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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-15-0085
Handling Subcommittee – Sodium Lactate and Potassium Lactate
Petitioned Material Proposal**

Dear Ms. Arsenault:

Oregon Tilth would like to thank you and the Handling Subcommittee for the chance to provide comment on the items up for discussion during the Spring 2016 NOSB meeting in Washington DC. We appreciate the work the Handling Subcommittee has done on the proposal to add sodium lactate and potassium lactate to the National List, but we have concerns about addressing an issue regarding other lactate salts that have also been used based on previous correspondence from the NOP.

While this proposal is about two lactate salts, sodium and potassium lactate, one other lactate salt is briefly mentioned or alluded to in past NOP memos: calcium Lactate. Based on the information in these past memos, certifiers have approved the use of calcium lactate as well as the two other lactate salts that are the focus of this proposal. The language in the memos outlines the plans for moving forward in addressing the discrepancy between the NOP's interpretation and the NOSB's recommendation on material evaluation. What the memos do not address is calcium lactate and how that would be impacted along side of this proposal.

As a certifier that has approved the use of these materials, including calcium lactate, we believe it is important to understand if and how the other lactate salts were included in further discussions and/or deliberations regarding the proposal at the NOSB and/or NOP level to address the expectations for the other salts not covered by this proposal. Any information or guidance from the NOSB and/or NOP would be appreciated.

The information provided in the 2014 memo to the NOSB includes direction for the two outcomes associated with the recommendation to add, or not add, the materials to the National List. The outcomes are practical and the NOP stated it would provide instruction to certified operations to phase out these materials if they were not approved. What it doesn't include is if calcium lactate would fall into this category and how it would be handled. While we realize that a petition is the only way for this to be

addressed, we are confused on how certifiers and our certified clients should move forward when calcium lactate has been mentioned as part of the past memos.

We would like to provide some background on the use of this material, as it has not been covered in the Technical Report on sodium and potassium lactate. Calcium lactate, in comparison to the two lactate salts, is not used in the same way. Our evaluation of calcium lactate shows that the primary application is that of a solid form of lactic acid for use in formulated products, such as dairy powders, or other products that require a particular acidity when consumed that is different from other acids. While lactic acid is currently on the National List, lactic acid in its non-salt form, is a liquid at room temperature, where the lactate salts have a much higher melting point that leaves them as a solid in most other applications.

We appreciate the work that the NOSB has done on this proposal and the information provided. We request that some communication, from the NOSB during discussion on the proposal address this, and/or inclusion of language in the final proposal sent to the NOP to address the issue of calcium lactate. It is unclear from the past communication from the NOP if calcium lactate will be addressed in future communication directed towards certified operations or certifiers.

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 planet through focus on core areas of certification, conservation, public health, policy and the marketplace.