

United States Department of Agriculture
Agricultural Marketing Service | National Organic Program
Document Cover Sheet

<https://www.ams.usda.gov/rules-regulations/organic/national-list/petitioned>

Document Type:

National List Petition or Petition Update

A petition is a request to amend the USDA National Organic Program's National List of Allowed and Prohibited Substances (National List).

Any person may submit a petition to have a substance evaluated by the National Organic Standards Board (7 CFR 205.607(a)).

Guidelines for submitting a petition are available in the NOP Handbook as NOP 3011, National List Petition Guidelines.

Petitions are posted for the public on the NOP website for Petitioned Substances.

Technical Report

A technical report is developed in response to a petition to amend the National List. Reports are also developed to assist in the review of substances that are already on the National List.

Technical reports are completed by third-party contractors and are available to the public on the NOP website for Petitioned Substances.

Contractor names and dates completed are available in the report.

Addendum #1

December 2, 2019

Devon Pattillo
Agricultural Marketing Specialist
USDA | National Organic Program | Standards Division
1400 Independence Avenue SW | 1088-S | Washington DC 20250

Sent by email: devon.pattillo@usda.gov

Dear Mr. Pattillo,

Please see below for addendum #1 related to my petition for removal of whey protein concentrate 7 CFR § 205.606 - Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as “organic,” from September 30, 2019.

Whey Protein Concentrate should be prohibited from use in a non-organic form because:

1. Minimize exposure to chemicals.
According to: Effect of bleaching whey on sensory and functional properties of 80% **whey protein concentrate**. According to American Dairy Science Association J. Dairy Sci. 95:2848-2862 [https://www.journalofdairyscience.org/article/S0022-0302\(12\)00261-5/fulltext](https://www.journalofdairyscience.org/article/S0022-0302(12)00261-5/fulltext) A large amount of whey protein concentrate produced in the United States is derived from annatto-colored Cheddar cheese. The color from the annatto binds with protein and stays in the whey causing it to be orange colored. Bleaching is done using commercially approved Benzoyl Peroxide or Hydrogen Peroxide to remove the orange coloring. Organic cheese is made without the use of annatto-color and therefore there is no need to add these bleaching agents during the manufacturing process. The NOSB should be concerned for the potential chemical interaction, toxicity, environmental contamination during manufacturing or disposal, effect on human health, and if it is compatible with organic standards.
2. The National List of Allowed and Prohibited Substances (National List), Title 7: Agriculture Part 205-National Organic Program, specifically outlines synthetic substances allowed and not allowed in organic, therefore it can be determined that those not allowed in organic dairy farming are used in conventional dairy farming. Genetically Modified Organisms (GMO's) are also not allowed to be grown or fed to organic dairy cows, while conventional dairies allow GMO crops to be grown and fed to dairy cows. Organic dairies do not grow or feed prohibited substances, and cows do not consume harmful pesticides, chemical fertilizers or GMO plants through their food source. Each organic dairy is inspected and certified organic through a third-party organic certifier.

3. Organic dairy cows are not treated with antibiotics or synthetic hormones. This means there are no traces of these substances in products from organic dairy farms in organic milk. Antibiotics are prohibited for use in all manufacturing milk, but synthetic hormones such as rBST and reproduction hormones such as prostaglandin, gonadotropin, and progesterone are all allowed in conventional dairy.
4. Certified organic also means that the cow has been fed at least 30 percent of its diet on pasture or has grazed a minimum of 120 days on pasture in less temperate areas. The cow must graze on pasture throughout the year until weather permits otherwise. Organic dairy farming practices also take the environment into consideration by working in ways to sustain the naturally existing ecosystems on the farm. These practices include, monitoring soil and herd management, water, air, and energy conservation, and are recorded within their Organic System Plan (OSP).
5. **Organic Whey Protein Concentrate** is widely available globally.
6. What happened to the rule, "if it is available as organic, it must be used in organic?"

What is Whey?

To make cheese, milk is coagulated using protease enzymes, which causes the milk to separate into 2 components: curd (cheese) and liquid whey (protein). Through an additional manufacturing process (ultrafiltration and drying only, no processing aids or other ingredients, except for bleaching compounds in non-organic), the liquid whey becomes **Whey Protein Concentrate**. The difference between organic dairy and conventional dairy are the strict guidelines for prohibited substances not allowed in organic dairy. Non-organic or conventional dairy may still allow these prohibited substances such as synthetic hormones, GMO's, pesticides, herbicides, and insecticides to be used in their practices without concern. An organic certifier inspects the organic dairy to ensure that these prohibited substances are not being used on the farm.

Organic whey protein is derived from certified organic milk after making organic cheese and, **Organic Whey Protein Concentrate** is produced through an ultra-filtration process to remove water, lactose, and trace minerals. The process creates a liquid **organic whey protein concentrate**, which can be either dried or shipped to a facility for drying. Based on the demand for whey protein and availability of drying facilities throughout the United States, the USDA requires the reporting of Dry **Whey Protein Concentrate** to determine the value and sales volume of dry whey products each month.

Health Benefits of Whey Protein Concentrate are:

- Increase muscle repair and development (fitness).
- Increases metabolism for weight control, fat loss, and digestion (dietary).
- Meal Replacement (weight loss).
- Post-surgical and elderly treatment (weight gain).
- Protects human cells from cell death (health).
- Helps regulate blood glucose levels (wellbeing).

Organic Whey Protein Concentrate is different:

- No Bleach
- Produced from Organically fed cows
- No Antibiotics
- No Synthetic Hormones
- GMO free
- Humane Husbandry
- Environmental Stewardship
- Made to European Union (EU) Quality Standards
- Regular auditing by certifying bodies.
- Complete segregation and isolation in plant processes.

Organic Whey Protein Concentrate can be obtained in appropriate quality, quantity, and form by these companies:

1. Rumiano Cheese Company
2. Milk Specialties Global
3. Bioriginal
4. Fonterra
5. SunOpta
6. Gallo
7. Glanbia
8. Agropur Ingredients
9. Bongards Creameries
10. Organic Valley
11. Horizon Organic
12. Paz Ingredients
13. Perrigo Company

United States Organic Whey Protein Concentrate Retail Brands:

1. Now Sports
2. Z Natural Foods
3. Garden of Life
4. Natural Force
5. Raw Organic Whey
6. Sweet Purity Organics
7. Source Naturals
8. Do Vitamins
9. Tera's Whey
10. Bulk Supplements
11. NorCal Organic

12. Organic Warrior Whey
13. Vital Proteins
14. Health Ranger Select
15. Real Food Source
16. Bioriginal
17. Health Ranger
18. Vital Proteins
19. Essential Living Foods

International Organic Whey Protein Concentrate Retail Brands:

1. Pink Sun
2. Divinita
3. Organic Daisy
4. Pulsin
5. Purasana
6. New Zealand Whey Protein
7. Pro-Matrix
8. Biokrafte
9. Diet Food
10. Wonder Whey
11. Farmhouse Organics
12. My Organic Whey
13. Inca Organics
14. Protein 17
15. JustNutra
16. Real Food Source

Sincerely,

A handwritten signature in black ink, appearing to read 'Joby Rumiano', with a long horizontal flourish extending to the right.

Joby Rumiano
Administration Manager
Rumiano Cheese Company