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

Docket: AMS-NOP-12-0017; NOP-12-06

**RE: Discussion Document Proposal: Use of Sanitizers on Eligibility for 100% Organic Claims**

We appreciate the opportunity to comment on the Use of Sanitizers on Eligibility for 100% Organic Claims. Oregon Tilth, Inc. currently certifies 626 handling operations, 477 crop operations and 261 livestock operations.

**Questions:**

*1. Does the 100% Organic label claim hold value for you?*

We cannot comment on the value of the 100% organic claim as a certifier. We can however comment on the nuances in dealing with the 100% category and how our clients utilize this claim. If the 100% organic category did not exist, the regulation does allow for the percentage of organically produced ingredients to be listed on a retail package labeled as “organic,” or “made with organic (specified ingredients, or food group(s)).” Products that contain non-organic ingredients would not be allowed to show 100% organic.

The US National Organic Program is the only organic regulation in the world that has a 100% organic claim. This presents trade and negotiating challenges between countries trying to enter into an equivalency arrangement with the US. Often, certified operations must create a separate label for foreign markets. In addition, since the 100% label is unique to the NOP, we are concerned that foreign certifiers from countries where an equivalency Arrangement is in place are not adequately trained to evaluate formulations to the 100% organic criteria.

Many Accredited Certifiers calculate all ingredients going into a multi-ingredient product at 100% organic content, even if they are listed on a certificate as organic and have other ingredients which could lower the total organic content up to 4.99%. Other ACA's require a 100% organic certificate,

or verification from the ingredient supplier's certifier stating the exact percent organic. This creates an uneven playing field for calculating the percent organic between certifiers and requires additional paperwork, which adds time and cost to the certification process.

2. *Do you feel that contact with a non-organic processing aid should prevent an item from being 100% Organic and why?*

Yes. Per §205.301 (f)(4), all processing aids in a 100% organic product must be organically produced. Current OTCO policy requires this of our clients in order to label 100% organic products. We do not feel that the rule should change with respect to the use of non-organic processing aids.

3. *Do you feel that contact with a non-organic food contact sanitizer should prevent an item from being 100% organic and why?*

No. We do not feel that a non-organic food contact sanitizer should prevent a product, or ingredient from being labeled 100% organic, *except* when used to sanitize meat carcasses. The EPA regulations cover the sanitizing of raw agricultural commodities that will be sold in their raw form, while the FDA regulations cover the sanitizing of agricultural commodities that will be further processed. Both the FDA and the EPA do not recognize the sanitizers on the National List as processing aids. FDA and FSIS recognize meat carcass sanitizers, consistent with the national list, as direct food additives, or processing aids, so sanitizing a meat carcass will lower the status of a 100% organic product to an organic product unless organic vinegar is used.

National List sanitizers are used for packaging and for the cleaning of equipment without a rinse. If product is run directly after sanitation has occurred, there will often be residual sanitizer left on the packaging or equipment unless completely rinsed and tested to show absence of residual sanitizer. When organic production commences, the sanitizer residues left on a package or surface will come into contact with organic product. To recommend that a sanitizer used in direct food contact will prevent an organic product from being in the 100% organic category, but a sanitizer used on a surface, which could then be transferred to a product via residual contact, will not prevent an organic product from being in the 100% organic category is not consistent.

Another concern regarding sanitizers used in direct contact that subsequently removes a product from the 100% organic category is food safety. Organic foods are too often portrayed in the media as unsafe. Not allowing sanitizers to be used on 100% organic products risks bringing more negative media attention to the organic movement. We do not believe that this will benefit the US organic market. Nor do we believe that allowing use of sanitizers to be used on 100% organic product presents any adverse risks to consumers who purchase organic products.

4. *How do you distinguish a processing aid from a food contact sanitizer?*

OTCO refers to the definitions of the FDA, EPA and FSIS for all food contact sanitizers. Our definition of a processing aid comes from the NOP regulations. Specifically, the purpose of a sanitizer is to kill pathogens and protect consumers from potential food-borne illness. Processing aids have a function, or technical effect for the processing of the food, which does not necessarily ensure a safer product.

5. *Does your organic certifier provide guidance on what is a processing aid versus a food contact sanitizer? If so, what is the guidance?*

We do provide guidance on these issues. The guidance we give is listed in question 4. Our clients

rarely ask what the difference is between a sanitizer and a processing aid, as these terms are used frequently in the industry.

