



BEYOND PESTICIDES

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March 27, 2014

National Organic Standards Board
Spring 2014 Meeting
San Antonio, TX

Re. HS: Sunset for Gellan Gum

These comments are submitted on behalf of Beyond Pesticides. Beyond Pesticides, founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to bridge the interests of consumers, farmers and farmworkers, advances improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and groups around the world.

Beyond Pesticides opposes the relisting of gellan gum on §205.605(a). Gellan gum is synthetic and should have been considered for listing on §205.605(b). Furthermore, under the new sunset policy announced by the NOP, unless the Handling Subcommittee proposes not to relist gellan gum, it will not be reviewed and considered by the full board as required by OFPA.

According to the Agricultural Market Service's (AMS) September 16, 2013 Federal Register notice, this NOSB meeting may be the last chance for public input on substantive matters affecting board and public consideration of sunset recommendations that will be voted on at a subsequent (presumably the next) NOSB meeting. Since AMS has cited new substantive information brought to a sunset voting meeting as "untimely," it is critical that technical reviews (TRs) and checklists are published to facilitate public comment at the meeting prior to a voting meeting. In the case of gellan gum, there is no updated TR and the checklist has not been completed, which hinders timely public input into the process.

Gellan gum was originally petitioned as a synthetic for listing on §205.605(b). The 2008 NOSB recommendation includes transcript excerpts in which the NOSB made the decision to list it as a nonsynthetic, in spite of information in the technical review (TR). The TR (lines 109-112) states,

The thickness and hardness of the gellan gum is determined by acetyl groups present in the gellan gum obtained from the microbial culture. With acetyl groups present, the gel is soft and elastic. Firmer gels are obtained by removing the acetyl groups to some extent by adding potassium, magnesium, calcium, and/or sodium salts.

While it is possible that these mineral salts are nonsynthetic, there is no indication that they are. The removal of the acetyl groups is a chemical change, and it is not accomplished by

natural processes. In addition, gellan gum contains a small quantity of isopropyl alcohol used in the extraction process. This, along with the mineral salts and their reaction products, is an ancillary ingredient that must be taken into account in the review of gellan gum.

The Materials Subcommittee is proposing that Confidential Business Information (CBI) claims will no longer be accepted in petitions. If this policy is adopted, then new materials petitions will be at a disadvantage in having to disclose information not disclosed by previous petitioners. In the interest of fairness, therefore, materials should not be relisted during the sunset process unless the CBI claimed in the original petition is disclosed. In the case of gellan gum, the petitioner claimed as CBI sections of the petition relating to amounts of the material used in products and the entire section on “sources and detailed description of manufacturing procedures.”

This data should be disclosed, and it should be disclosed in a manner that allows public comment on it to be considered “timely.”

Finally, the NOP announcement concerning sunset allows for only one kind of recommendation to come out of the subcommittee for consideration of the full board as a motion –a recommendation against relisting the sunset substance. Even if the subcommittee believes that gellan gum should be relisted, we believe that it is important for the full board to have the opportunity to consider a motion to delist sunset materials. To enable this, the CS must propose that gellan gum not be relisted.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Shistar". The signature is written in a cursive, flowing style.

Terry Shistar, Ph.D.
Board of Directors