



GLOBAL ORGANIZATION FOR EPA AND DHA OMEGA-3S

April 5, 2021

Ms. Michelle Arsenault
Advisory Committee Specialist
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave. SW, Room 2642-S, Mail Stop 0268
Washington, DC 20250-0268
Submitted electronically at [regulations.gov](https://www.regulations.gov)

RE: Docket ID: AMS-NOP-20-0089, National Organic Standards Board (NOSB) meeting April 2021, Fish Oil

Dear Ms. Arsenault:

GOED represents the worldwide industry for eicosapentaenoic acid (EPA) and docosahexaenoic acid (DHA), the primary long-chain omega-3 fatty acids found in fish oil. Our membership is built on a quality standard unparalleled in the market and our mission is to increase consumption of EPA and DHA omega-3s and ensure our members produce quality products that consumers can trust.

GOED understands the Handling Subcommittee (HS) will be discussing modifications to the current fish oil annotation during the upcoming NOSB meeting (April 28-30, 2021) and is providing the below comments for your consideration.

GOED supports sustainable fishing practices and views a modification to the fish oil's annotation as an acceptable solution to address sustainability concerns and to ensure that fish oil is compatible with organic practices.

In answering the HS' three questions, GOED will refer to the following three annotation options presented in the HS' discussion document¹ on the fish oil annotation:

Option 1

205.606 (e) Fish oil (Fatty acid CAS #'s: 10417-94-4, and 25167-62-8) - stabilized with organic ingredients or only with ingredients on the National List, §§205.605 and 205.606. *Sourced from fishing industry by-product only and certified as sustainable by a third-party certifier.*

Option 2

205.606 (e) Fish oil (Fatty acid CAS #'s: 10417-94-4, and 25167-62-8) - stabilized with organic ingredients or only with ingredients on the National List, §§205.605 and 205.606. *Sourced from fishing industry by-product only and certified as sustainable against a third-party certification that*

¹ <https://www.ams.usda.gov/sites/default/files/media/HSFishOilAnnotation.pdf>



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is International Social and Environmental Accreditation and Labeling (ISEAL) Code Compliant or Global Seafood Sustainability Initiative (GSSI) recognized with full utilization of said scheme.

Option 3

205.606 (e) Fish oil (Fatty acid CAS #'s: 10417-94-4, and 25167-62-8) - stabilized with organic ingredients or only with ingredients on the National List, §§205.605 and 205.606. *Sourced from fishing industry by-product only and has either a green or yellow Seafood Watch rating or is eco-certified to a standard recommended by Seafood Watch (<https://www.seafoodwatch.org/>).*

1. Which is the best option to mitigate environmental concerns about the over-exploitation of fisheries used to produce fish oil sourced for organic products?

GOED continues to support Option #1 as expressed in both our written and oral comments from the spring 2020 meeting. At the same time, we understand a limitation of this annotation is that the NOSB would need to create and maintain a list of acceptable third party certifiers. For this reason, GOED also supports Option #2, which essentially ensures third party certifiers are held to the highest sustainability best practices.

It is GOED's opinion that Option #3 is not a viable option, because the scope of fish species and locations assessed is too limited. The primary appeal of this option is that it may not be as much of a financial burden on smaller companies as Options #1 & #2. GOED will elaborate on its reservations regarding Option #3 in the answers to Questions #2 & #3.

2. Are these requirements clear and enforceable?

Options #1 & #2 are clear and enforceable since both options just require a third party sustainability certificate be provided to the organic certifier.

Option #3's "has either a green or yellow Seafood Watch rating" would be a burden for organic certifiers to verify a fish oil manufacturer's compliance. In addition, this option could be problematic depending upon how often the ratings are updated. Given how crude fish oil is procured, it's conceivable that crude oil is purchased when there is either a green or yellow Seafood Watch rating, but the refined oil is used in a product seeking organic certification at a time when there is a red rating.

Option #3's "eco-certified to a standard recommended by Seafood Watch (<https://www.seafoodwatch.org/>)" is clear and enforceable, but limiting. According to the website, "To date, our scientists have assessed over one-third of the seafood produced around the world." What about the other 2/3?

3. What impacts would these requirements have on the availability of fish oil for organic products?



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The unintended consequence of adopting the HS' third proposed annotation could result in the removal from the market of many of the products labelled "organic" with fish oil and thus defeat the purpose of relisting fish oil on the National List. It's important to keep in mind that the goal is to ensure that consumers who prefer organic products have access to products made with non-organically produced fish oil, since organic fish oil does not currently exist.

Thank you for the opportunity to submit comments. Should you have any questions, please do not hesitate to contact me via email at harry@goedomega3.com. In addition, I will be presenting oral comments during one of the upcoming webinars.

Sincerely,

A handwritten signature in blue ink, appearing to read "Harry B. Rice".

Harry B. Rice, PhD
Vice-President, Regulatory & Scientific Affairs