



May 29, 2003

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Program Manager, National Organic Program
USDA-AMS-TMP-NOP
1400 Independence Avenue, SW
Room 4008-So, Ag. Stop 0268
Washington, DC 20250

Re: Docket No. TMD-03-02

On behalf of Organic Valley it is my pleasure to offer the following feedback relating to the proposed rule amending 7 CFR §205.605. I applaud your efforts in attempting to update the National List in order to reflect decisions by the NOSB and so am **in favor** of this proposal as far as it goes. However I have **significant concerns** with parts of this proposal as outlined below.

Timeline; Section IV E it states that “AMS believes that a ten day period for interested persons to comment on this rule is appropriate. I **strongly disagree**. A ten day comment period is simply not adequate for such a complicated subject. Furthermore the ten day comment period spans a federal holiday and two weekends during a very busy time of year. Many people will not be aware of the comment period until it is too late. Many others without Internet access or savvy will not have an opportunity to comment. I have not had adequate time to discuss and network with my associates and so am not entirely confident that my comments are wholly accurate or all-inclusive.

Also, in the summary, it is mentioned that it is your intention to have “comments available for viewing on the NOP Home page”. However with 3 days left in the comment period I cannot find any posted comments, perhaps because like myself, everybody is scrambling to construct their comments. Posting comments as they come in is a good idea. It would be easier for me to formulate opinion and to endorse (or challenge) other comments if they were readily available and if there were more time.

I urge you to extend this comment period to at least 30 days in order to address the concerns outlined above.

Poor Annotations; It was my opinion at the time of the NOSB vote and remains my point of view that the annotations attached to Potassium hydroxide and Tetrasodium pyrophosphate are too restrictive. The National List has many examples of annotations that, while well meaning, result in narrow confusing language which will be repeatedly challenged in the future. Potassium hydroxide should be allowed for “peeling Stone Fruit” and not restricted to peaches. The Tetrasodium pyrophosphate annotation is confusing since “textured meat analog products” is not defined nor do I think understood by the organic community. In the past the NOP has adjusted annotations for legal and interpretive reasons. I strongly suggest that they do so in this instance.

Food Contact Substances, Indirect Food Additives and Agricultural products; I am aware of the complexity surrounding this subject and your desire to be prudent not to publish language that you may have to later rescind or revise. However by remaining silent on Boiler additives, Activated Carbon, Gelatin and Orange Shellac you are prohibiting materials that have been voted compatible with an organic system of management after undergoing intense scrutiny. Further confusing the situation is the fact that Cellulose is listed for regenerative casings and as a filtering aid, both of which are considered food contact substances or indirect food additives.

Enzymes; It is good to see Animal Enzymes added to the list. It is disconcerting however, to think that in May the NOSB voted to amend this annotation adding Egg White Lysozyme to the Animal Enzyme annotation. Hopefully that language can be added to this document between the comment period and final publication.

Livestock Materials and Materials Related NOSB Recommendations; A Proposed Rule for Crop and now Processing material amendments have been released. Hopefully the Livestock material additions are soon to be released as well. Just as with Crop and Processing however, I fear that the Livestock amendment will be incomplete and will not address key recommendations by the NOSB on inerts, excipients, reciprocity etc.

In closing I would like to thank you for assigning a high priority to the National List update. The Organic Foods Industry is maturing at a phenomenal rate much to the benefit of the Organic Farming community. Prudent and timely incorporation of NOSB decisions are critical to the integrity of the industry.

Respectfully submitted by,

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