



CCOF

Advancing organic agriculture through certification, education, advocacy, and promotion.

Ms. Michelle Arsenault
Advisory Committee Specialist
National Organic Standards Board, USDA-AMS-NOP
1400 Independence Ave. SW., Room 2642-S, Mail Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-18-0071-0001

Re: Handling Subcommittee: 2021 Sunset Reviews

April 4, 2019

Dear Ms. Arsenault and NOSB,

Thank you for the opportunity to comment on the 2021 Sunset Review of handling substances on the National List of Allowed and Prohibited Substances.

CCOF is a nonprofit organization governed by the people who grow and make our food. Founded in California more than 40 years ago, today our roots span the breadth of North America. We are supported by an organic family of farmers, ranchers, processors, retailers, consumers, and policymakers. Together, we work to advance organic agriculture for a healthy world.

In the attached comments, we include the number of CCOF members who list the substance on their Organic System Plan (OSP) because it demonstrates the importance of the substance to organic production. Handlers use a range of ingredients and processing aids that are specific to the types of products they process and handle. Therefore, the NOSB should carefully consider the impacts of removing a substance that has been listed on an OSP because producers need a variety of tools available to them.

Our comments also describe how the substance is used by our members and, when possible, whether viable alternatives exist. This information is based upon our experience as a certifier and upon feedback from our members. Although we strongly encourage our members to comment, they do not always have the capacity to directly submit their own comments. Our goal is to relay valuable information about our members' materials and practices to help NOSB maintain a clear, consistent regulatory environment for organic producers of all scales and types.

Thank you for your review of our comments. Please do not hesitate to contact me for further information.

Sincerely,



Peter Nell

Government Affairs Manager

cc: Kelly Damewood, CEO

Jody Biergiel Colclough, Interim Chief Certification Officer, CCOF Certification Services, LLC

CCOF's Comments on the 2021 Sunset Review Handling Scope Materials

The following comments are based on CCOF's member input, our experience offering organic certification for more than 40 years, and our current certification of over 1,200 organic processors and handlers.

§ 205.605 (a) – Nonsynthetic nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food groups(s))."

Acids – Citric

101 CCOF members list citric acid on their OSP. Citric acid is used for a variety of needs across the organic product spectrum.

Acids – Lactic

19 CCOF members list lactic acid on their OSP. Lactic acid has a variety of uses for meat products, snack products, cheese, and more.

Calcium chloride

24 CCOF members list calcium chloride on their OSP. Calcium chloride is used for cheese making, brewing beer, olive packing, tomato canning, and more.

Dairy cultures

17 CCOF members list dairy cultures on their OSP. Dairy cultures are used in organic dairy products. CCOF is not aware of any additional ancillary substances used in dairy cultures other than those identified by the Handling Subcommittee in 2015. CCOF views the listing of microorganisms as sufficient and that a separate listing of dairy cultures is not necessary.

Enzymes

70 CCOF members list enzymes on their OSP. Enzymes are used for a variety of needs across the organic product spectrum. CCOF is not aware of any additional ancillary substances other than those identified during the previous Sunset Review of enzymes and within the 2015 Technical Evaluation Report.

L-Malic acid

12 CCOF members list L-Malic acid on their OSP. L-Malic acid is used in production of wine, juice, dietary supplements, and personal care products.

CCOF encourages the NOSB to consider reclassifying this material as synthetic and moving it to § 205.605(b). The 2003 TAP Report notes that L-Malic acid can be produced via "double fermentation" in which fumaric acid is produced by the fermentation of glucose as the first step of the process, then L-Malic acid is produced by the fermentation of fumaric acid as the second step of the process. While this was the desired production method for a nonsynthetic L-Malic acid material, CCOF has found that it is unlikely that there are commercially available nonsynthetic sources of this material. We have

found that most if not all commercially available sources are produced with petroleum as the starting material. Even when supporting documentation for L-Malic acid states “produced naturally via enzymatic fermentation,” we are confident that this statement only refers to the second half of the process. Applying NOP Guidance 5033 and 5033-1 to this full production method would result in classifying L-Malic acid as a synthetic material.

Magnesium sulfate

No CCOF member lists magnesium sulfate on their OSP. Magnesium sulfate can be used in the production of tofu. At least some tofu producers can successfully use calcium sulfate or magnesium chloride as coagulants.

