

**Public Testimony
National Organic Standards Board Meeting
Washington DC
October 20, 20002**

Emily Brown Rosen, Organic Materials Review Institute

Materials Review and New Policies from the Board

We appreciate all the extra effort the Board has undertaken, particularly to schedule this meeting so closely after the last one in an effort to resolve a number of issues, including materials prior to the final implementation date.

However, we are quite concerned that the board is planning to vote on materials today based on TAP reviews that have not been posted for public review. As you state in your Board Policy Manual, section 6, this is required 30 days before the meeting. As a former TAP contractor, I know how difficult it is to meet this deadline, and that sometimes it has only been a few weeks. But to have absolutely no availability of these documents before hand makes it impossible for other opinions to be heard about these materials. These votes should be tabled.

The Board has also proposed a major new policy yesterday from the Processing Task Force, exempting indirect food additives from review when used in organic production. This policy has been carefully crafted, and we are glad the task force has undertaken this work. However, yesterday was the first day a draft was discussed in public, and we believe it needs thoughtful review and consideration by the community. It does represent a change in direction. For example 21 CFR 178 includes the following:

Part 178—Indirect Food Additives: Adjuvants, Production aids, And Sanitizers

178.3120 Animal glue.

178.3620 Mineral oil.- as a lubricant with food contact

178.3730 Piperonyl butoxide and pyrethrins as components of bags.

Piperonyl butoxide in combination with pyrethrins may be safely used for insect control on bags that are intended for use in contact with dried feed in compliance with Secs. 561.310 and 561.340 of this chapter, or that are intended for use in contact with dried food in compliance with Secs. 193.60 and 193.390 of this chapter.

Also Sec. 178.1010 Sanitizing solutions lists 46 compounds and combinations of compounds for use on food contact surfaces including quaternary ammonium and iodine based materials that have not traditionally been allowed in many certification programs, as they are persistent and may have food residues that impact organic integrity.

We urge the board to table this vote, or at least consider this proposal to be a draft recommendation only. It may be a good start but we think a closer review should be made of these materials proposed as allowed. Lastly, I would like to provide some information about the regulatory status of ion exchange process in Europe. It is not approved by IFOAM, and is not specifically permitted by the EU regulation 2092-91. According to my information, only one competent authority, Belgium has interpreted that the process is approved under 2092-91, and a certifier in that country – Ecocert Belgium has certified product. Other certifiers may be approving products produced with this process without realizing it. However Soil Association and other certifiers do not allow it, and has been challenged at the EU commission by IFOAM. It is a controversial subject in Europe as well as here, and the Board should be aware that actions taken here might set a precedent. We urge you to act carefully and deliberately on this matter. The best way to proceed with this consideration, we believe is by petition and review of the resins used by the normal TAP review process so there can be a complete discussion with information that is obtained in an objective manner, and not solely based on information provided by interested parties.

Public Testimony

National Organic Standards Board Meeting,
Oct. 19, 2002

From: Emily Brown Rosen and Brian Baker,
Organic Materials Review Institute

Chlorine and Organic Food Production

OMRI recognizes that organic food cannot be any less safe than food in general. As a result, various food safety laws pre-empt the Organic Foods Production Act. Public health and safety requires that processors and handlers must maintain their facilities according to certain sanitation and processing standards. The use of materials on food contact surfaces has not created too many conflicts with organic standards up to now, because GMPs also establish strict tolerances for the levels of cleaning, disinfecting, and sanitizing materials found in the food. We are aware that some handlers are using chlorine disinfectants at rates that result in residual chlorine levels considerably higher than the 4 mg/l limit in the rule. Given the alternatives that are now available, these higher levels are unnecessary and the risks to public health of these high levels appear to outweigh the perceived benefits to food safety.

OMRI is concerned that the language in the preamble and the NOP FAQ regarding chlorination of disinfecting washwater misleads processors into thinking that there is no limit on the amount of chlorine that can contact food. The NOSB recommendation clearly intended to limit what was in contact with *food*, not simply the effluent. While we recognize and support the intent of the preamble and FAQ to protect the environment from excessive concentration of effluent being released into the environment, it is no less important to monitor the levels that contact the food. OMRI asks that in the context of reviewing additional chlorination compounds to the three already considered, the NOSB may want to further clarify its recommendation and listing to apply to an upper limit on chlorine used in direct food contact to comply with Safe Drinking Water Act recommended maximum contaminant levels.