



CCOF

Organic Certification Trade Association Education & Outreach Political Advocacy



May 3, 2012

Ms. Ann Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave., SW.
Room 2646-So., Ag Stop 0268
Washington, DC 20250-0268

RE: NOSB Certification, Accreditation and Compliance Committee Discussion Document Proposal on Use of Sanitizers on Eligibility for 100% organic claims

Dear Ms. Arsenault and Members of the NOSB:

CCOF thanks the National Organic Standards Board (NOSB) for the opportunity to comment on the proposed discussion document: Use of Sanitizers on Eligibility for 100% organic claims.

Propose elimination of the 100% Organic Labeling Category

In general, we have concerns about the 100% Organic labeling category, as we believe it creates confusion among certified operations and consumers. Consumers and producers are not clear on the difference between 100% Organic and Organic. Often, certified operations ask for their products to be in the 100% Organic labeling category because it sounds like “the best,” without realizing that their products cannot comply due to necessary use of non-organic processing aids. Certifiers spend time educating producers about the subtleties of this labeling claim. We also see this claim as an unnecessary barrier to trade, as it does not exist in the Canadian or EU organic standards.

Certifiers themselves seem to be unclear about this category and are applying this claim inconsistently. Some certifiers allow National List materials to be used in products labeled 100% Organic, others do not. Some allow food-contact sanitizers, such as chlorine, to contact products destined for a 100% Organic claim, others do not. These inconsistencies could be addressed by elimination of the 100% Organic labeling category.

It is important to note that if the 100% Organic labeling category was removed from the regulations, the percent statement “100% Organic” would still be available to organic operations, with no processing materials restrictions beyond the National List.

We believe that the 100% Organic label should be phased out. If its use is continued, we believe it must be made absolutely clear whether use of synthetic ingredients that are allowed in organic may be used in products making the 100% Organic claim.

NOSB Questions

In regard to the questions posed by the CACC, we have the following comments:

1. **Does the 100% Organic label claim hold value for you?** It adds complexity to certification, which does not appear to add substantial value to our clients.
2. **Do you feel that contact with a non-organic processing aid should prevent an item from being 100% Organic and why?** Yes, the header of the National List does not include the 100% Organic

labeling category. [*Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food group(s))."*]


3. **Do you feel that contact with non-organic food contact sanitizers should prevent an item from being 100% organic and why?** Yes, the header of the National List does not include the 100% Organic labeling category. Sanitizers that do not appear on the National List should not be contacting certified products.
4. **How do you distinguish a processing aid from a food contact sanitizer?** As a certifier we don't want to be in the position of differentiating between sanitizers and processing aids. We prefer a closed list of materials that are allowed in food processing.
5. **Does your organic certifier provide guidance on what is a processing aid versus a food contact sanitizer?** As a certifier we don't provide this, we provide the National List.
6. **If your certifier allowed you to use a processing aid, how do you show that the processing aid "is present in the finished food at insignificant levels and does not have any technical or functional effect in the food?"** N/A
7. **Should there be a category/list of NOP allowed food contact sanitizers and non-organic processing aids that are approved to be used in the 100% Organic category?** CCOF would certify to whatever regulation was developed by the community, but does not believe this is where our efforts are best spent. CCOF does not believe the exercise of classifying materials on the National List into separate lists of "processing aids," "sanitizers," or "packaging aids" adds value to the certification process or the organic claim.
8. **At what concentration, if any, do you consider a sanitizer/disinfectant to have disqualified an item from the 100% organic category?** Any use of a non-organic material disqualifies a product from the 100% Organic category (chlorine used at 4ppm or less would not disqualify, as this is drinking water standard levels).
9. **Should food contact sanitizers be allowed in the 100% organic category if it is proven that no residue from the treatment remains in the finished good?** No, we believe any use of a non-organic material disqualifies a product from the 100% Organic category. Having to demonstrate there is no residue would add complexity to the certification process.
10. **Do you certify items to the 100% category? If so, how many?** Yes. Approximately 20% of our products are certified to the 100% Organic category standards (2,500 of 12,000). However, the majority of those are not labeled as 100% on a retail label. Rather, they are crops or ingredients that are listed as 100% Organic on a certificate for the benefit of wholesale customers who purchase those ingredients for further processing. Significantly fewer products have retail labels that indicate 100% Organic on them.
11. **Do you feel that food contact sanitizers are necessary for food safety concerns?** Yes.
12. **If food contact sanitizers could be used while still allowing for a 100% Organic claim would you certify more products with the organic claim? If not, why not?** Yes, the market would drive operations to a 100% Organic claim, but we do not believe it would add value to consumers.
13. **Do you have customer requests/demand for products in the 100% Organic category?** Yes, we have certified clients requests this label, but many forgo the claim once they understand the limit it places on the processing materials they can use.

Again, CCOF thanks you for the opportunity to provide our comments, and sincerely thanks the committee for their time and efforts on these complex subjects. We are available to answer any questions you might have about our comments.

Sincerely,



Cathy Calfo, Executive Director/CEO



Jake Lewin, Chief Certification Officer

CCOF is a nonprofit organization founded in 1973. It is one of the oldest and largest organic certification agencies in North America. CCOF serves as a trade association for more than 2,300 certified organic producers and 300 supporting members, in 33 states and three countries.