



May 3, 2012

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

Docket: AMS-NOP-12-0017

RE: NOSB Compliance, Accreditation & Certification Committee Discussion Document on  
Use of Sanitizers on Eligibility for 100% Organic Claims

Dear Ms. Arsenault:

Thank you for the opportunity to provide comments to the National Organic Standards Board regarding the Compliance, Accreditation & Certification Committee (CACC) Discussion Document Proposal regarding use of sanitizers and their impact on eligibility for 100% Organic claims.

Midwest Organic Services Association (MOSA) certifies approximately 1,400 producers and handlers primarily in the upper Midwest. As we interface with operators that make product composition and labeling decisions, we find few that are strongly invested in the 100% organic claim. However, we believe this label claim does hold significant value, but such value is proportional to consistency in regulation and understanding of requirements related to the claim. We are pleased that there is continued consideration of the complexities and confusion related to the 100% organic label. There is clearly a need for regulatory clarity and consistency regarding 100% organic claims.

Based on an assessment of consumer expectations, it is our position that use of National List sanitizers on raw agricultural commodities should NOT impact the 100% organic claim. We believe that consumers demand food safety, and use of sanitizers is a critical part of meeting that expectation. We also believe that most consumers assume that the 100% organic claim clearly relates to a product's ingredients, and that most consumers are not aware of regulatory nuances - beyond what's on an ingredient list - which may affect the claim. Although the 100% organic claim's regulatory nuances, such as restrictions on processing aids, are not understood by most consumers, we also believe that *some* consumers find great value in 100% organic products *because of* these restrictions, which may not be apparent by a review of a 100% organic product's ingredient deck. The discussion document notes that the 100% organic category is unique to the U.S. With clear guidance, consistent enforcement, and organic community education, we believe the availability of a highly-restrictive 100% organic

WEBSITE: [www.mosaorganic.org](http://www.mosaorganic.org)

ADDRESS: P.O. Box 821, 122 West Jefferson Street, Viroqua, WI 54665

EMAIL: [mosa@mosaorganic.org](mailto:mosa@mosaorganic.org) PHONE: 608.637.2526 FAX: 608.637.7032



category can put the NOP regulation a step ahead of other standards. It enables greater consumer choice, and thus it has value from a consumer perspective.

From a certifier's perspective, we find this category also has value in saving time in calculating organic content of multi-ingredient products. "Organic" ingredients often require additional documentation of their actual organic content to determine their organic contribution to a finished product. However, "100% Organic" products can be calculated as 100% organic without additional documentation, and the presence of 100% organic ingredients often alleviates a need for further organic content documentation for other ingredients.

With regard to questions in the CACC discussion document that are not addressed by the above comments...

2- We find that the current regulations prevent use of non-organic processing aids in the 100% organic category. This should continue; this restriction adds value to the category, especially for those that seek something beyond "organic."

3- Contact with non-organic food contact sanitizers should not prevent a product from being 100% organic. We recognize a need for regulatory clarity on this issue, and believe that requires consideration of existing regulatory language in sections 205.301(f)(4), and the headings of .605 and .606. We expect this aspect of this discussion to continue.

4-6- We find that processing aids are distinguishable from sanitizers by their function, and by use of current NOP and FDA definitions for sanitizers, processing aids and processing. We haven't had extensive need to differentiate processing aids from ingredients, nor have we had experience with use of processing aids in 100% organic products. We have not found a need to provide further guidance to clients.

7- We do not feel that a category/list of NOP allowed food contact sanitizers and non-organic processing aids for the 100% organic category is needed. Instead, we support further consideration of existing regulations and definitions.

8-9- We do not believe that use of National List sanitizers used in accordance with their labels and FDA requirements should prevent 100% organic claims. We do not think that measuring residues is practical or consistent with existing organic regulations.

10-13- We do certify products to the 100% organic category. Most of these are raw or single-ingredient processed products, and often, the 100% organic designation is not important to clients or used by clients, even though their products qualify. If food-contact sanitizers could be used in this category, we would certify more products with the claim. It is not felt that increase would come from client desire for the 100% claim, but simply because some products currently certified as "organic" would instead qualify as "100% organic."

Thanks again for the opportunity to comment. We look forward to the continuing discussion.

Sincerely,

Stephen Walker  
Processing/Compliance Manager  
MOSA