



April 3, 2024

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

Docket: AMS-NOP-2023-0075

RE: Handling Subcommittee – 2026 Sunset Reviews

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment to the National Organic Standards Board (NOSB) on its 2026 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. Our members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, brands, retailers, and others. OTA's mission is to grow 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 2026 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 2026 Sunset Review cycle. These electronic surveys include questions addressing the **necessity (crop and livestock)** or **essentiality (handling)** of each input, as well as any questions posed by the Board. 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 remain confidential and are not disclosed to OTA unless there is interest in providing contact details for follow up information.

Results of OTA Sunset Surveys

Below is a summary of the feedback OTA has received to date on our handling materials sunset surveys. OTA will open these surveys again when the comment period opens for the fall meeting and share any further comment received at that time.

§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
Acids, citric	<p>Responses received from certified organic companies producing dairy, flavors, processing aids, and consumer packaged goods</p> <p>Use</p> <ul style="list-style-type: none"> - pH adjustor - Taste/flavor - We utilize citric acid in two American cheese products. Citric acid lowers the cheese's pH to improve food safety and increases meltability and flavor. We are exploring applications for fluid milk. <p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - Yes, organic citric acid - No, it is critical for organic flavor creation and denaturing of organic ethanol to render ethanol as not potable in order to comply with TTB regulations - No other known sources for this use <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Essential <p>NOSB questions to stakeholders</p> <ol style="list-style-type: none"> 1. There are now numerous suppliers of certified organic citric acid. Should NOSB consider recommending the addition of an annotation to citric acid requiring processors to use an organic version of citric acid when commercially available? <ul style="list-style-type: none"> - We would support if organic citric acid was readily available and provided the same properties of non-organic citric acid. - I agree with the recommendation to require organic citric acids, as long as they are "commercially available." We switched to an organ version many years ago to replace hydrochloric acid. It has been no problem. - There are not numerous suppliers of organic citric acid. Organic Integrity Database search results of certified brokers, co-packers, and distributors yielded no results.
Acids, lactic	<p>Responses received from certified organic companies producing meat & dairy, consumer packaged goods</p> <p>Use</p> <ul style="list-style-type: none"> - Shelf stable meats and unsalted butter - Macaroni and cheese for pH, taste/flavor <p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - No <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Essential

	<p>Additional comments</p> <ul style="list-style-type: none"> - Our company has used microbial fermented encapsulated lactic acid within our shelf stable meats in the past. Encapsulated lactic acid decreases fermenting time, lowers pH, and improves shelf stability. Our current copacker utilizes lactic acid starter culture in our shelf stable meats and we are glad these cultures provide similar attributes of encapsulated lactic acid. Lactic acid is also an important food safety tool for carcass washes. So that we have flexibility in choosing different copackers, we support keeping lactic acid on the National List. - Our company utilizes lactic acid for our unsalted butter. In this application, lactic acid decreases butter pH, and improves food safety and shelf life. Cultures can serve this same purpose, but our preference is to use lactic acid. Our business may have future application for cheese, specifically to lower pH, improve food safety, and shorten “make” time. We support keeping lactic acid on the National List.
Calcium chloride	<p>Responses received from certified organic companies producing meat & dairy, consumer packaged goods</p> <p>Use</p> <ul style="list-style-type: none"> - We utilize calcium chloride to improve the firmness and “make” of our Italian and feta cheeses. - Canned tomatoes, salsas, pasta sauces <p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - No other known alternatives for use in product <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Essential <p>NOSB questions to stakeholders</p> <ol style="list-style-type: none"> 1. Is the calcium chloride that is commercially used/available produced using non-synthetic processes? <ul style="list-style-type: none"> - We utilize calcium chloride that is derived from natural brines and not a synthetic product of the Solvay process. <p>Additional comments</p> <ul style="list-style-type: none"> - We support keeping calcium chloride on the National List.
Enzymes	<p>Responses received from certified organic companies producing dairy, flavors, processing aids, and consumer packaged goods</p> <p>Use</p> <ul style="list-style-type: none"> - Lactose-free milk products, in cheese for curd development (vegetarian rennet) - Production of cheese for use in macaroni and cheese <p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - None are available that perform the function required in our application. <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Essential / Somewhat necessary

