

Shirley Community Development Corp.

366 Brown Rd. Shirley, AR 72153 -- Phone: 501-723-4443 Fax: 501-723-8441
Executive Director: Tom E. Kimmons

Mr. Robert L. Pooler
USDA/NOP
1400 Independence Ave. S.W.
STOP 0268-Room 4008-S
Washington, D.C. 20250-0200

re: NOSB May 2008 Meeting

March 20, 2008

Dear Mr. Pooler

Pursuant to your request of February 19, 2008 (Attachment #1) for additional information concerning our petition on use of food-grade, microcrystalline cheesewax submitted to the NOSB/NOP at the Penn State meeting of April 24, 2006, we have responded below to your three questions in Part II. Since almost twenty-five months will have transpired since we first presented our petition, it will be helpful to give a brief overview of events.

I. HISTORY As stated in our petition of April 24, 2006, this whole issue of using food-grade cheesewax arose unexpectedly by an inexperienced inspector in Missouri while inspecting a long-standing, certified organic Shiitake farm in early 2006. The inspector relayed the question of the use of food grade cheesewax on Shiitake logs up the chain of command to her director, on to his director and on to the NOP director. At that point, a pre-emptive prohibition on the use of cheesewax on Shiitake logs was issued and twenty-five years of certification tradition, in one targeted industry, was halted. Virtually, the entire, organically-certified, log-grown Shiitake industry, throughout the country, had been using cheesewax to hold moisture in their logs since the early 1980's. Many growers in our industry (as well as cheese makers, waxed box users, etc.) had been certified organic by virtually every organic certification organization in the world while using cheesewax.

These growers were operating under published, organic rules as was stated in our petition of April 24, 2006 - "Existing rules: The most current published organic rules that we have a record of for governing the use of cheese wax in Organic Shiitake production not only allows cheese wax, but requires cheese wax for sealing inoculation sites (see attachment). These standards, published by OCIA, under the title 'International Certification Standards - Approved at the AGMM 2003' state under section #4.4 - Shiitake and Oyster Mushrooms 'that - log and spawn site coatings used to prevent moisture loss must be food grade paraffin, cheese wax, mineral oil or beeswax.' This is the standard that was stated from OCIA International -World Headquarters in 2003 and this is the same standard that we have operated in accordance with for 20+ years."

2008 March 20 10:00 AM
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U.S. DEPARTMENT OF AGRICULTURE
NATIONAL ORGANIC STANDARDS BOARD



Large, certified organic Shiitake growers who don't use natural logs (but, sawdust or substrate) retain moisture in their "bag culture" or "synthetic logs" with a plastic or polyethylene bag. No one has questioned the plastic bags as a certified moisture sealant. In just this past certification year 2007-08, MOSA certified the use of "styrofoam plugs" to seal holes in Shiitake logs - but, refused to certify food-grade cheese wax. Organically certified cheese makers use exactly the same cheesewax, that we use, to coat and seal their cheeses which comes in direct contact with the cheese.

After we presented our petition to the NOSB on April 24, 2006, we heard nothing from the NOP until August 2, 2006 at which time NOP sent us an inquiry for "supplemental" information (Attachment #2). Complying with NOP's request we forwarded NOP a supplemental "addendum" (Attachment #3 – cover letter) on December 27, 2006 containing 200+ pages of additional information on chemical analysis, manufacturing processes, chemical interactions, toxicity, environmental persistence, impacts and possible effects on soil organisms, crops or livestock. We had no further request from NOP for the entirety of the year 2007. Then on February 19, 2008, we received another request for additional information from NOP (see Attachment #1) involving three questions concerning the content of the food grade cheese wax we have used. Then twenty days after receiving the second request for information, I received a call from Robert Pooler of NOP asking if we had received his February 19, 2008 request and formulated answers to his three questions. That brings us up-to-date and our response to NOP's recent request follows below:

II. NEW INFORMATION Fortunately, your three questions are very simple, straightforward and easy to answer. After receiving your request for additional information (Attachment #1), we contacted the heads of the chemical engineering departments of the two cheesewax companies that we have used in the past and they sent back replies that are attached herein (see Attachment #4 and Attachment #5).

Your three questions concern the use of colorant; the use of ethylene propylene copolymer; and the use of preservatives in our food-grade cheesewax. As stated in our earlier petition, we have used IGI's #4669-A and/or Blended Wax's #BW100F01 as a moisture barrier and sealant in the production of log-grown Shiitake mushrooms for over twenty years. This food-grade cheese wax is a sealant used solely to hold moisture in our hardwood logs and is not used as a fertilizer, a growth amendment nor an input.

