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The National Organic Standards Board
c/o Valerie Frances, Executive Director
NOSB, USDA-AMS-TM-NOP
1400 Independence Avenue, SW.
Room 4008-South Bldg., Ag Stop 0268
Washington, D.C. 20250-0200

October 5th, 2006

Dear Ms. Frances,

Ocean Nutrition Canada Limited (ONC) would like to thank you for the opportunity to provide comment on the National Organic Standards Board's (NOSB) recommendations relative to "Agricultural" and "Nonagricultural" Substances for National List Consideration. ONC researches, manufactures, and markets Omega-3 fish oil healthy food ingredients. We support recommendations #1 and 2 from the Handling Committee and Materials Committee (HC-MC). However, we would like to provide additional comment concerning recommendation #1, in particular.

ONC does support a rule change for the definition of "non-agricultural substance", as proposed by HC-MC. However, given that the recommended definition includes reference to "agricultural", we would like to suggest a clarification of the definition of "agricultural product" as well. The current definition of agricultural product is somewhat ambiguous, partly because it uses the term it is defining. While recommendation #2 (the Decision Tree) does help greatly in determining which substances are agricultural and which are not, ONC feels that further clarification within the definition would be beneficial. The definition itself should include more of the terms used in the recommended Decision Tree, including the specification of agricultural sources (*i.e.* plant, animal, or non-plant life). Further, agricultural products are defined in reference to livestock. The livestock definition should be updated to include aquatic animals, both wild and aquaculture.

The Agricultural Marketing Service (AMS) has proposed that aquatic animals be incorporated into the definition of livestock[1]. Additionally, they propose that aquatic animals be defined as any finfish or shellfish used for human consumption, whether taken from regulated but free roaming marine and fresh water populations (wild captured) or propagated and raised in controlled or selected environment (aquaculture)[1]. The AMS's approach will clarify an area that is currently under debate by some; that is, where do fish and fish products fall within the definitions of agricultural and non-agricultural products? The aquaculture standards are still in the development stage. However, in the interim the inclusion of aquatic animals (wild and aquaculture) in the

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[1] Agricultural Marketing Service (AMS). (2006). National Organic Program: Add Standards For the Organic Certification of Wild Captured Aquatic Animals (TM-01-08). *Unified Agenda, Department of Agriculture (USDA)*. Retrieved July 2006, from Westlaw.

definition of livestock and by association, the definition of agricultural, would provide clarity and consistency in the evaluation of aquatic animal products.

Recommendation #2 outlines the use of a Decision Tree when evaluating a substance to determine if it is non-agricultural or agricultural. As mentioned above, ONC is in support of this recommendation and the transparency it will bring to the determination process. It will be an effective tool and is an excellent recommendation. ONC has no comment on recommendation #3.

Thank you for the time, thought and effort put into the agricultural/non-agricultural recommendations made by the HC-MC and for taking these comments into consideration. We look forward to the positive changes that are proposed.

Sincerely,

Julianne Mayo
Regulatory Affairs Associate