	<p>NOSB questions to stakeholders</p> <p>1. For manufacturers: describe how you ensure no excluded methods are used when including enzymes into your organic formulation.</p> <ul style="list-style-type: none"> - Certifiers require that operators submit Non-Organic Ingredient Declaration forms (or similarly named forms) where the vendor attests the enzyme was not derived from GMO technology. - We have obtained a letter from the manufacturer stating that it has not been irradiated, no human sewer sludge, no pesticides and Non-GMO. - Supplier documentation is reviewed to ensure enzymes are from nontoxic plants, nonpathogenic fungi or nonpathogenic bacteria <p>3. Are there ancillary substances that should be prohibited for use, due to concerns about excluded methods?</p> <ul style="list-style-type: none"> - Not that I am aware of.
L-Malic Acid	<p>Responses received from certified organic flavor companies</p> <p>Use</p> <ul style="list-style-type: none"> - Not currently used in organic flavors <p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - Not currently used but wish to maintain on National List for future creation <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Somewhat necessary <p>NOSB questions to stakeholders</p> <p>1. Do any organic products contain nonsynthetic forms of L-malic acid?</p> <ul style="list-style-type: none"> - Not currently used in organic flavors <p>2. Do stakeholders think L-malic acid should be reclassified as a synthetic substance and added to §205.605(b)?</p> <ul style="list-style-type: none"> - No <p>3. If L-malic acid is added to §205.605(b), should its nonsynthetic listing be removed from §205.605(a)?</p> <ul style="list-style-type: none"> - Yes
Microorganisms	<p>Responses received from certified organic companies producing meat & dairy, consumer packaged goods</p> <p>Use</p> <ul style="list-style-type: none"> - Buttermilk, buttermilk powders, hard cheeses, spoonable cheeses; potential for yogurt and probiotic milk - Cultures used to increase shelf life of meat sticks and summer sausage - Functional, dietary additive - Cheese cultures in macaroni and cheese <p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - There are no other equivalents for probiotic microorganisms.

	<p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Essential <p>NOSB questions to stakeholders</p> <ol style="list-style-type: none"> 1. For manufacturers: describe how you ensure no excluded methods are used when including microorganisms in your organic formulation. <ul style="list-style-type: none"> - Certifiers require that operators submit Non-Organic Ingredient Declaration forms (or similarly named forms) where the vendor attests the microorganism was not derived from GMO technology. - We rely on documentation from the supplier of the microorganism. 3. Are there any ancillary substances that should be prohibited due to the potential for excluded methods? <ul style="list-style-type: none"> - Certifiers require that operators submit Non-Organic Ingredient Declaration forms (or similarly named forms) where the vendor attests the microorganism was not derived from GMO technology.
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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
Ascorbic acid	<p>Responses received from certified organic companies producing meat & dairy, flavors, and consumer packaged goods</p> <p>Use</p> <ul style="list-style-type: none"> - In milk products to limit oxidation & reduce off flavors - Flavors - Fruit snacks for fortification <p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - No <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Essential <p>NOSB questions to stakeholders</p> <ol style="list-style-type: none"> 1. Do stakeholders have any experience with natural or organic alternatives to ascorbic acid for some or all of its uses in organic handling? <ul style="list-style-type: none"> - We utilize organic cherry powder, which provides ascorbic acid. Organic cherry powder is used in our bacon, pepperoni, meat sticks, and summer sausage. Organic cherry powder cannot be used in our omega milk because of off flavors.
Hydrogen peroxide	<p>Responses received from certified organic dairy and flavor companies</p> <p>Use</p> <ul style="list-style-type: none"> - As a processing aid for dried whey production to control microbes

	<p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - Yes, evaluations for food safety effectiveness and sanitation lead to more stable and effective materials <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Somewhat necessary / Essential <p>NOSB questions to stakeholders</p> <ol style="list-style-type: none"> 1. Is hydrogen peroxide an alternative to other more problematic sanitizers? <ul style="list-style-type: none"> - Hydrogen peroxide alone is not commonly used as a direct produce food contact sanitizer or for use on food contact surfaces. It is commercially found in conjunction with peracetic acid/peroxyacetic acid. It does not appear to be a viable “use alone” product for our company. - Yes, but limited in stability and effectiveness. Yes, ranges between 80 & >200 2. Do certifiers allow it to be used in direct contact with products? <ul style="list-style-type: none"> - Our experience shows that certifiers allow direct contact with organic products. <p>Additional comments</p> <ul style="list-style-type: none"> - We support relisting hydrogen peroxide on the National List. Hydrogen peroxide is one of the limited sanitizers for produce wash water and “no-rinse” dairy equipment sanitizers. It is often listed in conjunction with peracetic acid on commercial labels. With limited tools for sanitization, this product must remain on the National List.
Nutrient vitamins and minerals	<p>Responses received from certified organic companies producing dairy</p> <p>Use</p> <ul style="list-style-type: none"> - Vitamins A & D to supplement milk; algal sourced DHA in omega 3 milk - Potential use in food and beverage innovation <p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - N/A <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Somewhat necessary / Essential <p>NOSB questions to stakeholders</p> <ol style="list-style-type: none"> 1. Are you aware of nutrient vitamins and minerals being used in organic products in ways that do not conform to 21 CFR 104.20? <ul style="list-style-type: none"> - No 2. Are there any remaining issues with fortification of infant formula that have not been resolved? <ul style="list-style-type: none"> - No 4. Are certifiers reviewing ancillary substances for nutrient vitamins and minerals in accordance with the Spring 2016 NOSB recommendation? Are they imposing limits on ancillary substances that may be present? <ul style="list-style-type: none"> - Formula disclosures are required when submitting label additions, therefore certifiers would see the use of nutrient vitamins and minerals

