

RECEIVED FEB 23 2005

DELST, INC.
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January 21, 2005

National Organic Standards Board
c/o Robert Pooler
Agricultural Marketing Specialist
USDA/AMS/TM/NOP
Room 2510-So., Ag Stop 0268
P.O. Box 96456
Washington, D.C. 20090-6456

Re: Petition to Add Propionic Acid to National List of Allowed Substances

Dear Mr. Pooler:

We are very interested in obtaining organic status for our product, a mold inhibitor called DMX-7. We have reviewed the National List of substances that may be used, and we have found that all our ingredients are listed except one. That substance is "propionic acid". Therefore, we are petitioning to have this ingredient added to the National List. Below is the information we understand is needed to process this petition:

ITEM A

We are petitioning propionic acid for inclusion in the National List within the following category: Nonagricultural (nonorganic) substances allowed in or on processed products labeled as 'organic' or 'made with organic (specified ingredients).'

ITEM B

1. The substance's common name : Propionic Acid
2. The manufacturer's name: Dow Chemical
Western Region
21520 Yorba Linda Blvd
Suite G #542
Yorba Linda, CA 92887
(714-694-0441
3. Intended current use of propionic acid: Used primarily for animal feed preservation as a mold inhibitor.
4. Propionic acid is used in handling and is applied either as a solution or on an absorbent (vermiculite) to prevent mold.

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5. Propionic Acid is produced by reacting ethylene and carbon monoxide to produce the intermediate, propionaldehyde. Further oxidation yields propionic acid.
6. Previous Reviews : Not available.
7. EPA Registration No. 8596-24
FDA Registration Code : 21 (see attachment)
AFCO - American Feed Control Officials, Inc. : (see attachment)
8. CAS No. : Not available
9. (a)no chemical interactions with other substances
(b) no toxicity and environment persistence
(c)no environmental impacts from its use or manufacture
(d)no effects on human health
(e)no effects on soil organisms, crops, or livestock
10. MSDS attached
11. Research Information : Not available.
12. The milled feed area (such as poultry feeds) is a mature market for propionate preservatives. Growing application areas are in use as preservatives in hay and silage and raw grain. There is a growing market demand for propionic acid and there are no synthetic substances or alternative cultural methods that could be used in place of propionic acid.
13. Commercial Confidential Information Statement : Not applicable.

Attached is the completed form "Evaluation Criteria for Substances Added to the National List".

Thank you for your consideration. If you have any questions or need further information, please contact me at (951) 694-5273 or email delstinra@aol.com.

Sincerely,



Raye Ann Shelton

Office Manager, Delst, Inc.

Enclosures: Evaluation Criteria for Substances Added to the National List
MSDS for Propionic Acid
FDA Code 21
AFCO (Association of American Feed Control Officials, Inc.)

EVALUATION CRITERIA FOR SUBSTANCES ADDED TO THE NATIONAL LIST

Category 1. Adverse impacts on humans or the environment?

Substance Propionic Acid

Question	Yes	No	N/A ¹	Documentation
				(petition, regulatory agency, other)
1. Are there adverse effects on environment from manufacture , use, or disposal? [§205.600 b.2]		X		
2. Is there environmental contamination during manufacture , use, misuse, or disposal? [§6518 m.3]		X		
3. Is the substance harmful to the environment? [§6517c(1)(A)(i); 6517(c)(2)(A)(i)]		X		
4. Does the substance contain List 1, 2, or 3 inerts ? [§6517 c (1)(B)(ii); 205.601(m)2]		X		
5. Is there potential for detrimental chemical interaction with other materials used? [§6518 m.1]		X		
6. Are there adverse biological and chemical interactions in agro-ecosystem ? [§6518 m.5]		X		
7. Are there detrimental physiological effects on soil organisms, crops, or livestock? [§6518 m.5]		X		
8. Is there a toxic or other adverse action of the material or its breakdown products ? [§6518 m.2]		X		
9. Is there undesirable persistence or concentration of the material or breakdown products in environment ? [§6518 m.2]		X		
10. Is there any harmful effect on human health? [§6517 c (1)(A)(i); 6517 c(2)(A)(i); §6518 m.4]		X		
11. Is there an adverse effect on human health as defined by applicable Federal regulations ? [205.600 b.3]		X		
12. Is the substance GRAS when used according to FDA's good manufacturing practices? [§205.600 b.5]	X			
13. Does the substance contain residues of heavy metals or other contaminants in excess of FDA tolerances? [§205.600 b.5]		X		

