



BEYOND PESTICIDES

701 E Street, SE ■ Washington DC 20003
202-543-5450 phone ■ 202-543-4791 fax
info@beyondpesticides.org ■ www.beyondpesticides.org

September 30, 2025

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

Docket ID # AMS-NOP-25-0034

Re. HS: Reclassification of L-malic acid

These comments to the National Organic Standards Board (NOSB) on its Fall 2025 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 eliminate a reliance on pesticides. Our membership and network span the 50 states and the world.

The discussion by the Handling Subcommittee (HS) once more reminds us of the need to look more closely at materials produced by fermentation. In the case of classifying L-malic acid, we see the following issues arise:

- Are the precursors to the material synthetic or nonsynthetic?
- If the precursors are themselves products of fermentation, are their precursors synthetic or nonsynthetic?
- Are the fermenting organisms produced by processes that involved synthetic growth media?
- Are the fermenting organisms or the substrate products of genetic engineering?
- If the material can be produced using different fermentation processes, can/should they be distinguished for the purpose of listing on the National List?
- What chemicals are used in extracting the material from the growth media?

We believe that in the case of L-malic acid, the HS has correctly identified processes leading to synthetic and nonsynthetic forms. We support the motions to classify L-malic acid produced by fermentation and/or enzymatic conversion of carbohydrates as nonsynthetic and classify L-malic acid produced from synthetic fumaric acid as synthetic. Given the current inadequacy of supply of nonsynthetic L-malic acid, we support the motion to add L-malic acid to §205.605(b). However, we would like to see the listing in §205.605(a) annotated with, "Produced by fermentation and/or enzymatic conversion of carbohydrates.

Carbohydrates must not be derived from materials produced by excluded methods.” In the interest of continuous improvement, the listing on §205.605(b) should be subject to a commercial availability restriction, as proposed by earlier commenters. In addition, NOP should alert processors and certifiers of the danger of nonsynthetic L-malic acid being produced using excluded methods, including the carbohydrate substrate.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Terry Shistar, Ph.D.
Board of Directors