



PO Box 368 | Corvallis, OR 97339 | www.tilth.org | PH 503.378.0690 | FX 541.753.4924 | organic@tilth.org

September 29, 2021

Ms. Michelle Arsenault, Special Assistant
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave. SW.,
Room 2648-S, Mail Stop 0268
Washington, DC 20250-0268

RE: Docket: AMS-NOP-21-0038
Handling Subcommittee
Fish Oil Annotation Proposal, August 13, 2021
Sunset Materials

Dear Ms. Arsenault:

Thank you for the opportunity to provide comments to the National Organic Standards Board Handling Subcommittee regarding the fish oil annotation and sunset material proposals.

Fish Oil Annotation

Oregon Tilth supports option one from the proposed addition to the Fish Oil Annotation. This option affords the most choices for operators when selecting a fish oil for use, and provides the most direct verification process out of the choices provided. Limiting fish oil use to only those oils produced from fishing industry byproducts that have been certified as sustainable by a third-party certifier would increase transparency and support sustainability in alignment with the Standards.

Oregon Tilth would not support options two or three because they are tied to outside third-party verification programs. Tying this annotation and allowance to specific third-party standards does not allow for acceptance of new qualified standards as they are developed or address the issue of age and fragility in the standard, since the longevity of these existing third parties is unknown.

Sunset Materials

Each of the materials being considered during the current sunset review process is used by one or more operations certified by Oregon Tilth. Specifically regarding the materials whose committee votes show lack of support for renewal or where additional information was requested, we have:

- Nine (9) operations utilizing twelve different brand names of carrageenan, and
- Four (4) operations using Glucono delta-lactone.

The annotation in reference to §205.605(b) that addresses silicon dioxide requires a commercial availability search be performed for both “organic” and “made with organic” products. Oregon Tilth proposes that this provision be amended to include only “organic” products, similar to the provision on yeast. We would also request that the annotations for natural flavors and collagen gel be amended to clarify that a commercial availability search when made under the heading of “made with organic” products is NOT required. The NOP has already communicated this “exemption” for natural flavors and collagen gel to certifiers. Consequently, certifiers currently do not apply the commercial availability requirement for materials in the category of “made with organic.” Even so, this industry-wide practice is contrary to the standard as currently codified. For this reason, Oregon Tilth requests that the annotation be amended to reflect the NOP’s directives and industry’s practices currently, in order to eliminate disagreement or confusion.

Respectfully Submitted,

Oregon Tilth

Oregon Tilth is a leading certifier, educator and advocate for organic agriculture and products since 1974. Our mission to make our food system and agriculture biologically sound and socially equitable requires us to find practical ways to tackle big challenges. We advance this mission to balance the needs of people and the planet through focus on core areas of certification, conservation, policy and the marketplace.