¹ If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Category 2. Is the Substance Essential for Organic Production? Substance Propionic Acid

Question	Yes	No	N/A ¹	Documentation (TAP; petition; regulatory agency; other)
1. Is the substance formulated or manufactured by a chemical process? [6502 (21)]	X			
2. Is the substance formulated or manufactured by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources? [6502 (21)]		X		
3. Is the substance created by naturally occurring biological processes? [6502 (21)]		X		
4. Is there a natural source of the substance? [§205.600 b.1]		X		
5. Is there an organic substitute? [§205.600 b.1]		X		
6. Is the substance essential for handling of organically produced agricultural products? [§205.600 b.6]	X			
7. Is there a wholly natural substitute product? [§6517 c (1)(A)(ii)]		X		
8. Is the substance used in handling, not synthetic, but not organically produced? [§6517 c (1)(B)(iii)]		X		
9. Is there any alternative substances? [§6518 m.6]		X		
10. Is there another practice that would make the substance unnecessary? [§6518 m.6]		X		

¹If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Category 3. Is the substance compatible **with** organic production **practices**?

Substance Propionic Acid

Question	Yes	No	N/A ¹	Documentation (TAP; petition; regulatory agency; other)
1. Is the substance compatible with organic handling? [<u>§205.600 b.2</u>]	X			
2. Is the substance consistent with organic farming and handling? [<u>§6517 c (1)(A)(iii); 6517 c (2)(A)(ii)</u>]	X			
3. Is the substance compatible with a system of sustainable agriculture? [<u>§6518 m.7</u>]	X			
4. Is the nutritional quality of the food maintained with the substance? [<u>§205.600 b.3</u>]	X			
5. Is the primary use as a preservative? [<u>§205.600 b.4</u>]	X			
6. Is the primary use to recreate or improve flavors, colors, textures, or nutritive values lost in processing (except when required by law, e.g., vitamin D in milk)? [<u>205.600 b.4</u>]		X		
7. Is the substance used in production , and does it contain an active synthetic ingredient in the following categories:		X		
a. copper and sulfur compounds;		X		
b. toxins derived from bacteria;		X		
c. pheromones , soaps, horticultural oils, fish emulsions, treated seed , vitamins and minerals ?	I-	X		
d. livestock parasiticides and medicines?		X		
e. production aids including netting, tree wraps and seals, insect traps , sticky barriers , row covers, and equipment cleaners?		X		

¹If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Material Safety Data Sheet

I. GENERAL INFORMATION	
TRADE NAME Kem Prop Liquid	CHEMICAL FAMILY Mold Inhibitor
PROPER DOT SHIPPING NAME Propionic Acid	DOT HAZARD CLASSIFICATION UN1848, Hazard Class 8, Packing III
MANUFACTURER Kemin Industries, Inc.	MANUFACTURER PHONE NUMBER (515) 266-2111
ADDRESS 2100 Maury Street	CITY/STATE/ZIP Des Moines, Iowa 50317
EPA REG. NO. 8596-24	

II. INGREDIENTS		
PRINCIPAL COMPONENTS	PERCENT	THRESHOLD LIMIT VALUE
Propionic Acid	99.5%	10 ppm
Inert Ingredients	0.5%	N/A

III. PHYSICAL DATA	
APPEARANCE & ODOR: Colorless liquid with a pungent acid odor	
BOILING POINT: 286° F	SOLUBILITY IN WATER: N/A
VAPOR PRESSURE: 20 mm at 125° F	SPECIFIC GRAVITY: 0.9-1.0
VAPOR DENSITY (Air = 1): 2.56	REFRACTIVE INDEX: 1.38-1.39
EVAPORATION RATE (Butyl Acetate = 1): 0.24	pH: 0.0 to 1.0

IV. FIRE & EXPLOSION HAZARD DATA		
FLASH POINT (TEST METHOD): (126° F) Tag Closed Cup ASTM D56-79		
FLAMMABLE LIMITS:	LEL: 3.04%	UEL: 14.9%
EXTINGUISHING MEDIA: Water spray, Dry Chemical, Carbon Dioxide		
SPECIAL FIRE FIGHTING PROCEDURES: Addition of water may reduce intensity of flames.		
UNUSUAL FIRE & EXPLOSION HAZARDS: None		

