August 16, 2005

Arthur Neal
Director, Program Administration
National Organic Program
USDA-AMS-TMO-NOP
1400 Independence Ave. SW
Room 4008 So., Ag Stop 0268
Washington, DC 20250
Email: National.List@usda.gov
Fax: (202) 205-7808

Dear Mr. Neal and National Organic Standards Board:

This letter is in reference to the National Organic Program, Sunset Review, Docket number TM-04-07.

Newman's Own Organics, Inc. has been manufacturing organic food products for over 12 years. We appreciate this opportunity to comment on the Sunset Review of the 2002 National List. Please note that we support the National List as published and particularly support the continued allowance of the following substances used to manufacture our 95% certified organic products:

Acids (Citric) 205.605(a)
Reasons for continued allowance:

- Citric acid is needed to control pH as well as to enhance flavor.
- No suitable organic alternative exists. Citric acid is produced by natural fermentation processes.
- The previous NOSB assessment is still relevant.

Calcium Carbonate 205.605(a)
Reasons for continued allowance:

- Source of dietary calcium.
- This is a mineral for which there is no organic alternative.
- There is a consumer expectation for calcium in certain foods. The conventional products are currently fortified. To be competitive and expand organic opportunities to the mainstream market requires the addition of dietary calcium.
- Previous NOSB assessment still relevant.

Natural Flavors 205.605(a)
Reasons for continued allowance:

- Many organic flavors are still not commercially available due to limited availability, raw material limitations and minimum quantities required for efficient production.
- Consumer expectation for high-quality, flavorful food greatly influences purchasing decisions. To be competitive and expand organic opportunities in the mainstream market

requires that the flavor profile in organic products can compete with qualities of conventional products.

- Previous NOSB system of allowing the use of natural flavors with restrictions on use of solvents, carriers, and processing adequately protects the integrity of 95% certified organic products.
- Impact on the organic consumer would be lesser quality organic products that are unable to compete with conventional products.

Sodium Bicarbonate 205.605(a)

Reasons for continued allowance:

- Sodium bicarbonate (baking soda) is widely used as an essential part of the leavening system in baked goods. Industrial manufacture of baked goods such as cookies, cakes and crackers require the use of baking soda. It has been used for decades both in the home and commercial bakeries and is GRAS.
- There is no organic alternative as this is produced from a mineral.
- Previous NOSB assessment still relevant.

Ammonium Bicarbonate 205.605(b)

Reasons for continued allowance:

- Ammonium bicarbonate is necessary as a leavening agent in certain types cookies and crackers. It is widely used in the baking industry. It provides the characteristic texture and manages "cookie spread." Ammonium bicarbonate decomposes during baking and is not present in finished baked goods.
- There is no organic alternative.
- Previous NOSB assessment still relevant.

Calcium Phosphates (monobasic, dibasic and tribasic) 205.605(b)

Reasons for continued allowance:

- Monocalcium phosphate (calcium phosphate, monobasic) is an essential leavening agent widely used in baking powder systems across the baking industry and in home baking. It is required for the commercial production of baked goods such as cookies and cakes.
- Tricalcium phosphate (calcium phosphate, tribasic) allows the free-flow of salt. It is the only approved flowing agent with appropriate functionality for finely powdered salt.
- Monocalcium phosphate and tricalcium phosphate have been used for decades and are GRAS.
- There are no organic alternatives.
- Previous NOSB assessment still relevant.

Glycerin 205.605(b)

Reasons for continued allowance:

- Functions as a humectant, used for moisture management.
- Glycerin used in organic products is from vegetable sources. There is no organic alternative.
- Previous NOSB assessment still relevant.

Nutrient Vitamins and Minerals 205.605(b)

Reasons for continued allowance:

- Source of dietary vitamins and minerals.
- There is no organic alternative to Nutrient Vitamins and Minerals.
- 21 CFR 104.20 and the Sherman Act in California allow for the enrichment of foods.
- 2005 Dietary Guidelines for Americans states "…rest of the recommended grains coming from enriched or whole-grain products".
- Historically, fortification of foods has eliminated diseases of nutritional deficiency worldwide.
- There are fewer fortified food choices available in the organic market. In order to be competitive and expand organic opportunities in the mainstream market, we must be able to fortify organic products with vitamins and minerals.
- Previous NOSB assessment still relevant.

Nutrient Vitamins and Minerals - Potassium Chloride in Pet Food 205.605(b)

Reasons for continued allowance:

- Potassium chloride is used in the formulation of organic pet food to nutritionally balance rations. It chemically resembles table salt with a potassium moiety replacing sodium.
- There is no organic alternative as this is produced from a mineral.
- Previous NOSB assessment still relevant.

Sodium Hydroxide 205.605(b)

Reasons for continued allowance:

- It is not possible to make pretzels without sodium hydroxide. This substance has been used by prezel makers for over 100 years and is GRAS.
- Upon baking, Sodium hydroxide reverts to sodium bicarbonate.
- Previous NOSB assessment still relevant.

Tocopherols 205.605(b)

Reasons for continued allowance:

- Tocopherols are used as antioxidants that naturally extend shelf life for many products.
- Restricting tocopherols from organic would make it impossible to compete in bakery categories because shelf life would be severely compromised. Less than fresh product – potentially very rancid product – would be delivered to the consumer. Organic product would not be able to compete with conventional product containing chemicals like BHA/BHT. Rancidity is considered by some to be deleterious to human health.
- Previous NOSB assessment still relevant.

Gums 205.606

Reasons for continued allowance:

- (Xanthan gum) Functions as a thickener and stabilizer.
- The types available organically are limited in availability and in the required form.
- Previous NOSB assessment still relevant.

<u>Lecithin (unbleached) 205.606</u>
Reasons for continued allowance:

- Lecithin is used both as an added ingredient and as a component in chocolate.
- Lecithin has critical functionality and is the only emulsifier available for use in organic food production.
- The supply of organic lecithin is very limited. In addition, the quality and characteristics of the available organic lecithin is not suitable for our purposes. At this time there is no suitable organic alternative to either the natural, non-GMO lecithin or the deoiled powdered lecithin.
- Previous NOSB assessment still relevant.

Newman's Own Organics, Inc. supports retaining the National List as published. The use of these critical ingredients have allowed the continued development and supply of wholesome, high quality organic products for organic consumers worldwide. The enormous growth of the organic market in most market channels show that there is a huge demand for organic products. We cannot meet this demand if we lose the ability to use these key ingredients.

Sincerely,

Christine S. Negm, MS., RD.
Vice-President, Technical Services
Newman's Own Organics, Inc.
PMB 1110, 4550 Birch Bay-Lynden Rd.
Blaine, WA 98230
(360) 371-3393 (office)
(360) 305-9929 (mobile)