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April 14, 2016

Via Electronic Transmission

Ms. Michelle Arsenault
Advisory Committee Specialist, National Organic Standards Board
1400 Independence Ave. SW, Room 2642-S
Washington, DC 20250-0268

Re: Agricultural Marketing Service Docket Number AMS-NOP-15-0085: Notice of Meeting of the National Organic Standards Board and Request for Public Comment, 81 Fed. Reg. 14079 (March 16, 2016)

Dear Madam:

On behalf of the International Association of Color Manufacturers (IACM), we appreciate the opportunity to submit comments in response to the Agricultural Marketing Service's (AMS) request for comments regarding the upcoming National Organic Standards Board (NOSB) meeting April 25-27, 2016 in Washington, DC in support of beta-carotene extract color.

I. Introduction

IACM is the trade association that represents the global color industry, comprised of manufacturers and end-users of coloring substances that are used in foods, including natural and synthetic colors. IACM members create colors for use in a wide variety of food and beverage products including those certified under the National Organic Program (NOP) regulations.

II. Executive Summary

The Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. 6501-6522) authorized the NOP to establish the National List of Allowed and Prohibited Substances (National List). The National List identifies substances that may and may not be used in organic crop and livestock production. The National List also identifies nonorganically produced agricultural products, like colors, that may be allowed as ingredients in or on processed products labeled as "organic". 7 CFR §205.606(d). Those substances listed on the National List are required under the OFPA to be reviewed every five years (Sunset review) by the National Organic Standards Board (NOSB). The OFPA authorizes the NOSB to develop proposed amendments to the National List for submission to the Secretary of Agriculture during the Sunset review. 7 U.S.C. §6518(k)(2). Based on the proposals provided by the NOSB from the Sunset review, the Secretary of Agriculture has statutory authority to make amendments to the National List.

"Colors derived from agricultural products" were added to §205.606 of the National List after the 205.605 listing was allowed to Sunset off the National List in 2007. The §205.606(d) listing was updated in 2010 to clarify that they must not be produced using synthetic solvents and carrier systems or any artificial preservative (USDA, 2010). Beta-carotene extract color was originally added to the National List as the result of a 2007 petition and amended to annotate

the listing in 2009 as “derived from carrots or algae.” At its April meeting, the NOSB will consider the 2018 Sunset review for beta-carotene extract color. IACM respectfully offers these comments to support that beta carotene extract color remain on §205.606(d) of the National List because beta carotene extract color is not commercially available in organic form.

“Commercially available” is defined in 7 CFR 205.2 as “the ability to obtain a production input in an appropriate form, quality or quantity to fulfill an essential function in a system of organic production or handling.” The beta carotene extract color, which is subject to the NOSB’s 2018 Sunset review, is not commercially available in organic form because there is either no established organic supply market for the color, the organic raw material commodity may be available generally, but the crop varietal available is not further manufactured for color use or the organic version of the color available is not standardized for color hue, strength or otherwise does not adequately function technically in the finished food. Beta carotene extract color should remain on 205.606(d) of the National List because the supply of this color in organic form is not sufficient to warrant its Sunset. Additionally, the NOSB must recognize that color is a critical factor in consumer perception and satisfaction. Being unable to provide the same shade in marketed organic processed products on a consistent basis, or at all, could cause significant consumer loss and brand dissatisfaction. IACM supports the re-listing of beta-carotene extract color until such time when it is sufficiently available in organic form.

III. Colors are essential to the continued success of the processed organic food sector

Colors play a critical role in expanding consumer access to organic food products. As the organic food sector has enjoyed incredible growth over the last several years, organic food product offerings have expanded well beyond fresh produce, meat and poultry products. Processed organic foods line traditional and natural grocery store shelves. Consumers interested in organic food products can purchase organic cookies, cereal, yogurt, chips, pasteurized juice beverages, soups and many other products – organic foods are no longer relegated to the perishable items in the grocery cart. As consumers have asked for more organic product offerings, the organic sector has answered by producing processed food products organically.

Colors have been and continue to be a critical ingredient in processed organic products because they increase palatability and provide enhanced visual appeal that consumers expect. The addition of natural colors compensates for the destruction of the original color by high temperature/low pH processing, allowing the finished organic food or beverage product to have the same visual appeal and attraction of their direct non-organic competition. Additionally, because colors are concentrated and very strong, they are used in products, including organic products, at very low levels of typically less than 1 percent. Restricting the use of colors in organic food production will negatively impact the palatability and access to processed organic food products.

IV. Beta Carotene Extract Color should remain on §205.606(d) of the National List because there is insufficient supply to warrant its Sunset

Beta carotene extract color is up for 2018 Sunset, but it should remain on §205.606(d) of the National List because there is insufficient availability of organic beta carotene extract color, sourced either from carrot or algae, to satisfy current demand. The

quantity of available organic beta carotene extract color is limited by the underdeveloped downstream raw material supply. Until the market for organic beta carotene extract from either or both carrots or algae is more fully developed, color manufacturers will continue to struggle to obtain consistent quantity and quality raw materials to produce certified organic beta carotene extract color. Removing beta carotene extract color from the National List will create lasting and significant market disruption in the processed organic food sector.

Color development and manufacturing is not a commoditized industry. Color manufacturers develop collaborative relationships with their finished food manufacturing customers in order to create customized color formulations that meet the specific color shade requirements and also function in the food application based on production, shelf-life and other quality requirements. Although over the last several years, color manufacturers have responded to market demands by producing organic compliant colors, organic color development continues to be limited by insufficient availability of organic raw materials. In fact, a survey of our membership demonstrates that our members cannot confirm adequate or consistent supply of organic beta carotene extract from either carrots or algae available in the marketplace to satisfy current demand. Some members indicated they cannot find any supply of organic beta carotene extract color. Since there is insufficient commercial availability of organic beta carotene extract from either carrots or algae to satisfy current demand, the NOSB should not recommend the removal of beta carotene extract color from §205.606(d) of the National List.

V. Additional information on beta carotene extract color as requested by NOSB.

Per the questions posed in the NOSB meeting materials, IACM provides the following information:

- IACM members confirm that there has not been any change in the ability of manufacturers to produce beta-carotene color using NOP compliant extraction methods, and note that such a change would not be cost effective for the color industry.
- IACM members note that the yellow and orange shades produced by beta carotene extract are important and necessary for organic processors and to support the organic industry as the only other source of a similar shade, carrot juice color, has limited availability.
- The species of algae used is *Duanliella salina* and harvesting of these species of micro algae is typically cultivated. IACM members are not aware of any wild or certified wild crafted sources used for beta carotene production.

VI. Conclusion

IACM appreciates the opportunity to comment and urges your consideration of these important matters as you finalize the color Sunset review.

Sincerely,



Sarah A. Codrea
Executive Director