



October 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-15-0037

**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 subcommittee votes posted for the fall 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.

OTA is submitting updated results to our electronic surveys that were created for each input under review for 2017. New submissions are flagged. As explained during the first stage of the review process, the surveys were created and made 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) and OMRI to distribute the survey links to all of their 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.

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<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.

The comments submitted at this time include everything we have received through October 04, 2015. We have received the following total responses:

- 205.605(a) Nonsynthetic, Non-agricultural: 94 responses
- 205.605(b) Synthetic, Non-agricultural: 90 responses
- 205.606 Agricultural: 59 responses
- **Total: 243**

**New survey comments have been received for the following:**

- Fish oil – survey results indicate that organic is not available
- Celery powder – survey results/member feedback indicate that organic is not available at this time. Please note that an OTA National List Innovation Working Group has convened to invest in applied research to produce organically grown celery or other vegetable alternatives. More information will be provided via OTA member comments and during the oral comment periods.
- Chia Seed – survey results/member feedback indicate that organic IS commercially available
- Turkish Bay Leaves – survey results/member feedback indicate that organic is available but the supply is fragile
- Pectin – survey results/member feedback indicate that organic is not available
- Gelatin – survey results/member feedback indicate that some organic is available but does not meet the supply that is needed
- Orange, Shellac - survey results/member feedback indicate that organic is not available
- Black Current Juice Color, Black/Purple Carrot, Carrot Juice Color, Turmeric Extract, Red Beet Juice, Pumpkin, Purple Potato, Paprika Color, Cherry, Grape Skin Extract – survey results/member feedback indicate that organic is not available and/or supply is very fragile (aka not commercially available)

**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.

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

**§ 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	Survey Response & OTA Position
Casings	No response
Celery Powder	<b>New Comment:</b> Use: Bacon, ham, sausage, beef bars. Certified since 1988. Products are

	<p>sold in most states. <b>Function:</b> Used as a natural "curing" agent. Allowed alternatives: none. <b>Research to find alternatives?</b> Yes, reports from two suppliers indicate a variety of trials using organic celery and other organic vegetables with a higher uptake of nitrites. <b>Alternative management practices?</b> No, but we are organizing a research effort for an organic alternative. <b>Effects to your operation if it's no longer allowed:</b> The end of organic bacon, hams, etc. &amp; somewhere in the neighborhood of \$120 million or so. <b>How essential from 1-10?</b> Critically essential - 10.</p> <p><b>New Handler Comment- Use:</b> Organic hot dogs, organic RTC gourmet sausages, organic RTE gourmet sausages, and organic bacon. Products are distributed nationally and internationally. <b>Function:</b> Celery powder plays an important food safety role. Nitrates from the vegetable material are converted to nitrites, which provide the typical color, flavor (not celery flavor), antimicrobial and shelf life properties found in traditionally cured meats, and expected by the consumer. If "cured" color is merely mimicked, the consumer may be misled into believing that the product possesses the antimicrobial and shelf life properties of cured meats. Nitrate/nitrite, from any source, is very important for food safety, as a control for pathogens such as <i>Clostridium botulinum</i> and <i>Listeria monocytogenes</i>. <b>Allowed alternatives:</b> Celery powder was placed on the National List on 205.606 in 2007, and relisted in 2012. The original petition for celery powder foresaw no difficulty in the future production of an organic version of celery powder. To date, however, a viable, functional organic version of celery powder possessing an adequate level of nitrates, and grown in a manner consistent with the organic standards, has not been accomplished. Two major suppliers of celery powder have trialed multiple organic celery crops and also other vegetables that are, like celery, high in naturally occurring nitrates. One supplier has tried three different crops of celery, and the other 15 different trials. So far no alternatives are available which obtain the level of nitrates needed to standardize the resulting "curing" agent without lending an overpowering vegetable flavor to the end meat product. <b>Alternative management practices:</b> Celery powder is a key component to food safety in uncured organic RTC and RTE meats. It cannot be eliminated from the production process. <b>Effects to your operation should you no longer be allowed to use this substance:</b> There is no alternative to celery powder. If it is removed from the NOSB list we would no longer be able to produce and sell our organic uncured meat items. The organic meat sector is entirely dependent on CP as a curing agent in processed meats. Our impact would be in excess of 13 million dollars in annual revenue. <b>Essentiality:</b> Critical.</p> <p><b>Handler Comment:</b> 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 an 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.</p>
Chia	<p><b>New Handler Comment:</b> Certified for 5 years and selling products nationwide. We only purchase organic chia seeds. Organic chia seeds are commercially available. Not essential - 1.</p>
Colors	<p><b>New Handler Comment:</b> Carrot Juice Color, Black/Purple Carrot, Turmeric Extract, Red Beet Juice, Pumpkin, Purple Potato, Cherry, Grape Skin Extract - We currently use these colors in confectionery manufacture. Fully organic versions are not commercially available. We have tested samples of colors made from organic purple carrot and pumpkin. They do perform well, but will not be commercially available in substantial quantities until after the 2016 crop cycle. Even then, predicting demand will be difficult as the food industry as a whole transitions away from synthetic colors. Oddly orange carrot has been problematic in terms of consistency. Sometimes a pale sheen develops on the</p>

product, which makes it look like it is beginning to mold. Colors made from organic turmeric extract are available, but they come with a strong off flavor that is not compatible with fruit flavors. All color on the list are critical until a more robust supply chain is developed.

**New Handler Comment: Paprika Color:** We have not been able to source an organic version that works for our products. We use organic versions of some of the others but this one we are not able to source.

