



Accredited Certifiers Association, Inc.

*Accredited certifying agents working together to ensure
the integrity of organic certification in the United States*

Best Practices for Classification and Evaluation of Pullulan 10.2017

Summary

Prior to NOP Guidance 5033 Classification of Materials, non-organic pullulan was commonly classified as an agricultural ingredient that was therefore allowed in products labeled “made with organic.” As a result of this interpretation, the organic supplement industry developed to include the use of non-organic pullulan capsules. After NOP 5033 was published, however, many certifiers began to see pullulan* as a non-agricultural ingredient based on the Ag/Non-Ag Decision Tree. This has resulted in a challenge for certifiers, as well as the supplement industry, members of which have acted in good faith to develop products that comply with the USDA organic regulations. To further complicate matters, not all stakeholders agree with the non-agricultural classification of pullulan based on NOP 5033, and whether or how phase-out should be implemented if the material is indeed classified as non-agricultural. Additionally, there is not a clear consensus on whether pullulan can be made organically.

The ACA assembled a working group to address classification of the material, evaluation of new formulations containing pullulan, and appropriate actions with regard to existing certified organic formulations. This best practice document represents the general agreement of the working group, and the ACA endorses its implementation by all accredited certifying agents.

Classification of Pullulan as Non-Agricultural

The Decision Tree for Classification of Agricultural and Nonagricultural Materials for Organic Livestock Production or Handling (NOP 5033-2) was used to determine whether pullulan should be classified as agricultural or nonagricultural. While it is acknowledged that not all players in the industry view pullulan as a nonagricultural ingredient, the ACA working group shared strong agreement on this classification.

Steps for Implementation

Since the National List of Allowed and Prohibited Substances does not provide an allowance for the use of pullulan at §205.605 for products labeled “made with organic,” some certifiers hesitate or refuse to approve new formulations of products using pullulan from new or existing clients. Working Group members acknowledge this creates an uneven playing field, as many manufacturers are currently selling certified organic products that use pullulan. The initial conclusion was that, despite any apparent unfairness, no new formulations should be allowed, and a timeline for phase-out of existing formulations should be developed. However, this timeline proved challenging due to a great degree of uncertainty with regard to research and development of alternatives and uncertainty about whether the material would be petitioned for addition to the National List.

In the course of conversation, it has come to the attention of the Working Group that a formal petition is likely to be submitted to the National Organic Standards Board to add pullulan to the National List at §205.605. It is further understood that this is expected to happen in the near future. Knowing this, the Working Group recommends the following Best Practices:

If pullulan is petitioned by January 31, 2018

If a petition is submitted to add pullulan to the National List at §205.605 by January 31, 2018, then certifiers will suspend the effects of pullulan's reclassification as non-agricultural until the NOSB reaches a decision about whether the material should be added to the National List. That is, certifiers should continue to certify existing formulations containing pullulan without issuing any Notices of Noncompliance and should approve organic eligible formulations that are newly requested for certification. If the NOSB votes against adding pullulan to the National List, then from that date onward certifiers should deny requests for certification of new pullulan-containing products and issue Notices of Noncompliance for existing formulations. But if the NOSB votes to add pullulan to the National List, certifiers will adopt that allowance and any related annotations.

If pullulan is NOT petitioned by January 31, 2018

If such a petition is not submitted to the NOSB by January 31, 2018, then certifiers should cease approval of new products containing pullulan beginning February 1, 2018. On the same date, certifiers will begin issuing Notices of Noncompliance for existing formulations that contain pullulan. Under this scenario, January 1, 2020 is the date by which use of non-organic pullulan should be completely phased out in products labeled "made with organic."

Prior to January 31, 2018

Between the date of this document's publication and January 31, 2018, certifiers will continue with their existing policies, anticipating that changes may be coming in just a few months.

Regardless of the outcome, it is important for certifiers to be in communication with their clientele to inform them of pullulan's reclassification, the possible results, and the timeline that certifiers will follow to implement those results.

* Unless otherwise noted, pullulan in this document refers to non-organic pullulan.