V. HEALTH HAZARD DATA	
EYE CONTACT:	Flush eyes with water at least 15 minutes. Consult a physician.
SKIN CONTACT:	Wash with water.
INHALATION:	Handle in well ventilated area. Remove to fresh air.
INGESTION:	Consult a physician.
EMERGENCY FIRST AID:	Whenever first aid is required, it should be given immediately. Prompt treatment may greatly decrease the severity of the effect.

VI. REACTIVITY DATA		
STABILITY:	Unstable..... <input type="checkbox"/> Stable..... <input checked="" type="checkbox"/>	CONDITIONS TO AVOID: N/A
INCOMPATIBILITY:	None	MATERIALS TO AVOID: Amines, Alkalies. Ammonia, Halogens
HAZARDOUS POLYMERIZATION:	May Occur <input type="checkbox"/> Not Occur..... <input checked="" type="checkbox"/>	CONDITIONS TO AVOID: N/A
HAZARDOUS DECOMPOSITION PRODUCTS:	None	

Material Safety Data Sheet
Kemin Industries, Inc.

Kem Prop Liquid

Page 2
2100 Maury St. Des Moines, IA

VII: ENVIRONMENTAL PROTECTION PROCEDURES

SPILL RESPONSE: Adjust the pH prior to appropriate disposal.

WASTE DISPOSAL: Dispose in accordance with federal, state, and local regulations.

VIII: SPECIAL PROTECTION INFORMATION**EYE PROTECTION:**

Goggles recommended.

RESPIRATORY INFORMATION:

Use of a NIOSH approved respirator is recommended if exposure may, or does exceed occupational exposure limits.

SKIN PROTECTION:

Avoid prolonged exposure. Rubber gloves recommended.

VENTILATION RECOMMENDED

Local exhaust recommended.

OTHER PROTECTION:

None

IX. SPECIAL PRECAUTIONS

OTHER PRECAUTIONS: Keep container closed when not in use. Store in a warm, dry place above 10°F.

ISSUE DATE:

1011 8101

SUPERSEDES:

09/19/01

21 Code of Federal Regulation

12: Edm... and Drug Administration, HMS

§ 582.3169

manufact...
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(glyce...
subst...
afe wh...
manuf...

(c) Limitations, restrictions, or explanation. This substance is generally recognized as safe when used at levels not exceeding 2 percent in table salt and 5 percent in baking powder in accordance with good manufacturing or feeding practice.

§ 582.2427 Magnesium silicate.

(a) Product. Magnesium silicate.
(b) Tolerance. 2 percent.
(c) Limitations, restrictions, or explanation. This substance is generally recognized as safe when used in table salt in accordance with good manufacturing or feeding practice.

§ 582.2727 Sodium aluminosilicate.

(a) Product. Sodium aluminosilicate (sodium silicoaluminates).
(b) Tolerance. This substance is generally recognized as safe for use at a level not exceeding 2 percent in accordance with good manufacturing or feeding practice.

§ 582.2729 Hydrated sodium calcium aluminosilicate.

(a) Product. Hydrated sodium calcium aluminosilicate (sodium calcium silicoaluminates).
(b) Tolerance. This substance is generally recognized as safe for use at a level not exceeding 2 percent in accordance with good manufacturing or feeding practice.

§ 582.2906 Tricalcium silicate.

(a) Product. Tricalcium silicate.
(b) Tolerance. 2 percent.
(c) Limitations, restrictions, or explanation. This substance is generally recognized as safe when used in table salt in accordance with good manufacturing or feeding practice.

Subpart D—Chemical Preservatives

§ 582.3013 Ascorbic acid.

(a) Product. Ascorbic acid.
(b) Conditions of use. This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3021 Benzoic acid.

(a) Product. Benzoic acid.

(b) Tolerance. This substance is generally recognized as safe for use at a level not exceeding 0.1 percent in accordance with good manufacturing or feeding practice.

§ 582.3041 Erythorbic acid.

(a) Product. Erythorbic acid.
(b) Conditions of use. This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3081 Propionic acid.

