



BEYOND PESTICIDES

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

Re. HS: Glycerin

These comments to the National Organic Standards Board (NOSB) on its Spring 2015 agenda are submitted on behalf of Beyond Pesticides. Founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to bridge the interests of consumers, farmers and farmworkers, Beyond Pesticides advances improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and groups around the world.

Beyond Pesticides agrees with the Handling Subcommittee (HS) that the issues raised by the glycerin petition are complex. We believe that the approach to listing glycerin needs to recognize this complexity. We do not support the classification of glycerin made by hydrolysis of fats and oils as agricultural and therefore oppose its listing on §205.606. Glycerin made by fermentation of agricultural products should be listed separately, but we believe that further work is needed to address criteria for products of fermentation processes. One option is to wait to take definitive action until there is final guidance on classification and some guidance on fermentation processes, in which case, the NOSB must include an expiration date on the listing.

In addition, we believe that some issues raised by the petition are beyond the purview of the HS and we request that the Materials/GMO Subcommittee (MS/GMO) add them to its workplan. (See “Fermentation Processes” below.)

1. Listing of Glycerin

As shown by the HS, glycerin is made by a number of processes. Currently, the product of one process, hydrolysis of fats and oils, is listed on the National List (§205.603 and §205.605(b)) as a synthetic. The petitioner, who is asking to delist synthetic glycerin, produces “organic” glycerin through fermentation of organic cornstarch. This glycerin is considered “organic” because it is considered a processed form of organic cornstarch, and because “fermentation” is an allowed form of processing.

The HS proposes to list glycerin only on §205.606 –apparently accepting the argument of the petitioner that it should be so listed in order to impose the commercial availability restriction.

While we applaud the motivation, glycerin made by hydrolysis of fats and oils is classified as synthetic and has not been classified as agricultural, which is a prerequisite for §205.606, so the HS must introduce a motion to classify glycerin made by hydrolysis of fats and oils as agricultural before taking action to list it on §205.606.

Although it is not clear to us that glycerin produced by fermentation of cornstarch is agricultural, we agree that conclusion is consistent with the application of NOP's draft classification guidelines.

We suggest separate listings for glycerin made by hydrolysis of fats and oil and glycerin made by fermentation. We do not support the classification of glycerin made by hydrolysis of fats and oils as agricultural and therefore oppose its listing on §205.606. Commercial availability does apply to §205.605, according to §205.270(b), "(b) Nonagricultural substances allowed under §205.605 and nonorganically produced agricultural products allowed under §205.606 may be used: (1) In or on a processed agricultural product intended to be sold, labeled, or represented as "organic," pursuant to §205.301(b), if not commercially available in organic form." Glycerin made by fermentation of agricultural products should be listed separately. As we suggest below, there are larger issues that should be addressed in decisions involving fermentation products. Given the fact that commercial availability does apply to §205.605, one option is to wait until there is final guidance on classification and some guidance on fermentation processes. In this case, the NOSB must include an expiration date on the listing.

Both listings should address ancillary substances by either stating that there are none or by listing those allowable. In considering what other substances might be present in glycerin made by fermentation, residues of processing aids in cornstarch or other substrates should be included.

2. Fermentation Processes

This material raises issues that should be addressed by the NOSB: What criteria must be applied to determine whether fermentation products are acceptable as inputs in organic production and processing? What criteria must be applied in classifying the products of fermentation as agricultural/nonagricultural or synthetic/nonsynthetic? The draft materials classification guidance treats fermentation as a processing method that does not change the classification of the substrate from agricultural to non-agricultural or from nonsynthetic to synthetic. Yet fermentation processes vary widely from pickling, wine-making, and cheese-making to manufacture of substances that have no apparent relationship to the substrate. Glycerin made by fermentation of cornstarch is an example of the last. The processes vary in nutrients added, physical methods of isolating the product, solvents used, and ancillary substances added. The fact that all of these processes involve the growth of microorganisms does not seem to be sufficient to treat them the same. Therefore, we request that the Materials/GMO Subcommittee add to its workplan the development of criteria for evaluating products of fermentation processes.

3. Ancillary Substances

The ancillary substances associated with this material have not been reviewed or even listed. This is an important piece that needs to be incorporated into the review of every material during review of petitions –including petitions to remove.

4. Annotation

It is critical that the listing of this material as an exempt prohibited material on the National List include an annotation with a 5-year expiration date –especially in view of the uncertainties surrounding manufacturing processes and classification. The Board has the statutory prerogative to adopt annotations when it recommends a national listing with language that takes into account concerns it has about health and the environment, essentiality, and other issues of compatibility with organic production and processing. The statute does not prohibit the Board from adopting a specific time frame in which it determines it would like to reassess a material's use, update its evaluation, and vote with the same standards of review that are applied to the petition review to allow initial use.

The specific time frame for an expiration date allows the Board to monitor the use of the material, incentivize alternatives, update its scientific and essentiality review, and vote on the continuation of use pending the receipt of a petition requesting that use be continued. This process, as we saw with tetracycline, allows sufficient time for the Board to vote before the expiration would go into effect, so, if it is approved, there would be no break in market availability. Expiration simply puts on notice those who use or produce the substance that the material will be reviewed with the same rigor in looking for new information that it used when it was initially listed. Under the new sunset policy, an expiration date on a petition is necessary to ensure the kind of periodic rigorous review and vote that many in the organic community have come to expect and depend on to maintain organic integrity and trust in the organic label.

Conclusion

The actions proposed by the HS are premature. The NOSB needs more clarity around the classification of products of fermentation. The action proposed by the HS also requires classification of glycerin made by hydrolysis of fats and oils as agricultural, and that motion was not introduced in subcommittee.

Thank you for your consideration of these comments.

Sincerely,



Terry Shistar, Ph.D.
Board of Directors