



October 1, 2020

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

**Docket:** AMS-NOP-20-0041

**RE: Handling Subcommittee – 2022 Sunset Reviews for §205.605**

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 105 total (605 and 606) responses on our 2022 Handling Sunset Surveys. Below is a summary of the feedback received via OTA’s Sunset Surveys to date on the § 205.605 materials only. Please see our separate comments on the § 205.606 ingredients.

- **§ 205.605 Responses:** 24 responses

**§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	9	<p>The material is essential because:</p> <ul style="list-style-type: none"> <li>- Routinely used as a leavener to make cookies, crackers, cereal, baking mixes, refrigerated baking doughs, granola bars, tortillas, and baked goods.</li> <li>- Leavening agents are essential for non-yeast baked goods like cookies, crackers, and bread.</li> <li>- Also used as processing aid for soy extraction to make plant-based beverages and coffee creamers</li> </ul> <p>Alternative are not sufficient because:</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- No organic alternatives or practices identified.</li> <li>- Have searched annually and confirmed lack of commercially available alternatives.</li> </ul> <p>If the material were prohibited:</p> <ul style="list-style-type: none"> <li>- Without it, baked products would be dense and unpalatable.</li> <li>- Several of the products we sell would have to reformulate, if possible, or convert to conventional.</li> <li>- We would not be able to produce the products to the same level as quality as currently offered to consumers.</li> </ul>	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)).**

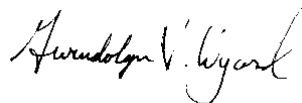
Substance	# of responses	Summary of responses	Average rating of Essentiality (from 1 to 5, with 5 being “critical – would leave organic without it”)
Ammonium bicarbonate	3	The material is essential because:	4

		<ul style="list-style-type: none"> <li>- Used as leavening agent to make cookies, crackers, baked goods</li> <li>- Frozen breakfast foods, frozen entrees</li> <li>- Used as a stabilizer</li> </ul> <p>Alternative are not sufficient because:</p> <ul style="list-style-type: none"> <li>- Non-synthetic alternatives have not been identified</li> </ul> <p>If the material were prohibited:</p> <ul style="list-style-type: none"> <li>- would have to reformulate many products, if possible, or convert to conventional</li> <li>- Reduce the availability of ingredient for breakthrough innovation</li> </ul>	
Ammonium carbonate	0		
Calcium phosphates	3	<p>The material is essential because:</p> <ul style="list-style-type: none"> <li>- Used as a leavener, nutrient, anti-caking agent</li> <li>- Used in making crackers, cereal, baking mixes, cookies, tortillas, baked goods, plant-based beverages, seasoning blends.</li> <li>- Calcium Phosphate is the acidic ingredient often used in aluminum-free baking powders</li> <li>- Leavening agents are essential for non-yeast baked goods like cookies, crackers, and bread.</li> <li>- Used for fortification in making yogurt and baby foods</li> </ul> <p>Alternative are not sufficient because:</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- No organic alternatives identified.</li> <li>- Rice Concentrate does not work on vegetable products with a high sugar content.</li> </ul> <p>If the material were prohibited:</p> <ul style="list-style-type: none"> <li>- Without it, baked products would be dense and unpalatable.</li> <li>- Devastating to not have anti-caking agents.</li> <li>- Would have to reformulate, if possible, or convert to conventional</li> </ul>	<b>5</b>
Ozone	3	<p>The material is essential because:</p> <ul style="list-style-type: none"> <li>- Used routinely as a sanitizer</li> <li>- Disinfectant for the cleaning process of production lines</li> </ul> <p>Alternative are not sufficient because:</p> <ul style="list-style-type: none"> <li>- Non-synthetic alternatives have not been identified</li> </ul> <p>If the material were prohibited:</p> <ul style="list-style-type: none"> <li>- Limiting the number of available sanitizers is not in the best interest of food safety.</li> </ul>	<b>4</b>
Sodium hydroxide	6	<p>The material is essential because:</p> <ul style="list-style-type: none"> <li>- Used as a processing aids in making soaps, body care, plant-based beverages, baby food</li> <li>- Used as an alkalizing agent in making black cocoa powder</li> </ul>	<b>4.5</b>

		<ul style="list-style-type: none"> <li>- Balances pH in infant formula powder</li> <li>- Used in cereals, baked goods/snacks. Frozen breakfast foods, frozen entrees for pH adjustment of rice bran extract. It allows for the use of water to extract the necessary nutrients and functional ingredients.</li> <li>- Used in human and pet food, dietary supplement ingredients</li> </ul> <p>Alternative are not sufficient because:</p> <ul style="list-style-type: none"> <li>- 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</li> <li>- There is a search done annually to confirm lack of commercial availability</li> <li>- There is not another alternative performing in the same manner. Trials have been completed and have not proved adequate performance</li> <li>- There are no alternatives that will raise the pH above 10. A weaker material would require us to use more which would nullify our organic certification.</li> </ul> <p>If the material were prohibited:</p> <ul style="list-style-type: none"> <li>- We wouldn't be able to make a USDA organic claim on our personal care products</li> <li>- Would have to reformulate, if possible, or convert to conventional.</li> <li>- You'd be hard pressed to make Oreo/Hydrox type products without the black cocoa</li> <li>- It would change the production of the product</li> <li>- The loss of this ingredient would cause a stop in the production of this ingredient. Our ingredient has been in the market for almost 28 years and in thousands of organic formulations globally. We are the only maker of this ingredient; it was patented and there are no other producers. Additionally, there are no other organic alternatives.</li> </ul>	
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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.