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National Organic Standards Board
National Organic Program,
USDA-AMS-NOP
1400 Independence Ave., SW.,
Room 2646 So., Ag Stop 0268
Washington, DC 20250-0268

Via www.regulations.gov

RE: NOSB Crop and Handling Committee Recommendation on Chlorine Materials

Summary:

Oregon Tilth supports and appreciates the annotation change recommended by the Handling Committee for Chlorine Materials. This change will address the need for this clarity by certified operations and certifiers. Additionally we support the relisting of Chlorine Materials to §205.601 but respectfully request that the Crop Committee revise their recommended annotation to be consistent with that of the recommendation by the Handling Committee.

Handling Committee Chlorine Materials Annotation (§205.605)

Oregon Tilth supports this change to the annotation on chlorine materials that the Handling Committee has recommended. The relisting and change in the annotation for this material accomplishes the following:

1. It clarifies and solidifies previous NOP Q & A on the allowance of chlorine materials in direct food contact for sanitizing organic food products. Use of chlorine materials in direct contact with organic products, as previously annotated, has not been clear. The current annotation and listing of chlorine on §205.605 states “*disinfecting and sanitizing food contact surfaces, Except, That, residual chlorine levels in the water shall not exceed the maximum residual disinfectant limit under the Safe Drinking Water Act (Calcium hypochlorite; Chlorine dioxide; and Sodium hypochlorite).*” This current annotation does not clearly allow its use in direct food contact. Through NOP Q&A posted on the NOP website it allows for the use of chlorine materials in direct contact with organic products as long as the residual measurement in the waste stream do not exceed 4 ppm (see attached). In addition the preamble addresses this issue by clarification of the NOP Q&A above. Through this NOP Q&A, and the guidance in the preamble, chlorine materials have been allowed

in direct contact with organic products for cleaning and disinfecting for many years. This recommendation solidifies and clarifies this allowance.

2. The relisting and annotation change allows for organic processors and handlers to have the necessary materials and tools to appropriately disinfect organic products, thereby protecting organic consumers from any potential food safety concerns. In this day and age it is increasingly important for all operations to be appropriately equipped with tools to protect from any microorganisms or biological contaminants that inadvertently enter our food supply.

Crop Committee Sunset on Chlorine Materials Annotation Change (§205.601)

Oregon Tilth would like to point out the inconsistency in the annotation recommendation by the Crops Committee for relisting of Chlorine Materials to §205.601 (a). Although we believe the intention by the Crops Committee is to allow added chlorine materials to necessary FDA levels to disinfect and sanitize organic products, including direct food contact, we do not believe that the annotation recommendation here is clear.

First, the annotations placed on chlorine materials under §205.605 and §205.601 should be consistent. Currently the Crops Committee recommendation does not include the following language that is present in the Handling Committees recommendation. *“...may be used up to maximum labeled rates for disinfecting and sanitizing food contact surfaces. Chlorine materials in water used in direct crop or food contact is permitted at levels approved by FDA or EPA for such purpose, provided the use is followed by rinse with potable water that does not exceed the maximum residual disinfectant limit for the chlorine material under the Safe Drinking Water Act.”*

We feel that the above language that is contained in the recommended annotation by the Handling Committee should also be added to the Crops Committee recommendation for chlorine materials on §205.601, post harvest handling on farm is often completed and reviewed as part of the farms Organic System Plan where §205.601 is the appropriate reference for the allowed materials.

Residual chlorine, as described in the committee’s report, is the chlorine that remains available in solution after the disinfection step is complete, when the initial added chlorine material has been reduced by reaction, bound to the organic matter, or evaporated. We understand the current committee recommendation’s intent is to allow for added chlorine at necessary levels as long as the “residual” level meets the Safe Water Drinking act, however, we don’t believe that the recommended annotation is clear in allowing this and should be reworded, as above, to be consistent with the annotation change presented on the same material by the Handling Committee.

Adding this additional clarifying language to the Crops Committee recommended annotation would also be in line with draft NOP guidance released for comment in December of 2010.

Oregon Tilth appreciates the opportunity to comment on the draft guidance documents and thanks the NOP for carefully considering our comments.

Respectfully submitted,

Oregon Tilth, Inc.

Oregon Tilth, Inc. is a non-profit 501(c)(3) organization that supports and promotes biologically sound and socially equitable agriculture. Oregon Tilth offers educational events throughout the state of Oregon, and provides organic certification services to organic growers, processors, and handlers internationally. An NOP accredited certifier since 2002, Oregon Tilth currently certifies over 650 farms and ranches and over 600 handlers in more than 35 states affording us a broad perspective of current practices and challenges faced by organic producers and handlers.