

poultry animal welfare guidance based in a system approach, should be added to this proposed guidance, to have a more well-rounded and versatile tool box for producers, inspectors and certifiers to use when judging high quality animal welfare on organic farms. Areas where strict numerical assessments are provided should be rejected, and instead be replaced with a vision that farmers can strive to achieve of a healthy farm, with the needs and effects of the interactions of livestock and the environment are taken into account.

### **GMO AD-HOC COMMITTEE**

#### **GMO LETTER**

NOC fully supports the letter drafted by the Ad Hoc GMO committee to Secretary Vilsack. It addresses the necessary concern of the organic community on issues of contamination, sets a course for the Board to deal with clarifying issues around excluded methods, and asks the Secretary to acknowledge that the responsibility to prevent GMO contamination of organics should not be borne by organic, but by those who develop, use, and regulate this technology.

Clearly organic farmers shoulder nearly all the burden in the prevention of contamination from GMOs, a technology that they are not interested in, nor permitted to use. It is long past time for the USDA to require that the patent holders and owners and users of the technology take responsibility for contamination beyond their use and control. It is a travesty that such responsibility is solely borne by those in the organic industry.

### **MATERIALS COMMITTEE**

#### **EXTRACTANTS AND SOLVENTS**

NOC appreciates that the Materials Committee is seeking both clarity and consistency regarding the use of extractants and solvents. It is absolutely necessary that there be a clear definition of volatile synthetic solvents, and we support the definition in the discussion document.

In addition, whether or not the origin of a material is agricultural or non-agricultural, the prohibition of volatile synthetic solvents should be clear and consistent across all categories (crops, livestock, and handling) and all ingredients, including ingredients of ingredients and regardless of who is using them (certified handlers vs. non-certified handlers?).

Since both the use of and the presence of a volatile synthetic solvent would render a material from any source (agricultural or non-agricultural) a synthetic, all materials using volatile synthetic solvents should require full review by the NOSB.

***1. How should “volatile synthetic solvent” be defined, especially in relationship to the rule 205.270(c)2? Should we make a distinction between different types of solvents? If possible,***

***reference to a standard scientific or regulatory definition is preferred. Should the toxicity of a volatile synthetic solvent affect how it is treated in classification and materials evaluation? Does supercritical carbon dioxide meet the definition?***

NOC agrees with the committee proposed definition: "Thus, *a volatile synthetic solvent is a synthetic chemical with boiling point less than 287 degrees Celsius that can dissolved another substance.*"

As noted above, both the use of and the presence of a volatile synthetic solvent would render a material from any source (agricultural or non-agricultural) a synthetic. Therefore, whether or not there is a residue, the material is a synthetic.

We also believe that Supercritical carbon dioxide is the same substance as carbon dioxide, which is already on the National List. It is not volatile because it is a gas at normal pressures and temperatures. Should the board choose to re-review this substance separately from Carbon Dioxide, it should be in a separate review and category than volatile synthetic solvents.

***4. Since §205.270 Organic Handling Requirements explicitly prohibits volatile organic solvents, [(c) The handler of an organic handling operation must not use in or on agricultural products intended to be sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))," or in or on any ingredients labeled as organic: (2) A volatile synthetic solvent or other synthetic processing aid not allowed under §205.605: Except, That, nonorganic ingredients in products labeled "made with organic (specified ingredients or food group(s))" are not subject to this requirement"], should consumers expect that non-agricultural ingredients identified as "organic" be produced or extracted with the same restriction? Please explain the rationale for a different standard for agricultural and non-agricultural if that is the position.***

The prohibition on use of volatile synthetic solvents *only* by *certified* handlers and only in on *agricultural* products makes no sense, and needs to be changed for consistency.

We suggest that §205.270(c) be rewritten,

(c) Products sold, labeled, or represented as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))," or in or on any ingredients labeled as organic must not be made using:

(1) Practices prohibited under paragraphs (e) and (f) of §205.105.

(2) A volatile synthetic solvent or other synthetic processing aid not allowed under §205.605: *Except, That, nonorganic ingredients in products labeled "made with organic (specified ingredients or food group(s))" are not subject to this requirement if the use of the volatile solvent is revealed in the ingredient statement.*

***5. Similarly, should synthetic substances allowed for use in organic crop production under §205.601 be allowed or prohibited from using volatile synthetic solvents in their production or extraction? Should nonsynthetic substances used in organic crop production be allowed***

***or prohibited from using volatile synthetic solvents in their production or extraction, regardless of chemical change or significant residues?***

Synthetic solvents should always be individually reviewed by the NOSB. The use of synthetic solvents in the production of an input should result in its classification as a synthetic. This would guarantee NOSB review, which would include examination of possible residues and other impacts of the solvent, including the impacts of manufacturing, transporting, and disposing of the solvent.

***6. Is guidance needed concerning whether or under what circumstances the use of an extractant/solvent causes chemical change in the extraction process?***

The use of a volatile synthetic solvent will always cause chemical change and would characterize the resulting material as a synthetic.

***7. What is a significant residue of a synthetic solvent? Should the prohibition on the use of volatile synthetic solvents include the use in any ingredient in the history of the product?***

NOC proposes that, for the purpose of regulation of organic food, a “significant” residue be defined as any residue above the level of detection for a compound, element, or organism. As required in §205.670 of the NOP regulations, methods of analysis related to implementation of the regulations are provided in the most current edition of the *Official Methods of Analysis of the AOAC International*. This reference, which is maintained by the Association of Official Agricultural Chemists, a non-profit scientific organization whose primary purpose is to serve the needs of government, industry, and academic laboratories, provides not only detailed instructions on how to perform analyses, but also information on how to interpret the results of a wide range of chemical and microbiological tests. AOAC states that its “*Official Methods Program is designed to provide methods of analysis with known performance characteristics, such as accuracy, precision, sensitivity, range, specificity, limit of measurement [emphasis added], and similar attributes.*” Therefore, NOC asserts that the AOAC information on “limits of measurement” provides the most appropriate basis for defining the term “significant” as used in the discussion of “significant residues.”

***8. For substances already on the National List, should it be assumed that any extractant is allowed, or should the NOSB attempt to specify allowed extractants moving forward or for previously listed substances?***

NOC believes that for substances already on the National List, from this point forward NOSB should make sure that during their sunset review attention be paid to listing only allowed extractants. An unambiguous declaration of such by the NOSB would facilitate clarity for the trade to begin reformulations immediately. Where current sunset review listings are affected, additional time for compliance might be acceptable. This time allowance is not acceptable more than a couple of years from the declaration – industry would have forewarning, and should begin reformulations immediately following such a FR notice.