**New Handler Comment: Carrot Juice Color:** Used for coloring in fruit and vegetable juices. Certified for 15 years. Our products are sold globally to all states and exported to many countries. We have searched this color in organic form and it is not available. If it's removed we will need to find an alternate allowed color, which will be timely and costly. Furthermore, this will not guarantee the quality of the product as its flavor and color will most likely change. Also, additional time to re-formulate products and potential sales loss due to failed new product formulation. 10 – critically essential.

**New Handler Comment: Black/Purple Carrot:** Used as a color & flavor in raspberry fruit prep/preserve for blending with organic yogurt. Certified for 17 years. This juice is not available in organic form. Critically essential to our business and ability to make our organic yogurt blend.

**New Handler Comment: Black Currant Juice Color:** Used as a color in juice and fruit spreads. Certified for 18 years. Products are sold nationwide. We currently use organic black currant in our products. However, verbal conversation with the supplier states that a commercial supply of organic black currant is not available. We are currently using organic. If this was taken off the National List then it could risk our organic supply. The supply is fragile. Critically essential to our juice business.

All 50 states. Certified since 2002.

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&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 consumer acceptability. Unappealing colored food for our consumers. Essential.

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 affect the overall economic health of our business. Essential

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>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	<p><b>New - Handler Comment:</b> Fish oil is used in a variety of organic certified products sold in the USA, including milk and yogurt. Fish oil not certified organic but stabilized with organic ingredients or those listed on the National List. Our products are sold in all 50 states and exported. Fish oil is critical to the organic industry to add or increase the level of omega-3 fatty acids EPA and DHA to organic foods. In terms of an alternative, flax seed provides Omega 3 ALA fatty acids, but it is not in the form that can be metabolized by the human body. It must be first converted to EPA and DHA in order to achieve desired health benefits. The conversion factor is very low, approximately 10%. Fish oil provides EPA and DHA at high levels naturally. Elimination of fish oil from 606 would have a direct negative impact on omega-3 content of organic products. Environmental impact? Negligible. No impact to environment regarding fishing. Fish are not fished for their omega 3-content. They are fished for the food and fish meal industry. The oil is a by-product of that, and then turned into a value-added health alternative to fish consumption. The loss of this material would be significant. We would lose over 10m \$.</p> <p><b>Handler Comments:</b> 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. Fish oil is a requirement of our customers who are seeking Organic certification. 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.</p>
Fructooligosaccharides	No response
Galangal, frozen	No response
Gelatin	<p><b>New Handler Comment:</b> Core to the formulation of organic gummy bears. Removal would be economically devastating. The nature of the gelatin manufacturing process requires a magnitude of scale in order to be viable. The market has not yet reached this critical mass. Hopefully it will in the next 5 years. Until then, renewal is critical.</p> <p>-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.</p>



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, they are not sufficient when used alone. 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, frostings, 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 U.S. 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+ years' experience. We have been providing this product from the manufacturer for over two years in the U.S. organic market with growing usage by our customers. The manufacturer now has two 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 two 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 two years. If the allowance of non-organic de-oiled lecithin is removed, more companies would produce this ingredient. If de-oiled lecithin were removed through Sunset, there would be economic gain for organic companies supplying Organic De-oiled Lecithin to the U.S. organic market. Non-organic form is <b>not</b> essential.</p>
Lemongrass - frozen	-Used in certified organic rice pilaf as a flavor. Company has been certified for 8 years. Products are sold throughout U.S. and Canada. Organic Lemongrass is available. We use organic.
Orange pulp, dried	No response
Orange, Shellac - unbleached	<b>New Handler Comment:</b> Derived from the exudate of the lac beetle. Is similar to honey/bees wax in terms of the challenges in sourcing an organic supply. Required for the appearance of chocolate-coated products. Also used as a barrier layer to keep moisture

	<p>from hydroscopic products such as sour jelly beans. Essential.</p> <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><b>New Handler Comment:</b> Pectin: Essential gelling agent in fruit snacks. Provides a unique texture with excellent flavor delivery. No organic alternatives that meet its function. Critical.</p> <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 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 nine years, we have located one 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:

**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**

- Colors – Black current, Carrot Juice, Blueberry, Pumpkin, Black/Purple Carrot, Beet Juice, Turmeric Extract, Red Beet Juice, Purple Potato, Cherry, Grape Skin Extract
- Gums—water extracted only (Arabic; Guar; Locust bean; and Carob bean)
- Lecithin—de-oiled (specifically sunflower)
- Cornstarch (native)
- Turkish bay leaves – (NOSB vote is to remove but member indicates that it may still be needed. Supply is fragile and there is no guarantee that they can consistently get organic. If it's removed from the National List they may need to move their product to the “made with” category.)
- Gelatin

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

- Casings, from processed intestines
- Celery powder
- Fish oil (stabilized with organic ingredients or only with ingredients on the National List, §§205.605 and 205.606)
- 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 effects to environment from potential alternatives):

Economic effects (effects to economic health of your operation):

11. Based on your answers to the questions above, rate the essentiality of this substance (i.e. how necessary is this substance to the continued success of your organic products and operation?):

**1 Less**      **2**      **3**      **4**      **5 More**      **6**      **7**      **8**      **9**      **10 Critical**  
**Essential**                          **Essential**

12. Does your company intend on submitting comments directly to NOSB regarding the sunset review of this substance?

If you would like assistance or guidance in submitting comments to NOSB, please provide your email address, and OTA staff will contact you directly: