



April 4, 2018

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-17-0057

RE: Handling Subcommittee (HS) – Reclassification of Magnesium Chloride (Non-synthetic to Synthetic)

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Handling Subcommittee’s Proposal on the reclassification of Magnesium Chloride.

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.

The Handling Subcommittee proposes to change the classification of magnesium chloride from a non-agricultural synthetic substance to a non-agricultural non-synthetic substance and move the substance from §205.605(b) to §205.605(a) of the National List. The proposal would also remove the current annotation/restriction - “derived from seawater.”

This proposal, if finalized, would change the compliance requirements for magnesium chloride used in or on processed foods labeled as “organic” or “made with organic (specified ingredients or food group(s)).” Specifically, only “Non-synthetic” forms of magnesium chloride would be allowed in organic processing. In order to determine if a specific magnesium chloride product is permitted, certifying agents and material review organizations (MROs) will need to obtain and review the manufacturing process for magnesium chloride and verify its classification status as “Non-synthetic” in accordance with the regulatory definition provided in 7 CFR 205.2 (Terms Defined¹) and NOP Guidance 5033-1 (Classification of Materials).

To support consistent implementation of the subcommittee’s proposal, it would be helpful if NOSB would use the specific magnesium chloride manufacturing processes described in the Technical Review (TR) and identify which ones should be classified as “synthetic” and thus prohibited, or classified as “Non-synthetic” and allowed. This would provide a reference point for certifying agents and MROs to use when

¹ *Non-synthetic (natural)*. A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Act (7 U.S.C. 6502(21)). For the purposes of this part, non-synthetic is used as a synonym for natural as the term is used in the Act.



they carry out their own classification assessments of other magnesium chloride products that may or may not be included in the TR. The assessment and table provided in comments submitted by the Organic Material Review Institute (OMRI) is a good starting point for this discussion. We also urge NOSB to clarify that magnesium chloride produced using manufacturing processes that are not covered in the TR may be approved, provided a thorough review of the manufacturing process is conducted and the certifying agent or MRO determines and approves its status is “Non-synthetic” according to § 205.2 and NOP Guidance 5033-1.

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 maintaining the National List and advising on other standards topics.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gwendolyn V. Wyard".

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

cc: Laura Batcha
Executive Director/CEO
Organic Trade Association