



October 27, 2021

Via email and hard copy

Amy Greenberg, Director
Regulations and Rulings Division Alcohol & Tobacco Tax & Trade Bureau
1310 G Street, N.W.
Washington, DC 20220

Re: Petition for Exemption from Formula Requirements

Dear Director Greenberg:

I write on behalf of the Brewers Association to request that the Alcohol and Tobacco Tax and Trade Bureau (TTB) determine that the ingredients listed in the attached chart are traditional ingredients when used in the production of fermented beverages designated as beer, ale, porter, stout, lager, or malt liquor. We make this request under the provisions of 27 C.F.R. § 25.55(f).

The Brewers Association is the voice of America's small, independent, and traditional craft brewers. Based in Boulder, Colorado, the Association seeks to promote and protect the interests of craft brewers and the craft brewing community, including beer consumers and home brewers. Today the Brewers Association has 5,636 full voting brewery members – including members in every state – as well as 1,328 allied trade members, 305 wholesaler members, and 37,793 home brewer and beer enthusiast members.

The ingredients described in the attached chart all have become widely used in brewing American craft beers since the Brewers Association last petitioned TTB under Section 25.55(f) in 2016. Specifically, following the update of *TTB Ruling* 2015-1, the Brewers Association analyzed the ingredients of beer and ale entries at the Great American Beer Festival (GABF). Whereas previous submissions from the Brewers Association relied on member surveys of varying degrees, we believe this approach better covers a wide range of breweries and their ingredient use. For example, GABF entrants in 2021 cover 2,192 breweries and 9,680 unique beers across all 50 states plus Washington D.C., while the previous survey in 2016 received responses from 441 breweries.

The Brewers Association examined the GABF entries and eliminated a large number of ingredients based on a number of considerations. Most importantly, in order to meet the regulation's requirement that the ingredient is recognized as traditional, *see* 27 C.F.R. § 25.55(f)(2)(ii)(B), the Brewers Association excluded any ingredient that was not included at least five times. We cannot know for certain the representativeness of this approach or how to precisely extrapolate from this sample to the total market. Nevertheless, based on

metrics like annual COLA applications or unique beers on ratings sites, we believe it is reasonable to assume that each of the ingredients listed in our petition is at least used hundreds, if not thousands of times in the marketplace. For example, a search of beers on Untappd, a popular rating site, returns 7,681 beer results for “guava” and 16,075 results for “beets.”

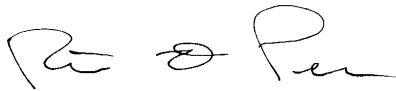
The ingredients in the attached chart are all used by America’s craft brewers for flavoring purposes. And, as indicated next to the description of each ingredient, its safety status is identified as either GRAS, regulated by FDA or commonly available throughout the country. Our list also excluded ingredients that are or contain one of the eight major food allergens in the Food Allergen Labeling and Consumer Protection Act (FALCPA) of 2004. While TTB has not yet mandated allergen labeling for alcohol beverages, the Brewers Association continues to believe that mandatory allergen labeling would provide consumers with valuable, and in the case of some individuals, life-saving information. But until TTB finalizes a rule on mandatory allergen labeling, the Brewers Association will not present currently non-exempt additional major allergens in our traditional ingredient petitions.

As TTB knows, during the past three-plus decades America’s small, independent, and traditional brewers have greatly expanded the flavor palate for beer in the United States. They have done this partially through the revival of brewing traditions long forgotten by the mainstream beer market, and by putting innovative twists on age-old styles. The result has made America one of the most exciting beer markets the world has ever seen.

Granting this request and recognizing the ingredients listed in the attached chart as traditional will help ensure the continued success of America’s craft brewers. The formula process serves an important function in ensuring that new ingredients and processes are safe and do not jeopardize the revenue. Ingredients in wide use and whose function is well-recognized no longer require the same scrutiny. As far as labeling, the principles outlined in *TTB Ruling 2015-1* now provide the industry with the guidance needed to ensure that such products are accurately identified. Finally, by exempting these ingredients from the formula requirements contained in Section 25.55 of the regulations, TTB would remove a substantial administrative burden currently shouldered by both brewers and TTB personnel.

We look forward to TTB’s response and stand ready to respond to any questions or concerns you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Pease', with a stylized flourish at the end.

Bob Pease, President & CEO
Brewers Association

cc: Paul Gatz
Pete Johnson
Marc Sorini

Encl.

INGREDIENTS IDENTIFIED IN SURVEY	FOOD SAFETY INFORMATION
Banana	Edible food sold in U.S. supermarkets
Beets	Edible food sold in U.S. supermarkets
Carrot	Edible food sold in U.S. supermarkets; Also, 21 C.F.R. § 182.20.
Cucumber	Edible food sold in U.S. supermarkets
Dragonfruit	Edible food sold in U.S. supermarkets
Guava	Edible food sold in U.S. supermarkets; Also, 21 C.F.R. § 182.20.
Lavender	Both lavender and spike lavender. Also, 21 C.F.R. § 182.20 for both.
Papaya	Edible food sold in U.S. supermarkets
Prickly-pear fruit	Edible food sold in U.S. supermarkets
Rhubarb	Stems; Edible food sold in U.S. supermarkets
Rose fruit (hips)	21 C.F.R. § 182.20.