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October 4, 2018

Ms. Michelle Arsenault, Special Assistant
National Organic Standard Board
USDA–AMS–NOP 1400 Independence Ave. SW.,
Room 2648-So., Mail Stop 0268
Washington, DC 20250–0268

Re: Docket Number: AMS-NOP-18-0029
Handling Subcommittee Discussion Document: Pullulan

Dear Ms. Arsenault:

Thank you for the opportunity to provide comments to the National Organic Standards Board (NOSB) Handling Subcommittee (HS) Discussion Document on Pullulan. The Accredited Certifiers Association (ACA) is a nonprofit educational organization, and our membership includes 54 USDA Accredited Certification Agents and over 90% of US based certifiers accredited by the USDA.

In October of 2017 the ACA convened a working group to discuss classification and evaluation of pullulan. Prior to NOP Guidance 5033 Classification of Materials, non-organic pullulan was commonly classified as an agricultural ingredient that was therefore allowed in products labeled “made with organic.” As a result of this interpretation, the organic supplement industry developed to include the use of nonorganic pullulan capsules. After NOP 5033 was published, however, many certifiers began to see pullulan as a non-agricultural ingredient based on the Ag/Non-Ag Decision Tree. This has resulted in a challenge for certifiers, as well as the supplement industry, members of which have acted in good faith to develop products that comply with the USDA organic regulations.

We offer the following comments in response to Question 2 in the HS Discussion Document: “Using the NOP’s Classification of Materials guidance document (NOP 5033), do you consider pullulan to be agricultural or not? Please explain your rationale.”

The ACA working group on this topic concluded that pullulan was challenging to evaluate using the decision tree in NOP 5033. However, the group agreed that the most appropriate classification was non-agricultural, with most agreeing that classification happens at Step 3 of the decision tree.

- The first step of the decision tree asks if the substance is a mineral or bacterial culture. The answer is no, so we go to Step 2.
- The second step asks if the substance is a microorganism. The answer is no, so we go to Step 3.
- The third step asks if the substance is a crop or livestock product or derived from crops or livestock. The answer is no. This results in classification as nonagricultural.

One working group member thought the non-agricultural classification happened at Step 2, indicating that pullulan is a microbe or more specifically, the byproduct of a microbe.

You can read the ACA's brief Best Practices for Classification and Evaluation of Pullulan at this link:

<https://www.accreditedcertifiers.org/wp-content/uploads/2017/11/ACA-Best-Practices-for-Classification-and-Evaluation-of-Pullulan-Final.pdf>

Thank you again for your work on this topic and for the opportunity to provide comments.

Respectfully submitted,



Jennifer Cruse
ACA Coordinator