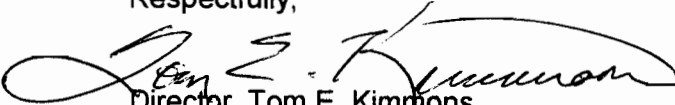
1) Both companies state in the attachments (#4 & 5) that these cheese waxes are "clear" and that no color is added, hence, they are colorless.

2) Both companies state that neither of these clear cheese waxes contain ethylene propylene copolymer -- none.

3) Neither company specifies that these cheese waxes employ a preservative (acid or vacuum based), but both state that these waxes contain a minuscule amount of the food-grade anti-oxidant, BHT (CAS#128-37-0), in order to prevent the cheesewax from oxidizing when kept hot in liquid form. The anti-oxidant content is very small ("less than 100 ppm") and is widely used commercially in and around food. Further, it is FDA approved (21 CFR 178.3710 and 21 CFR 172.886).

Thank you for your interest in our petition for inclusion of food-grade microcrystalline cheesewax on the National List and for your interest in being thorough and comprehensive for organically certified log-grown Shiitake mushrooms.

Respectfully,


Director, Tom E. Kimmons
Shiitake Mushroom Center





United States
Department of
Agriculture

Agricultural
Marketing
Service

STOP #268 - Room 4008-S
1400 Independence Avenue, SW
Washington, D.C. 20250-0200

February 14, 2008

Thomas Kimmons
Shiitake Mushroom Center
366 Brown Road
Shirley, Arkansas 72153

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
2008 FEB 14 10:51 AM

Dear Mr Kimmons,

Thank you for your petition requesting the inclusion of Mycrocrystalline Cheesewax onto section 205.601 of the National Organic Program's (NOP) National List of Allowed and Prohibited Substances (National List)

After receipt and review of the supplemental petition information, your petition continued through the petition review process and was forwarded to the National Organic Standards Board (NOSB) In their review, the NOSB has some questions on information included within your petition:

- 1 The petition indicates colors are used in the cheesewax, no information on colors used was provided, what colors are used in the cheesewax? What are the sources of these colors?
- 2 Also, the petition indicates preservatives may be used in the cheesewax, if so, what preservatives are used? What is the CAS number for each preservative used?
- 3 During the cheesewax manufacturing process, the petition states that an Ethylene / propylene copolymer (CAS # 9010-79-1) is used in the process. Is this copolymer used in the manufacture of all cheesewaxes or some? If some, which cheesewaxes use the copolymer, which do not?

Please forward your responses to these questions to the NOP. This information will be immediately forwarded to the NOSB so the review of the Mycrocrystalline Cheesewax petition can proceed

If you should have questions on this request for information, please contact me by phone at (202) 702-3252 or by e-mail at bob.pooler@usda.gov.

Sincerely,

Robert L. Pooler
Agricultural Marketing Specialist
USDA National Organic Program

cc: National Organic Standards Board

ATTACHMENT #1



United States
Department of
Agriculture

Agricultural
Marketing
Service

STOP 0268 – Room 4008-S
1400 Independence Avenue, SW.
Washington, D.C. 20250-0200

August 24, 2006

Thomas Kimmons
Shiitake Mushroom Center
366 Brown Road
Shirley, Arkansas 72153

Dear Mr. Kimmons,

Thank you for your petition of April 24, 2006, which requests the inclusion of Mycrocrystalline Cheesewax onto section 205.601 of the National Organic Program's (NOP) National List of Allowed and Prohibited Substances (National List).

We have reviewed your petition information and determined that your petition cannot move forward through the petition process at this time for the following reasons:

1. Petition does not provide a detailed description of the manufacturing process of the Mycrocrystalline Cheesewax from the basic components to the final product.
2. Petition does not provide sufficient information on the substances physical properties and chemical mode of action. Specifically, information on chemical interactions with other substances, toxicity and environmental persistence, environmental impacts from substance use or manufacture, and possible effects on soil organisms, crops or livestock.
3. Petition does not include research information about Mycrocrystalline Cheesewax including reviews that present contrasting positions to those presented in the petition.

Due to the reasons listed above, the NOP will stay your petition to include Mycrocrystalline Cheesewax onto section 205.601 of the National List until the supplemental petition information is received and evaluated. Should the supplemental information be sufficient, your petition will be forwarded through the petition process.

We apologize for the delay in our response. If you should have any questions, please contact me by phone at (202) 702-3252 or by e-mail at bob.pooler@usda.gov.

Sincerely,

A handwritten signature in black ink that reads "Robert L. Pooler".