	<p>5. Are there any specific substances included in this categorical listing that pose health or environmental concerns requiring closer review?</p> <ul style="list-style-type: none"> - No
Peracetic acid/Peroxyacetic acid	<p>Responses received from certified organic dairy companies, vegetable processors</p> <p>Use</p> <ul style="list-style-type: none"> - Produce wash water, shell egg rinse water, sanitizing milk equipment and tankers <p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - Sodium hypochlorite is the alternative. Most handlers use the peroxides, but many farms choose chlorine because of costs and their systems. <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Somewhat necessary / Essential <p>Additional comments</p> <ul style="list-style-type: none"> - Peracetic acid/peroxyacetic acid is critical for produce wash water to maintain food safety. Our produce growers use this material to mitigate microbial presence on marketed produce. It is also a food safety tool for shell egg rinse water. Peracetic acid/peroxyacetic acid is critical to the dairy industry and is used to sanitize milk equipment and tankers that handle fluid dairy products. Organic dairy tankers must also meet the Federal Pasteurized Milk Ordinance (PMO). There are limited compliant organic sanitizers that meet both the organic regulations and the PMO. We have tracked commonly used sanitizers in the organic dairy industry, and peracetic/peroxyacetic acid is used most.
Potassium citrate	<p>Responses received from certified organic vegetable processors</p> <p>Use</p> <ul style="list-style-type: none"> - Vegetable production and equipment <p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - Yes - sanitation and food safety effectiveness evaluated. Other allowed materials with restrictions used <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Somewhat necessary
Sodium citrate	<p>Responses received from certified organic consumer packaged goods companies</p> <p>Use</p> <ul style="list-style-type: none"> - pH control in fruit snacks <p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - No known alternatives available <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Essential

Tocopherols	<p>Responses received from certified organic companies producing meat & dairy, flavors, and consumer packaged goods</p> <p>Use</p> <ul style="list-style-type: none"> - Prevents oxidation of milk - Stabilizes high fat, shelf-stable snacks - Flavors - Extends shelf life of graham crackers, cookies, snack mix, granola <p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - Yes, rosemary extract, but it imparts too much flavor at the level needed to be effective. <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Somewhat necessary / Essential <p>NOSB questions to stakeholders</p> <ol style="list-style-type: none"> 1. Are organic tocopherols commercially available? <ul style="list-style-type: none"> - We are unaware of any commercial sources of organic tocopherols. We are unable to utilize rosemary extracts because this would cause an unacceptable flavor profile of our milk. - We are unaware of an organic form of tocopherols. - Integrity search for certified organic tocopherols handled by brokers, distributors, marketer/trader yielded no results 2. Is there an adequate and suitable supply of non-synthetic tocopherols to meet commercial needs? <ul style="list-style-type: none"> - Yes, we currently utilize a naturally derived source of tocopherol extracted from vegetable oil. We derived this conclusion from the manufacturer's Regulatory Product Documentation for Food/Dietary Supplements. This ingredient is sourced from DSM (DSM - Bright Science. Brighter Living.™). - Yes, we have been able to source adequate supply. - Thus far, yes.
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§205.606 – Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic.”

Substance	Summary of Responses
Celery powder	Please see our comments on this substance, submitted separately
Fish oil	<p>Responses received from certified organic companies producing dairy</p> <p>Use</p> <ul style="list-style-type: none"> - We use algal based DHA oils in our omega milk products, but for redundancy and DHA availability we support continued listing of fish oil on the National List. - Potential use in organic innovation of packaged goods

	<p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - DHA from natural algal fermentation <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Essential <p>NOSB questions to stakeholders</p> <p>1. Are there any environmental concerns to be considered?</p> <ul style="list-style-type: none"> - We desire that wild caught fish used for oil are sustainably harvested. In the 2019 sunset review process, there was industry support for annotations to further address conservation concerns. The NOSB recommended an annotation to reference a third-party sustainability standard and require fish oil to be only derived from industry byproducts. We support this approach and encourage the National Organic Program to address these concerns through annotation changes.
Gelatin	<p>Responses received from certified organic companies producing consumer packaged goods</p> <p>Use</p> <ul style="list-style-type: none"> - Potential use in organic innovation of packaged goods <p>Have you tried alternative substances or management practices?</p> <ul style="list-style-type: none"> - No <p>How necessary is this substance to your operation?</p> <ul style="list-style-type: none"> - Somewhat necessary <p>NOSB questions to stakeholders</p> <p>1. Is there sufficient commercially available organic gelatin?</p> <ul style="list-style-type: none"> - Organic Integrity Database search of gelatin from all business types yielded no results

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, co-CEO
Organic Trade Association