



September 29, 2022

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

Docket: AMS-NOP-22-0042

RE: Handling Subcommittee – 2024 Sunset Reviews for §205.605 & §205.606

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment to the National Organic Standards Board (NOSB) on its 2024 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 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 2024 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 2024 Sunset Review cycle. These electronic surveys include about 10 questions addressing the **necessity (crop and livestock)** or **essentiality (handling)** of each input (**Appendix A**). 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 **20 total responses** on our 2024 Handling Sunset Surveys. Below is a summary of the feedback received via OTA’s Sunset Surveys to date on the handling materials under review.

§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	Average rating of Essentiality (from 1 to 5, with 5 being “critical – would leave organic without it”)
Attapulgit	No responses received so far.	
Bentonite	No responses received so far.	
Diatomaceous Earth	<p>2 Responses received from a certified operation using DE in the manufacturing of organic pea syrup and another for washed flavor extracts.</p> <p>Necessary because:</p> <ul style="list-style-type: none"> - Filter aid to purify the maltose syrup. DE can remove smaller particles than other types of filter aids. - It is a filtering aid for flavor extracts to separate the oil and extract layers that is not present in the final product. <p>Frequency of use:</p> <ul style="list-style-type: none"> - DE Filters are always used during the processing of organic peas syrup. - Frequently <p>Are there alternative filtration aids or management practices that would replace DE?</p> <ul style="list-style-type: none"> - No 	4 out of 5

	<p>If DE were to be prohibited:</p> <ul style="list-style-type: none"> - Our organic pea syrup would contain impurities contributing to shorter shelf life and off colors, making it non-competitive with other (conventional) syrups. - We would lose organic business because we would have to discontinue products. This is a critical ingredient for our washed flavor extracts. 	
<p>Magnesium chloride</p>	<p>1 Response received from a certified organic operation that uses magnesium chloride to make tofu and soy-based products.</p> <p>Uses/Functionality:</p> <ul style="list-style-type: none"> - Tofu coagulation <p>Frequency of use:</p> <ul style="list-style-type: none"> - Routinely <p>Are there any alternative materials or practices that would eliminate the need for Magnesium Chloride?</p> <ul style="list-style-type: none"> - No <p>Do you use Magnesium chloride as a color enhancement?</p> <ul style="list-style-type: none"> - No <p>If magnesium chloride were prohibited:</p> <ul style="list-style-type: none"> - The product quality, specifically the texture, would be significantly impacted 	<p>4 out of 5</p>
<p>Nitrogen</p>	<p>2 Responses received from certified operations that make organic fruit preparations and dairy products.</p> <p>Uses / Functionality:</p> <ul style="list-style-type: none"> - Essential tool to reduce oxidation during processing and storage of organic fruits and flavors - Flush equipment <p>Frequency of use:</p> <ul style="list-style-type: none"> - Routinely - As needed <p>Are there any alternative materials or practices that would eliminate the need for Nitrogen?</p> <ul style="list-style-type: none"> - No 	<p>4 out of 5</p>

Sodium carbonate	<p>2 Responses received from certified operations.</p> <p>Use / Functionality:</p> <ul style="list-style-type: none"> - It is a component of the primary manual cleaner we use in our manufacturing facility. Used routinely. - As a leavener and to regulate pH in various baked goods. Used routinely. <p>Are there any alternative materials or practices that would eliminate the need for Sodium carbonate?</p> <ul style="list-style-type: none"> - No <p>If sodium carbonate were prohibited:</p> <ul style="list-style-type: none"> - Our options for cleaning our manufacturing facility are limited and thus the removal of any materials allowed for cleaning can be problematic. - 11 products would need to be reformulated. 	4 out of 5
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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	Average rating of Essentiality <small>(from 1 to 5, with 5 being “critical – would leave organic without it”)</small>
Acidified sodium chlorite	No responses received so far.	
Carbon dioxide	<p>3 Responses received from certified operations making corn, soy, wheat, kombucha beverages, frozen foods (freezer), and carbonated beverages</p> <p>Use/Functionality:</p> <ul style="list-style-type: none"> - Pest control (2) - as needed - Carbonation (2) – always - Freezing - always <p>Are there any alternative materials or practices that would eliminate the need for carbon dioxide?</p> <ul style="list-style-type: none"> - No 	5 out of 5

