



BEYOND PESTICIDES

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September 24, 2020

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-20-0041

Re. HS: Low acyl gellan gum petition

These comments to the National Organic Standards Board (NOSB) on its Fall 2020 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 the world.

Beyond Pesticides opposes the listing of low acyl gellan gum on §205.605(b) because it is a synthetic additive that is not necessary for organic food production. The Organic Foods Production Act (OFPA) establishes criteria for listing materials that may be used in organic production and handling that are “otherwise prohibited.” Synthetic materials are prohibited unless specifically allowed. The criteria for allowing such “otherwise prohibited” substances to be allowed in organic production and handling include that the substance “is necessary to the production or handling of the agricultural product because of the unavailability of wholly natural substitute products” and that it “is consistent with organic farming and handling.” In addition, the NOP regulations (§205.600(b)(6)) require that “any synthetic substance used as a processing aid or adjuvant” must be “essential for the handling of organically produced agricultural products.”

Low acyl gellan gum is synthetic.

Gellan gum, as currently listed on §205.605(a) is a product of fermentation of a carbohydrate by *Sphingomonas elodea*, a gram-negative bacterium. Isopropyl alcohol is used to recover the gum from the fermentation medium. The listing on §205.605(a) is annotated to specify “high-acyl form only” because low acyl gellan gum—the subject of this petition—is produced by a chemical process that removes acetyl groups, thus creating a firmer, but synthetic, product.

Low acyl gellan gum is not necessary for organic products.

Several gums are included on the National List for use in processing of organic foods. Their many uses have been examined in a technical review (Gums TR).¹ Most of these gums are agricultural products and are listed on §205.606. Gellan gum, as a product of fermentation, is listed on §205.605(a), Xanthan gum, another product of fermentation, and alginates are listed on §205.605(b). The Gums TR contains tables listing properties of the various gums. Similar tables are contained in the low acyl gellan gum petition.

Tables 13.1 and 13.2 in the petition reveal that there is no unique quality of low acyl gellan gum. The petition justification statement says, “In summary, the unique qualities of low acyl gellan gum are that it can be use[d] at a significantly lower level (<20%) than other gums on the National List. The strength of water dessert gels is increased. It provides the most firm and brittle texture of any gelling agent.” This is contradicted by the tables presented by the petitioner, which list five gums currently-listed that “provide significant functionality at 1%” and a range of textures are provided by alginates. Elsewhere in the justification, it is argued, “Use of low acyl gellan gum in hard and soft capsules gives a functionality that cannot be achieved with most materials currently on the National List.” Since a given capsule is hard or soft, but not both, there is no need for a single material to provide both.

In addition, we challenge the assumption that qualities used to justify the use of gellan and other gums are necessary and consistent with organic handling. Gums such as this one are often justified using terms like “mouth feel.” “Mouth feel” is not an essential characteristic of organic foods. These gums are used in the production of food products like salad dressings and frozen desserts that are produced in kitchens without their use. The presence of these gums, in the opinion of some organic consumers, decreases their taste and appeal. In general, they are used to create “organic” analogs to non-organic products. There may be uses for which the gums are necessary, and their listings should be annotated to restrict them to those uses, in accordance with OFPA §6517(b).

¹ Gums Technical Evaluation Report, 2018. Compiled by Nexight Group for the USDA National Organic Program.

Low acyl gellan gum is not “essential for the handling of organically produced agricultural products.” It is not “necessary to the production or handling of the agricultural product because of the unavailability of wholly natural substitute products” and it is not “consistent with organic ... handling.” Therefore, we ask you to reject this petition.

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