Used as a leavener, nutrient, anti-caking agent - Used in making crackers, cereal, baking mixes, cookies, tortillas, baked goods, plant-based beverages, seasoning blends. - Calcium Phosphate is the acidic ingredient often used in aluminum-free baking powders - Leavening agents are essential for non-yeast baked goods like cookies, crackers, and bread. - Used for fortification in making yogurt and baby foods <p>Alternative are not sufficient because:</p> <ul style="list-style-type: none"> - Other leaveners are available, but this is often the most functional when used in combination with Baking Soda (Sodium Bicarbonate) in foods that require the addition of acid to release the carbon dioxide needed to leaven baked goods. - No organic alternatives identified. - Rice Concentrate does not work on vegetable products with a high sugar content. <p>If the material were prohibited:</p> <ul style="list-style-type: none"> - Without it, baked products would be dense and unpalatable. - Devastating to not have anti-caking agents. - Would have to reformulate, if possible, or convert to conventional 	5
Ozone	1	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Used routinely as a sanitizer <p>Alternative are not sufficient because:</p> <ul style="list-style-type: none"> - Non-synthetic alternatives have not been identified <p>If the material were prohibited:</p> <ul style="list-style-type: none"> - Limiting the number of available sanitizers is not in the best interest of food safety. 	4
Sodium hydroxide	4	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Used as a processing aids in making soaps, body care, plant-based beverages, baby food - Used as an alkalizing agent in making black cocoa powder - Balances pH in infant formula powder <p>Alternative are not sufficient because:</p> <ul style="list-style-type: none"> - Potassium carbonate has been tested as an alternative but it does not get the same black cocoa color as the addition of the Sodium Hydroxide - There is a search done annually to confirm lack of commercial availability - There is not another alternative performing in the same manner. Trials have been completed and have not proved adequate performance <p>If the material were prohibited:</p> <ul style="list-style-type: none"> - We wouldn't be able to make a USDA organic claim on our personal care products - Would have to reformulate, if possible, or convert to conventional. 	4

		<ul style="list-style-type: none"> - You'd be hard pressed to make Oreo/Hydrox type products without the black cocoa - It would change the production of the product 	
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§205.606 – Non-organically 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	# of responses	Summary of responses	Average rating of Essentiality <small>(from 1 to 5, with 5 being “critical – would leave organic without it”)</small>
Carnauba wax	2	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Used for texture and appearance in gummy bears and fruit snacks; it creates a shiny appearance on gummy snacks and provides an anti-stick coating to keep the products from clumping <p>Organic alternative are not sufficient because:</p> <ul style="list-style-type: none"> - Organic carnauba wax is available consistently one respondent but others report that a reliable and stable organic supply has not yet been established. - Encourage that Carnauba Wax remain on 606 until a stable organic supply has been established. <p>If the material were prohibited:</p> <ul style="list-style-type: none"> - Organic supply may not be available if non-organic forms are prohibited. 	2.5
Colors	20	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Coloring agents are used in fruit snacks, candy, yogurt, juices, cereal, plant-based ice cream and yogurt, baby teether crackers, crackers, baked goods - Responses addressed colors generally and also specifically for: Beet juice extract color, Beta-carotene extract color, Black currant extract color, Black/Purple carrot juice color, Blueberry juice color, Carrot juice color, Cherry juice color, Chokeberry aronia juice color, Elderberry juice color, Grape juice color, Paprika color, Pumpkin juice color, Purple sweet potato juice color, Red cabbage extract color, Red radish extract color, Turmeric extract color. <p>Organic alternative are not sufficient because:</p> <ul style="list-style-type: none"> - Organic forms are beginning to be available and suitable for some products, although it takes considerable amount of resources and time to validate the organic options, and some products need to be reformulated to meet manufacturing processing capabilities. - Annual search done and has been determined there is not an organic source available - Support that Fruit/Veg Colors remain on 606 while the work continues to validate organic options. 	4

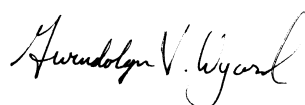
		<p>If the material were prohibited:</p> <ul style="list-style-type: none"> - Would have to reformulate, if possible, or convert to conventional - Would have to discontinue products 	
Glycerin	4	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Used as a solvent, carrier in manufacturer of flavors and plant-based ice cream, yogurt, baby food - Use as humectant and moisture stability in making granola bars. It helps lower water activity to prevent mold growth. It helps with moisture control to allow for a chewy texture. <p>Organic alternative are not sufficient because:</p> <ul style="list-style-type: none"> - Some manufacturers are currently using organic glycerin. However, other report that high quality organic forms are not available for some manufacturers. Others have identified suitable organic alternatives but reliable stable supplies are not established. - The supply of organic glycerin will not support our current annual demand to manufacture and sell organic compliant flavors - Support glycerin to remain on 606 until a stable organic supply has been established. <p>If the material were prohibited:</p> <ul style="list-style-type: none"> - The supply of organic glycerin will not support our current annual demand to manufacture and sell organic compliant flavors. The cost of using organic glycerin in lieu of natural glycerin would not align with our client's cost-in-use. Loss of business is expected. 	4
Inulin-oligofructose – enriched (IOE)	2	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Used in making plant-based ice cream and yogurts, fluid milk, dairy yogurt, and infant formula - Provides fiber - Provides mouthfeel/bulking to help with sweetness perception <p>Organic alternative are not sufficient because:</p> <ul style="list-style-type: none"> - IOE from chicory is not available in organic form - organic inulin + conventional FOS does not provide same functionality - Have searched and not found any alternatives. <p>If the material were prohibited:</p> <ul style="list-style-type: none"> - Unable to produce products 	5
Kelp	2	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Used for flavor in organic seasoning blends - Use as thickener and supplement in plant-based protein supplements <p>Organic alternative are not sufficient because:</p> <ul style="list-style-type: none"> - Not identified. <p>If the material were prohibited:</p> <ul style="list-style-type: none"> - Loss of flavor profile 	4

