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September 24, 2012

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

Re: Docket AMS-NOP-12-0040; NOP 12 - 12
NOSB Handling Committee "**Other Ingredients**" Discussion Document

Dear Ms. Arsenault:

Thank you for the opportunity to provide comments to the National Organic Standards Board (NOSB) regarding the Handling Subcommittee Discussion Document entitled "Other Ingredients".

The Accredited Certifiers Association (ACA) represents 43 foreign and domestic accredited certifying agents. Our comments were developed through a Working Group of interested ACA members with input solicited from our entire membership.

The ACA appreciates the work of the Subcommittee in providing a Discussion Document identifying several options for moving forward with this issue.

Summary

The ACA supports the Baseline Criteria established in the Other Ingredients Discussion Document. We also believe that the success any of the options put forth is based upon final guidance on the definitions of synthetic / nonsynthetic. We urge completion of the work on Classification of Materials and supporting guidance documents.

Comments Requested

1. Which is your preferred option?

The ACA supports moving forward with Option B, as it appears to be the most well documented and transparent option.

We have also identified several drawbacks to Option B. The process outlined will absorb much time and much expertise will be needed to address the requirements. We also have concerns as to whether the database component will be maintained in an up to date manner.

As part of the review of a sunset or new petitioned material, the NOSB should consider how a vague or inadequately documented “other ingredient” review unduly shifts the risk and burden of specific brand name decision making onto certifiers.

We believe that as we work through this process, there will be additional refinements proposed for Option B that will be more practical to implement. The short length of the comment period prevented additional work on this aspect.

The ACA supports the review of “other ingredients” and restrictions imposed through the listing of annotations for the ingredient on the National List. Therefore, Option A is too liberal. Currently, Option C is not practical, given that the suppliers of non-organic ingredients are not likely to offer such materials with organic ingredients at this time. ACA would also be concerned around the creation of additional sections of the National List in Option C and the potential for confusion regarding the statements: They may not be used directly by a certified handler in or on a certified product. They are allowed only by way of having been incorporated into a substance appearing on § 205.605 or § 205.606 of the National List.

2. Do you think that in general, *nonsynthetic* incidental additives should be allowed without further petitioning, review or rulemaking if they meet baseline criteria?

We support each material being reviewed on a case-by-case basis by the NOSB and specific annotations that provide a framework for assessing compliance of the material.

3. Should the use of organic substitutes be required of § 205.605 substances when they are commercially available?

At this time the ACA believes that the addition of a requirement of commercial availability for §205.605 substances could result in inconsistent allowances of substances, due to the variability in commercially available determinations. It is also not clear where producers would find the information necessary to determine whether a substance was commercially unavailable. Certification agency staff would have difficulty in determining the adequacy of a substance. Due to a lack of clear guidelines for the determination of commercial availability this requirement would be difficult to comply with. While this may be a future option, we believe it is premature at this time to consider this requirement.

4. Should organic preference (synthetic allowed when nonsynthetic is not available; nonsynthetic allowed when organic is not available) be assigned to "other ingredients"? Is this practical? How would it be enforced?

The concept of organic preference is good, however, we do not believe it is practical for every material containing "other ingredients" at this time. However, during the NOSB review of each material, restrictions imposed via annotations could require certain "other ingredients" to be non-synthetic or organic depending on the material. This would need to be assessed on a case-by-case basis.

5. Is it acceptable to allow "other ingredients" as incidental components of an allowed substance on the National List? Does it make a difference knowing they are present at amounts typically below 10ppm?

Yes, it is acceptable to allow other ingredients as incidental components of an allowed substance. Some ingredients/substances may function only with the addition of "other ingredients". Whether or not they are present in small quantities is not a relevant issue.

6. Should sanitizers, cleaners and disinfectants be moved to their own section of the National List and dealt with separately from ingredients and processing aids?

The ACA enthusiastically supports the moving of sanitizers, cleaners and disinfectants to their own section of the National List.

7. Should "other ingredients" used in sanitizers, cleaners, or disinfectants be organic or on the National List?

As sanitizers, cleaners and disinfectants are generally regulated by the EPA, and/or FDA, we feel that we must always defer to other regulations when it comes to sanitizer /cleaner /disinfectant formulations. We do not believe that the "other ingredients" used in sanitizers, cleaners and disinfectants should be required to be organic and support the NOSB review of the material (including public comment and participation) to make a final assessment on whether the material can have direct food contact. We also do not believe the "other ingredients" should be required to be on the National List, providing they are reviewed as a part of the review of the petitioned material.

8. How can the system of reviewing non-organic ingredients used in processed organic products be improved?

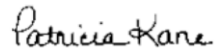
We believe that if clear guidance is required from NOP, along with consistent determinations of synthetic /nonsynthetic classification, the use of accurate technical reports, well documented review procedures and tools such as decision trees the review process for non-organic ingredients will be improved.

Conclusion

The ACA is supportive of the Baseline Criteria contained in the Discussion Document and supports the continued development and refinement of Option B.

Thank you to the Handling Subcommittee for their work on this important issue and for the opportunity to provide comment on this Discussion Document.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Kane".

Patricia Kane
Coordinator