



260 SW Madison Ave. Ste 106 | Corvallis, OR 97333 | www.tilth.org | PH 503.378.0690 | FX 541.753.4924 | organic@tilth.org

September 24, 2012

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Avenue, SW
Room 2648-So, Ag Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-12-0040; NOP 12 - 12

RE: Handling Subcommittee – “Other Ingredients” Discussion Document

Dear Ms. Arsenault:

Summary:

Thank you for giving Oregon Tilth Certified Organic the opportunity to comment on the discussion document for “Other Ingredients.” This is another step in the right direction in aligning all ACA’s to be able to make clear and consistent choices. We are happy to finally see this subject being discussed and look forward to be able to comment on the draft guidance.

Discussion:

Option B is the most feasible approach for the evaluation of “other ingredients.” This option aligns with the NOP’s memo to the NOSB, provides transparency, provides a reasonable transition for current 605 and 606 items and is the best for the growth of the organic industry. The option is best for consumers as the process for allowing other ingredients is transparent, where option A openly allows all. We realize that this option will take expertise and time. But we do not see Options A & C as viable options.

Option A is basically the current way we deal with 605 and 606 listed materials, which is not transparent, devalues organics to consumers, by allowing all other ingredients and is not working, hence the letter from the NOP to the NOSB.

Option C would add three more sections to the National List. 605 and 606 are already difficult enough to navigate for our clients and adding three more sections will only make the National List confusing. How long does it take to have three new sections added to the National List? Option B allows for a quicker and more

streamline process for implementation. What if an incidental additive is needed for one ingredient on the National List, but not for another? Option C opens the door for too many other ingredients to be used in an input that may not necessarily need it. This option will take more time and more expertise, which is not viable either.

In theory an NOP database for “other ingredients” is appealing. However, if a database is not easily manageable and affordable for the NOP to maintain, then listing the “other ingredients” in the TAP review, or recommendation is perfectly acceptable. Either way of listing the “other ingredients” would provide an easy way for any Accredited Certification Agent (ACA), client, or consumer to have access to what is being allowed for each 605, or 606 ingredient.

We believe that all non-synthetic incidental additives should be looked at when evaluating 605 and 606 ingredients and be documented. We acknowledge this will require more work by the TAP reviewers and NOSB to approve incidental additives, but more importantly, this will ensure the non-synthetic “other ingredients” need to be in the formulation for a technical or functional effect. If all non-synthetics were allowed in with the baseline criteria we expect negative reactions from consumer advocacy groups and consumers alike. If the NOSB aspires that all non-synthetic “other ingredients” should be approved, as long as they meet the baseline criteria, then we will moreover need a consistent decision tree to be able to make consistent determinations.

We do not support organic substitutes being required if available for 605 ingredients. This causes more inconsistencies between certifiers and thus more certifier shopping. ACA’s are not the experts in substitution of ingredients, so it would be hard for any ACA to make a good decision when evaluating such substitution. This is why we were not in support of the silicon dioxide proposed annotation. How are we to evaluate if an organic rice product is just as good as silicon dioxide as an anti-caking agent?

We do not support organic preferences being assigned to “other ingredients.” Again the ACA’s are not the experts in these fields. We do not support organic substitutes for 605 ingredients and we would not want to go further down the rabbit hole by making decisions of this nature. This causes too much differentiation in day-to-day decisions for each certifier, for consistent decisions to be made.

“Other ingredients,” are necessary for some 605 or 606 ingredients, as they provide functionality that cannot occur without them. Enzymes and microorganisms cannot be shipped without the other components to keep them alive and viable. Vitamins cannot function and disperse without a carrier, or standardization agent. Some ingredients must have emulsifiers in order for two unmixable substances to be combined and stabilized properly and some ingredients must have preservatives in order to keep the ingredient safe from pathogens.

The idea of a list for cleaners and sanitizers is appealing and would most likely be easier when guidance is finished for sanitizers affecting the 100% organic category. However, we do not see this a necessity for the development of “other ingredients” guidance, as there are many other imperative areas of clarification, guidance and rule making that the NOSB and NOP should spend their valuable time on.

We do not support additional “other ingredients,” to appear on the National List, or be in organic form. If the NOSB finds it necessary to include “other ingredients,” for sanitizers, cleaners, or disinfectants to be listed, then they should be listed in the petitioned documentation, or database. For the most part, the annotation for a sanitizer, cleaner, or disinfectant can reference the regulatory body (FDA, or

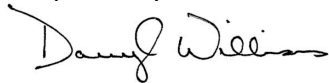
EPA) for the use of those chemicals. Like peracetic acid, the annotation should state that it be used according to the regulatory requirements and limitations. Although this caused some confusion in the past, ACA's have successfully figured out what can be used directly from those regulations, as long as the annotation is clear. Any "other ingredients," that the NOSB feels should not be used, should not be included in the petitioned documentation, database listing, or should be specifically prohibited in the annotation. If a cleaner, sanitizer, or disinfectant was to be used in **direct contact** and was formulated with agricultural ingredients, then the annotation should state that agricultural components being used as "other ingredients," be organic, as they have done for other 605 and 606 ingredient listings.

Conclusion:

All ingredients on 605 and 606 should have the "other ingredients" listed in the petitioned documentation, or an NOP maintained database, so the organic industry and consumers can reference them easily. In order for the system for reviewing non-organic ingredients to be improved we will need decision trees for the determination of agricultural, non-synthetic and synthetic inputs.

We thank the Handling Subcommittee for their time in reading through the comments and allowing Oregon Tilth to comment on such an important discussion. We feel that Option B, with the alternatives listed in the discussion above, is the best for ACA's, consumers and the organic industry as a whole. We look forward to being able to comment on the draft guidance in the near future.

Respectfully submitted,



Darryl Williams
Processing Program Technical Specialist
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.