October 17, 2016

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-16-0049

RE: Handling Subcommittee – Petitions for Additions to the National List

- Sodium Chlorite for the Generation of Chlorine Dioxide Gas (Proposal)
- Oat Protein Concentrate (Proposal)

Dear Ms. Arsenault:

Thank you for this opportunity to provide comments on the Handling Subcommittee's proposals to: 1) add sodium chlorite to the National List as an allowed synthetic handling material for the generation of chlorine dioxide gas, and 2) add oat protein concentrate to the National List as an allowed non-organic agricultural ingredient for use in organic products only when organic forms are commercially unavailable.

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 organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

In summary:

- OTA did not receive any comments from members on the addition of chlorine dioxide gas (generated from sodium chlorite) to the National List. The addition of chlorine dioxide gas as petitioned may add another valuable "no-rinse" food safety sanitizer to an otherwise very limited toolbox of food safety materials, however since we do not have a clear message from the organic industry that chlorine dioxide gas is necessary for organic handling, we do not take a position on whether it should be added to the National List. If NOSB receives conclusive comments in favor of adding this material, our suggestion would be to list **chlorine dioxide gas** as the approved product and include with the listing an annotation that restricts the form allowed to chlorine dioxide that is "generated from sodium chlorite."
- OTA ***does not support*** the addition of Oat Protein Concentrate to the National List due to the availability of organic oats and organic oat bran and the simple and organic compliant manufacturing process used to make this product.

Headquarters - The Hall of the States, 444 N. Capitol St. NW, Suite 445-A, Washington, D.C., 20001 • (202) 403-8513
Member Services - 28 Vernon St., Suite 413, Brattleboro VT 05301 • (202) 403-8630
www.OTA.com

We offer the following more detailed comments.

Sodium Chlorite for the Generation of Chlorine Dioxide Gas

Sodium Chlorite (ClO2) for the generation of chlorine dioxide gas is being petitioned for use as an antimicrobial pesticide, sanitizer and/or disinfectant for fruits and vegetables. It is used for the direct treatment of fruits and vegetables during storage, transportation and food preparation applications with no requirement for post-treatment rinse because of the lack of residual associated with the gaseous form. ClO2 gas is produced by impregnating zeolite with sodium chlorite and then activating the zeolite with a solid or liquid acid such as citric acid. An unspecified buffer is used. ClO2 gas is applied as a dry pure gas in closed containment. Treatment is done over several hours until the substance is completely consumed.

Acidified sodium chlorite is already listed at § 205.605(b) of the National List (allowed synthetics), and at the April 2016 NOSB meeting, the Board voted unanimously to add hypochlorous acid to § 205.605(b). Chlorine dioxide is also already listed on 205.605(b) of the National List but the form reviewed and approved appears to the liquid form. Like acidified sodium chlorite and hypochlorous acid, the Subcommittee determined that ClO2 gas has the potential to offer handling operations a material that has strong antimicrobial properties and is compatible with the fundamental principles of organic production.

The addition of chlorine dioxide ***gas*** to the National List may add another very valuable food safety option in an otherwise extremely limited toolbox of no-rinse antimicrobials, sanitizers and disinfectants that are allowed in organic processing. However, OTA did not receive any comments from members. Since we do not have a clear message from the organic industry that chlorine dioxide gas is necessary for organic handling, we do not take a position on whether it should be added to the National List. If NOSB receives conclusive comments in favor of adding this material, our suggestion would be to list **chlorine dioxide gas** as the approved product and include with the listing an annotation that restricts the form allowed to chlorine dioxide that is "generated from sodium chlorite."

As mentioned briefly in our summary, we are questioning whether the listing of "sodium chlorite" as a precursor to chlorine dioxide gas is the best approach to take. We're not aware of another National List substance that takes this approach. If NOSB decides to add this material based to the National List, our suggestion is to list **chlorine dioxide gas** as the approved product and include with the listing an annotation that restricts the form allowed as chlorine dioxide that is "generated from sodium chlorite."

Oat Protein Concentrate

Oat protein concentrate is being petitioned as a natural component of oats that can be consumed as a source of protein and certain essential amino acids. According to the petition, the substance is isolated from oat bran through a simple process of grinding, heating, and water extraction. No synthetic chemical additions or solvents are used in the manufacturing process (pH adjustment and/or solvent extraction) being petitioned. The only additives used in producing oat protein concentrate are water and enzymes (on the National List). The alpha-amylase enzyme used is derived from a non-pathogenic, non-GE/GM microorganism.

The petition states that currently there is no source of organic oat protein concentrate, despite organic oats and organic oat bran being widely available in the U.S. and Canada. The petition also states that oat protein concentrate is produced in large quantities in Nordic countries, although organic oat quantities are limited. The justification for adding this ingredient to the National List is that if the demand for organic

Headquarters - The Hall of the States, 444 N. Capitol St. NW, Suite 445-A, Washington, D.C., 20001 • (202) 403-8513
Member Services - 28 Vernon St., Suite 413, Brattleboro VT 05301 • (202) 403-8630
www.OTA.com

oat protein concentrate was to increase, Nordic manufacturing facilities could purchase organic oats from the United States and make the protein concentrate.

OTA agrees with the Handling Subcommittee's conclusion that oat protein concentrate could be made in organic form given the readily available supply of organic oats and oat bran in the United States and the organic compliant process used to make this ingredient. We understand that this ingredient is primarily being made in Nordic countries where there is a shortage of organic oats. We encourage manufacturers that would like to grow the demand of this ingredient to explore its use and acceptability in NOP certified "made with organic" products.

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,

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

cc: Laura Batcha
Executive Director/CEO
Organic Trade Association

Headquarters - The Hall of the States, 444 N. Capitol St. NW, Suite 445-A, Washington, D.C., 20001 • (202) 403-8513
Member Services - 28 Vernon St., Suite 413, Brattleboro VT 05301 • (202) 403-8630
www.OTA.com