		<p>Note: In addition to survey responses summarized here, OTA would like to encourage NOSB to engage in cross-subcommittee discussions to calibrate decisions on environment impacts of marine-sourced raw materials across inputs and scopes. More information about our suggested approach to cross-subcommittee evaluation of environmental impacts is available in our comments on the Fish Oil Discussion Document submitted separately to the Handling Subcommittee.</p>	
Orange shellac - unbleached	1	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Prevents jelly beans from sticking together <p>Organic alternative are not sufficient because:</p> <ul style="list-style-type: none"> - Other alternatives have not provided functional equivalence <p>If the material were prohibited:</p> <ul style="list-style-type: none"> - Products would be discontinued 	5
Cornstarch	5	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Thickener in macaroni and cheese, tortillas, baking mixes, and baked goods - Build viscosity to maintain fruit distribution in fruit preparations - Used as a moulding medium for gummy bears and fruit snacks. It is a processing aid in manufacture of confections. - Critical for our production process. <p>Organic alternative are not sufficient because:</p> <ul style="list-style-type: none"> - Some manufacturers are able to find organic forms, although consistency of supply is not reliable (two shortages in past ten years). Other manufactures have not found any organic form that meets their specifications for functionality and quality - We have other types of starch but they are not functional equivalents. - Support cornstarch to remain on 606 until a reliable, stable organic supply has been established. <p>If the material were prohibited:</p> <ul style="list-style-type: none"> - Organic supply may not be available if non-organic forms are prohibited. - Would have to reformulate, if possible, or convert to conventional - We would no longer be able to manufacture organic products 	4.3
Sweet potato starch	0		
Turkish bay leaves	1	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Used for flavor in a wide range of canned soups <p>Organic alternative are not sufficient because:</p> <ul style="list-style-type: none"> - N/A - Respondent states there is full availability of organic forms. <p>If the material were prohibited:</p> <ul style="list-style-type: none"> - No impact because organic forms can be used and are available. 	1

Whey protein concentrate (WPC)	3	<p>The material is essential because:</p> <ul style="list-style-type: none"> - Used for nutrition in baby food <p>Organic alternative are not sufficient because:</p> <ul style="list-style-type: none"> - Some organic processors are not able to find enough organic supply, while others do not have a problem finding this ingredient in organic form. - There is a search done annually and regularly as there is not always organic supply available and/or supply is not consistent. <p>If the material were prohibited:</p> <ul style="list-style-type: none"> - At least one processor reports that they would have to continually change formulas of products to deal with inconsistent supply or organic form. <p>According to one manufacturer of WPC that completed our survey: We produce Whey Protein Concentrate. It is made from cheese whey which yields lactose and whey protein concentrate. Lactose is a very popular offering. Whey protein concentrate is in less demand. We believe this is due to use of non-organic whey protein concentrate. If we utilized all our whey stream (which we are working on) we do not feel organic availability will be an issue.</p>	3
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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,



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

cc: Laura Batcha
 Executive Director/CEO
 Organic Trade Association

Appendix A – Sample Survey for Handling Inputs

1. Please describe the types of organic products produced or handled on your operation:
2. How many states are your products sold in? Are they exported to other countries?
3. How many years has your operation been certified organic?
4. Which organic products do you use this substance on/in? (e.g., yogurt, fruit juices, baked goods, etc.)
5. What function does the substance provide in your organic products and why is it essential? (e.g., stabilizer, thickener, flavor, sanitizer, etc.)
6. With what frequency does your operation use the substance? (e.g., seldom, as needed when a certain condition arises, routinely, etc.)
7. Have you conducted a search for the availability of natural (if the substance in question is synthetic) or organic (if the substance in question is natural) alternatives? (e.g. using yeast instead of chemical leavening agents)
 - If so, please describe what your search entailed:
 - Based on your search, describe the availability of allowed alternatives (organic or natural) in terms of quality, quantity and form:
 - If available, have you conducted research (e.g. R & D trials) on the use of allowed natural or organic alternatives in your organic product(s)? Briefly describe the results. Did they meet your specification requirements?
8. Are there any other management practices that would eliminate the need for the substance? (e.g., delayed harvesting instead of using a chemical growth hormone for ripening). If so, please describe the efficacy of the alternative management practices:
9. Describe the impact to your operation should you no longer be allowed to use the substance:
 - Organic product effects (effects to the quality of the organic product(s) you are marketing):
 - Environmental effects (effects to environment if the substance was no longer allowed; effects to environment from potential alternatives):
 - Economic effects (effects to economic health of your operation):
10. On a scale from 1 to 5 stars, rate the overall essentiality of this 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)
★	★	★
11. 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.