Robert L. Pooler
Agricultural Marketing Specialist
USDA National Organic Program

ATTACHMENT #2

cc: National Organic Standards Board

Shiitake Mushroom Center

Shirley CDC

366 Brown Rd. Shirley, AR 72153

Phone: 501-723-4443 Fax: 501-723-8441

December 27, 2006

Mr. Robert Pooler, Agricultural Marketing Specialist
USDA/NOP
1400 Independence Ave. S.W
STOP 0268-Room 4008-S
Washington, D.C. 20250-0200

Dear Mr. Pooler

Please find enclosed the supplemental information that you requested for the Petition that we submitted to both the NOP and the NOSB on April 20th at Penn. State.

We have structured the Addendum as follows: Cover Letter, Overview, Your Letter requesting supplemental information (in the three areas of Mfg. process, chemical mode of action, contrary positions), Copy of Original Petition/Presentation to NOSB, Supplemental Information requested, and finally, our comments on what this all means – from our perspective.

Because your request covered a very large range of topics, processes and modes of action, it has taken us much longer than we first expected to meet your request for additional information. Further, it has required us to take several extra months, several hundred pages of paper and several thousands of dollars in expenses to fulfill your request. We hope that NOP can appreciate this extra burden on small, organic farmers.

We now look forward to a speedy processing of this supplemental information and to complete acceptance by NOP and NOSB of the food grade microcrystalline cheesewax that we and the members of our organically certified, log-grown, Shiitake mushroom industry have been using for the past thirty years.

Sincerely,



Tom E. Kimmons,
Director, Shiitake Mushroom Center

ATTACHMENT #3



THE INTERNATIONAL GROUP, INC.

50 Salome Drive · Agincourt, Ontario, Canada M1S 2A8 · (416) 293-4151 · Fax (416) 293-5749

facsimile transmittal

To: Tom Kimmons **Fax:** 501 723 8441

From: Greg Lazenka **Date:** 3/14/2008

Re: Parafflex 4669A **Pages:** 1

CC:

1. There is no colorant added to Parafflex 4669A.
2. Butylated Hydroxy Toluol (BHT) is added to Parafflex 4669A at 100 ppm level to prevent the wax from oxidizing when kept hot in liquid form. This is a food grade antioxidant widely used in waxes that come in contact with food or added into food. Its CAS # is 128-37-0.
3. There is no EthylenePropylene copolymer CAS # 9010-79-1 present in Parafflex 4669A

Greg Lazenka
Technical Service Manager, IGI

ATTACHMENT #4

Tom Kimmons

From: "Ben Tremble" <bent@blendedwaxes.com>
To: "Tom Kimmons" <shirkcdc@artelco.com>
Sent: Monday, March 17, 2008 9:59 AM
Subject: RE: USDA/cheesewax

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2008

Tom,

To answer the questions you submitted regarding the BW-100F Microcrystalline Cheesewax and its inclusion into the National Organic Program:

- 1) There are no colorants within the BW-100F01 Clear Cheesewax.
- 2) There is an antioxidant present in the BW-100F01 Clear Cheesewax. It is Butylated Hydroxytoluene (BHT) and it's CAS number is: 128-37-0. It's present at less than 100 ppm.
- 3) There are no ethylene/propylene co-polymers present in the BW-100F01 Clear Cheesewax.

Thanks,

Benjamin Tremble
Director of Laboratory Services
Blended Waxes, Inc.
Phone (920)-236-8080
Fax (920)-236-8085

From: Tom Kimmons [mailto:shirkcdc@artelco.com]
Sent: Friday, March 14, 2008 3:18 PM
To: Ben Tremble
Subject: USDA/cheesewax

Ben....I faxed the letter from USDA/NOP to you this morning and included my e mail address. Please read over their 3 questions and e mail me back a response from your perspective on coloring, preservatives and Ethylene propylene copolymer as far as BW 100 F01 is concerned. I only have a few weeks to prepare my response in order to be on their Spring NOSB agenda so a quick response from you would really help. Thanks. tom kimmons, Shiitake Mushroom Center

ATTACHMENT #5

Shirley, AR 72153
Phone: 501-723-4443

7006 0200 0002 6502 7561



USDA \ MRMD \ MSB

3/31/2008 9:13:29 AM

To: ST0268

Stop Room Hrm4008

Mailstop: 0268

Agency:

External Carrier: Certified

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2005 Scholastic, Inc.

Mr. Robert Foster

USDA / NOP

1400 Independence Ave. S.W.

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Washington, D.C. 20250-0200