Microorganisms

70 CCOF members list microorganisms on their OSP. Microorganisms are used in wine, dietary supplements, kombucha, dairy products, and more. CCOF is not aware of any additional ancillary substances than those identified by the Handling Subcommittee in 2015. CCOF views the listing of microorganisms as sufficient and that a separate listing of dairy cultures is not necessary.

Perlite

3 CCOF members list perlite on their OSP. Perlite is used as a filtration aid during wine production.

Potassium iodide

No CCOF member lists potassium iodide on their OSP.

Yeast

85 CCOF members list yeast on their OSP. Yeast is critical to producing many organic products such as bread, wine, spirits, and beer. There are still types and forms of yeast that are not commercially available in organic form. Suitable organic yeast for wine making is particularly challenging for some CCOF members to source.

§ 205.605 (b) – Synthetic nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food groups(s))."

Acids, Alginic

No CCOF member lists alginic acids on their OSP.

Activated charcoal

17 CCOF members list activated charcoal on their OSP. Activated charcoal is used for filtration of wine and spirits.

Ascorbic acid

47 CCOF members list ascorbic acid on their OSP. Ascorbic acid is used by beverage manufacturers, wineries, bakeries, dietary supplement manufacturers, and others for a variety of uses.

Calcium citrate

1 CCOF member lists calcium citrate on their OSP. The CCOF member using calcium citrate manufactures dietary supplements.

Ferrous sulfate

No CCOF member lists ferrous sulfate on their OSP.

Hydrogen peroxide

39 CCOF members list hydrogen peroxide on their handling scope OSP. Hydrogen peroxide is a common equipment sanitizer.

Nutrient vitamins and minerals

25 CCOF members list nutrient vitamins and minerals on their OSP. Nutrient vitamins and minerals are used to add nutritional content to a wide variety of products.

The annotation for nutrient vitamins and minerals should be revised. CCOF supports Option 2 (proposed annotation 4) from the 2016 Handling Subcommittee discussion document:

§205.605 (b) Vitamins and minerals, synthetic.

For food – Minerals (including trace elements) and vitamins identified as essential in 21 CFR 101.9.

For infant formula—vitamins and minerals as required by 21 CFR 107.100 or § 107.10 are allowed for use in agricultural products labeled "organic" and "made with organic (specified ingredients or food group(s))"

Option 2 provides succinct and clear standards that are critical for ensuring long-term compliance. Further, Option 2 best aligns with the 2012 proposed rule and is the strongest basis for moving forward on this issue. It is the most likely to be consistently enforced by certifiers because it clearly cites where to find the list of allowed essential nutrients.

CCOF would allow nonsynthetic nutrient vitamins and minerals that are listed at § 205.605(a). However, CCOF would not require a member to use a nonsynthetic version over a synthetic version due to the broader listing of nutrient vitamins and minerals under § 205.605(b).

CCOF encourages the NOSB to provide the NOP with the best recommendation possible, as the status quo for this listing is not sufficient. CCOF also encourages the NOP to act on NOSB recommendations regarding nutrient vitamins and minerals to provide clarity and increase consistency.

Consumers have enough information to make educated decisions regarding nutrient vitamins and minerals.

Peracetic acid

569 CCOF members list peracetic acid on their OSP. Peracetic acid is used for post-harvest, direct contact handling of products and is also used as an equipment sanitizer.

Potassium citrate

1 CCOF member lists potassium citrate on their OSP. The CCOF member using potassium citrate used it as an acidity regulator during the winemaking process.

Potassium phosphate

No CCOF member lists potassium phosphate on their OSP.

Sodium acid pyrophosphate

5 CCOF members list sodium acid pyrophosphate on their OSP. Sodium acid pyrophosphate is used by bakeries making quick-breads, crackers, and baking mixes as a component of baking powder (with sodium bicarbonate).

Sodium citrate

7 CCOF members list sodium citrate on their OSP. Sodium citrate is used in meat processing and in manufacturing dietary supplements and personal care products.

Tocopherols

21 CCOF members list tocopherols on their OSP. Tocopherols are used as antioxidants in nut products, personal care products, food bars, and more.

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

Celery powder

5 CCOF members list celery powder on their OSP. Celery powder is used in processed meat products.

Fish oil

No CCOF member lists fish oil on their OSP.

Gelatin

No CCOF member lists gelatin on their OSP.

Orange pulp, dried

No CCOF member lists dried organic pulp on their OSP.

Seaweed, Pacific kombu

No CCOF member lists Pacific kombu seaweed on their OSP.

Wakame seaweed

No CCOF member lists wakame seaweed on their OSP.