6. *If your certifier allows 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 that food?”*  
There is no definition for an “insignificant level” for a processing aid. We determine an insignificant level on a case-by-case basis. Examples of an insignificant level without a technical or functional effect in a food would be: 1. Diatomaceous earth, cellulose, charcoal, or perlite used as a food-filtering agent. In this case, it serves a technical or functional effect in the **process** for filtration, but is not present in significant levels in the finished product. 2. Carrageenan, or Irish moss used in beer brewing. The purpose for the addition of Irish moss in beer is to remove the proteins. The proteins bind with the Irish moss and the liquid is removed, leaving behind the bound protein and Irish moss mixture. Any Irish moss still present in the final product would be considered insignificant. Without strict guidance on a specific threshold, the determination of “insignificant level” is subject to the Accredited Certifier’s assessment of the specific use case.
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? (e.g. Chlorine, peracetic acid, diatomaceous earth, etc.)*  
Yes. A specific category exclusively for food contact sanitizers would be beneficial, but it would be more beneficial to have a category with all allowed cleaners and sanitizers for use in **direct food contact** and **indirect food contact (equipment only)**. A list which is all inclusive of allowed cleaners and sanitizers would be much easier to navigate for Accredited Certifiers and their certified clients.  
  
Yes. A specific category of processing aids would be beneficial, as it would eliminate the need for a definition of “insignificant level.” However, determining which inputs would be considered ingredients and/or processing aids would require substantial research of every §205.605 input, for every type of food application, to develop thorough and complete lists.
8. *At what concentration, if any, do you consider a sanitizer/disinfectant to have disqualified an item from the 100% organic category?*  
Sanitizers / disinfectants in direct, or indirect, contact should not affect the 100% organic category for certified products. Sanitizers / disinfectants in direct, or indirect, contact are to be used at the concentrations described on the label, for the specific application they are used for. These concentrations are in place for adherence to FDA, EPA and USDA regulatory compliance.
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 do not believe a residue test should be involved to determine if a food meets the 100% organic category. The sanitizers on the national list were chosen for multiple reasons. One of those reasons being that they break down into less harmful components and/or volatilize rapidly. Peracetic acid is a strong oxidizer and very effective sanitizer. It is environmentally friendly, as it breaks down into acetic acid (vinegar) and hydrogen peroxide. The hydrogen peroxide will further break down into water and oxygen. Chlorine, on the other hand, will volatilize at a rapid rate. NOP guidance 5026 includes a rinse step for chlorine used in direct food contact, which would remove nearly all residues. Followed by a short dry time, which almost all products will need, so they are not packaged with moisture, the residues would be minimal.
10. *Do you certify items to the 100% organic category? If so, how many?*  
Yes. Oregon Tilth’s farm and livestock clients do not utilize the 100% organic category, but our handlers do. All products are assumed to be 100% organic leaving the farm. Of the 626 handling clients we currently certify, 159 clients (25%) utilize the 100% organic category on their certificates.

There are 6,019 out of 17,739 (34%) products certified in the 100% organic category. It's worth noting that the vast majority of our clients that utilize the 100% organic claim are for the calculation purposes for their buyers who are purchasing certified ingredients for further processing and handling. Few retail products we certify bear the "100% organic" claim on their labels.

11. *Do you feel that food contact sanitizers are necessary for food safety concerns?*

Yes. Food contact sanitizers are extremely necessary for food safety. Proper sanitation of food not only removes many spoilage organisms which allow our food to be less perishable and last longer, but it also protects consumers from food borne illness, which can result in sickness, or in some cases death. In the absence of sufficient intervention via the use of food contact sanitizers, it only takes a few viable pathogen cells to multiply and spread rapidly throughout a processing plant, potentially resulting in notable contamination of product.

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?*

We would certify the same amount of products, as we allow direct food contact sanitizers to be used on 100% organic products.

13. *Do you have customer requests/demand for products in the 100% organic category?*

Yes. We do have a demand for products to be certified to the 100% category, but as explained above, this is more for formulation calculation purposes than for marketing or retail labeling purposes.

We thank the Certification, Accreditation and Compliance Committee for bringing this topic up for discussion.

Respectfully submitted,  
Oregon Tilth, Inc.

*Oregon Tilth, Inc. is a non-profit 501(c)(3) organization that supports and promotes biologically sound and socially equitable agriculture. Oregon Tilth offers educational events throughout the state of Oregon, and provides organic certification services to organic growers, processors, and handlers internationally. An NOP accredited certifier since 2002, Oregon Tilth currently certifies over 650 farms and ranches and over 600 handlers in more than 35 states affording us a broad perspective of current practices and challenges faced by organic producers and handlers.*