	<ul style="list-style-type: none"> - No - No <p>If carbon dioxide were prohibited?</p> <ul style="list-style-type: none"> - We would not be able to meet stringent food-grade contract requirements of zero live insects per sample. CO2 is the only economically viable compound effective on stored grain insects such as weevil. - Would not be able to produce a product that is desired by consumers (organic beverages) - We would be unable to sell organic carbonated beverages 	
<p>Sodium phosphates</p>	<p>3 Responses received from certified operations making yogurt and Box Mac and Cheese with Cheese Powder Deluxe Mac and Cheese with liquid Cheese sauce.</p> <p>Use / Functionality:</p> <ul style="list-style-type: none"> - Buffer - It is used as an emulsifier and pH buffer in the spray drying cheese process and cheese sauce (2) <p>Frequency of use:</p> <ul style="list-style-type: none"> - Routinely <p>Are there any alternative materials or practices that would eliminate the need for Sodium phosphates?</p> <ul style="list-style-type: none"> - No <p>If sodium phosphates were prohibited:</p> <ul style="list-style-type: none"> - We would no longer be able to produce our Mac and Cheese products. The cheese powder & sauce would not be viable and is a critical component to the Finished Mac & cheese 	<p>4.7 out of 5</p>

§205.606 – Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic.”

<p>Casings</p>	<p>1 Response received from a certified organic operation that uses casings for organic meat products.</p> <p>Use / Functionality:</p> <ul style="list-style-type: none"> - Organic sausage casing <p>Have you tried using any other substances as an alternative to casing?</p> <ul style="list-style-type: none"> - No 	
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	<p>Are there management practices that would eliminate the need for casings?</p> <ul style="list-style-type: none"> - No <p>If nonorganic casings were prohibited:</p> <ul style="list-style-type: none"> - We would not be able to produce organic sausages 	
<p>Pectin</p>	<p>5 Responses received from certified operations that use pectin to make fruit snacks, yogurt, jams & jellies, juices, and ice creams.</p> <p>Use / Functionality:</p> <ul style="list-style-type: none"> - Stabilizer - Thickener - Gelling agent, essential for structure and texture (3) <p>Frequency of use:</p> <ul style="list-style-type: none"> - Routinely <p>Are there ancillary substances used in pectin?</p> <ul style="list-style-type: none"> - Sugar, for standardization <p>Have you tried using any other substances as an alternative to pectin?</p> <ul style="list-style-type: none"> - No - There were no allowed alternatives that meet quality; No organic pectin that meets quality or quantity <p>Are there management practices that would eliminate the need for pectin?</p> <ul style="list-style-type: none"> - No <p>Has an organic source of pectin become commercially available?</p> <ul style="list-style-type: none"> - No <p>If pectin were prohibited:</p> <ul style="list-style-type: none"> - Product quality would decline significantly, yogurt would separate and be less palatable to consumer - We would no longer be able to produce certified organic fruit snacks. (2) - The product quality would be impaired, specifically the texture and viscosity 	<p>4.6 out of 5</p>

<p>Potassium acid tartrate</p>	<p>1 Response received from a certified operation that makes organic crackers</p> <p>Uses / Functionality:</p> <ul style="list-style-type: none"> - Stabilizer and leavening agent <p>Frequency of use:</p> <ul style="list-style-type: none"> - Routinely <p>Are there any alternative materials or practices that would eliminate the need for Nitrogen?</p> <ul style="list-style-type: none"> - No <p>If potassium acid tartrate were prohibited:</p> <ul style="list-style-type: none"> - Product quality would be impaired - There is inadequate organic supply to meet commercial needs. 	<p>4 out of 5</p>
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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: Tom Chapman, CEO
 Organic Trade Association

Appendix A – Sample Survey for Handling Inputs

1. Is your operation certified organic? Yes / No
2. Is [SUBSTANCE] included in your organic system plan? Yes / No
3. Which types of organic products do you use this substance in/on? (e.g., yogurt, fruit juices, baked goods, etc.)
4. What function does the substance provide in/on your organic products and why is it essential? (e.g., stabilizer, thickener, flavor, sanitizer, etc.)
5. With what frequency does your operation use the substance? (e.g., seldom, as needed when a certain condition arises, routinely, etc.)
6. 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.
7. Have you tried using any *other* substances as an alternative to [SUBSTANCE]? (e.g. other natural substances if the substance in question is synthetic; or organic substances if the substance in question is natural)

If so, please describe your search and sourcing efforts, which substances you've tried and whether the quantity available was sufficient and/or whether the alternative substance had the quality and form necessary to fulfill the required function of the organic product or process.

8. Are there any other *management practices* that would eliminate the need for [SUBSTANCE]? If so, please describe the efficacy of the alternative management practices:
9. How would your organic handling be impacted if [SUBSTANCE] was no longer be allowed? (describe the effects on product quality, economic effects, environment effects, or human health effects)
10. On a scale from 1 to 5 stars, rate the overall necessity of [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)

