



Accredited Certifiers Association  
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Robert Pooler  
Standards Division, National Organic Program  
USDA-AMS-NOP  
1400 Independence Ave. SW  
Room 2648-S, Mail Stop 0268  
Washington, DC 20250-0268

July 23, 2020

Re: AMS– NOP–19–0053, NOP–19–02,  
Proposed Amendments to the National List of Allowed and Prohibited Substances per  
April 2019 NOSB Recommendations (Livestock and Handling) - Oxalic acid dihydrate,  
pullulan, and collagen gel casing

Dear Mr. Pooler,

Thank you for the opportunity to provide comments regarding the Proposed Amendments to the National List of Allowed and Prohibited Substances per April 2019 NOSB Recommendations (Livestock and Handling). The Accredited Certifiers Association, Inc., (ACA) is a 501(c)(3) non-profit educational organization created to benefit the organic certifier community and the organic industry. The ACA strives for consistency in organic certification to uphold organic integrity, maintain stakeholder trust, and grow the organic industry. We are committed to being a positive influence for the good of the organic community. Our organization is made up of 64 USDA NOP accredited certifying agencies worldwide which includes all 47 accredited certifiers headquartered in the United States. We are the frontline decision-makers for the effective implementation of the National Organic Program (NOP). Our comments will focus on organic apiculture production and the addition of “Pullulan—for use only in tablets and capsules for dietary supplements labeled “made with organic (specified ingredients or food group(s))” at §205.605(a) of the National List.”

The proposed rule includes the addition of “Oxalic acid dihydrate” to §205.603 of the National List of Allowed and Prohibited Substances (National List) for use as a pesticide solely for apiculture. The ACA takes no position on the allowance of oxalic acid dihydrate in organic apiculture production. However, we do support the development and implementation of organic apiculture standards. In the fall of 2001, the National Organic Standards Board (NOSB) issued a [recommendation on Apiculture Standards](#). The proposed standards were sent back to the NOSB Livestock Committee for further work and refining. Meanwhile, the ACA developed an [Organic Apiculture Guidance Document](#) in 2009, which gave guidance to certifiers on apiculture certification. In 2010, the NOSB developed a [recommendation on Apiculture Standards](#) based on the 2001 recommendation and additional public comment. The National Organic Program



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has yet to do rulemaking on standards for organic apiculture, and the lack of standard has led to inconsistency in the certification of honey as organic. Without published standards, many accredited certification agencies are using existing Livestock Standards as a baseline for certifying organic apiculture operations, and the related sections of the National List of Allowed and Prohibited Substances. The fact that apiculture varies considerably from other livestock operations has led to a great deal of variability in the requirements of certification. In addition, some certifiers are considering honey a crop product, rather than a livestock product. The ACA recently surveyed members on organic apiculture production, and responses highlighted the variability in individual certifier requirements, including whether or not certifiers require the forage area to be certified organic; the required size of the forage area; and whether or not honey is certified as a crop or livestock product. The survey results highlight the need for organic apiculture standards. Therefore, the ACA strongly recommends that the National Organic Program move forward with rulemaking on organic apiculture standards, based on the 2010 NOSB recommendation.

The proposed rule also includes the addition of “Pullulan—for use only in tablets and capsules for dietary supplements labeled “made with organic (specified ingredients or food group(s))” at §205.605(a) of the National List. The ACA supports this allowance of pullulan at §205.605(a). In October of 2017, the ACA convened a working group to discuss classification and evaluation of pullulan. Prior to NOP Guidance 5033 Classification of Materials, non-organic pullulan was commonly classified as an agricultural ingredient that was therefore allowed by many accredited certifiers in products labeled “made with organic.” As a result of this interpretation, the organic supplement industry developed to include the use of nonorganic 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. The [ACA Best Practices for Classification and Evaluation of Pullulan](#) supported the continued allowance of pullulan in “made with organic...” products, provided that it went through a timely petition process and that the NOSB voted to allow pullulan in organic processing. We continue to support the allowance of this material as petitioned. We agree that certifiers will need to verify the nonsynthetic status of any non-organic pullulan requested for use in a “made with” dietary supplement.

AMS welcomes additional information on the proposed classification of pullulan as a nonsynthetic, nonagricultural substance and whether it may be certifiable as organic. The ACA does have concerns about the statement that “other manufacturing methods may yield pullulan which could be classified as agricultural and certified organic.” We recommend removing this language from your preamble prior to publication of a final rule.



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The ACA supports the development and implementation of organic apiculture standards, as well as the listing of “Pullulan—for use only in tablets and capsules for dietary supplements labeled “made with organic (specified ingredients or food group(s))” to §205.605(a) of the National List. The ACA appreciates the opportunity to provide comments and thanks the National Organic Program for their careful consideration.

Sincerely,

Jennifer Berkebile

ACA Materials Working Group Facilitator