(a) Product. Propionic acid.
(b) Conditions of use. This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3089 Sorbic acid.

(a) Product. Sorbic acid.
(b) Conditions of use. This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3109 Thiodipropionic acid.

(a) Product. Thiodipropionic acid.
(b) Tolerance. This substance is generally recognized as safe for use in food when the total content of antioxidants is not over 0.02 percent of fat or oil content including essential (volatile) oil content of the food, provided the substance is used in accordance with good manufacturing or feeding practice.

§ 582.3149 Ascorbyl palmitate.

(a) Product. Ascorbyl palmitate.
(b) Conditions of use. This substance is generally recognized as safe when used in accordance with good manufacturing or feeding practice.

§ 582.3169 Butylated hydroxyanisole.

(a) Product. Butylated hydroxyanisole.
(b) Tolerance. This substance is generally recognized as safe for use in food when the total content of antioxidants is not over 0.02 percent of fat or oil content, including essential (volatile) oil content of food provided the substance is used in accordance with good manufacturing or feeding practice.

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18. CHEMICAL PRESERVATIVES
Investigator and Section Editor—Joel Padgett, NC

Official

18.1 Chemical Preservatives

Name	FDA Regulations	Classification Under Food Additives Amendment	Limitations or Restrictions
Ascorbic acid IFN 7-00-433	Reg. 582.3013	Chemical Preservative	**None
Ascorbyl palmitate IFN 8-26-245	Reg. 582.3149	Chemical Preservative	**None
Benzoic acid IFN 8-26-244	Reg. 582.3021	Chemical Preservative	Not to exceed 0.1%
Butylated hydroxyanisole (BHA)* IFN 8-01-044	Reg. 582.3169	Chemical Preservative	Total content of preservatives not more than 0.02% of fat or oil content including essential (volatile) oil content of food
Butylated hydroxytoluene (BHT)* IFN 8-01-045	Reg. 582.3173	Chemical Preservative	Same as above
Calcium ascorbate IFN 8-26-246	Reg. 582.3189	Chemical Preservative	**None
Calcium propionate IFN 8-01-085	Reg. 582.3221	Chemical Preservative	**None
Calcium sorbate IFN 8-01-086	Reg. 582.3225	Chemical Preservative	**None
Salicylic acid IFN 8-01-233	Reg. 582.6033	Chemical Preservative	**None
Diethyl thiodipropionate IFN 8-01-789	Reg. 582.3280	Chemical Preservative	Total content of preservatives not more than 0.02% of fat or oil content including essential (volatile) oil content of food.
Diethyl thiodipropionate IFN 8-01-792	Reg. 582.3280	Chemical Preservative	Same as above
Dehydroacetic acid IFN 8-09-823	Reg. 582.3041	Chemical Preservative	**None
Propyl p-tertiarybutylcatechol IFN 8-01-841	Reg. 573.380	Chemical Preservative	0.015% in or on feed
Formic acid IFN 8-20-739	Reg. 573.480	Preservatives in hay crop silage	Not to exceed 2.25% of the silage (dry weight) or 0.45% (direct cut)

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Methylparaben IFN 8-03-088	Reg. 582.3490	Chemical Preservative	0.1%
Potassium bisulfite IFN 8-26-302	Reg. 582.3616	Chemical Preservative	Not for use in meats or vitamin B1 sources
Potassium meta-bisulfite IFN 8-26-203	Reg. 582.3637	Chemical Preservative	Not for use in meats or vitamin B1 sources
Potassium sorbate IFN 8-03-761	Reg. 582.3640	Chemical Preservative	**None
Propionic acid IFN 8-02-807	Reg. 582.3081	Chemical Preservative	**None
Propyl gallate IFN 8-03-308	Reg. 582.3660	Chemical Preservative	Total content of preservatives not more than 0.02% of fat or oil content including essential (volatile) oil content of food. 0.1%
Propylparaben IFN 8-03-810	Reg. 582.3670	Chemical Preservative	
Resin guaiac (same as guaiac gum) IFN 8-03-909	Reg. 582.3336	Chemical Preservative	0.1% (Equivalent preservative activity 0.01%) in edible fats or oils
Sodium ascorbate IFN 8-26-304	Reg. 582.3731	Chemical Preservative	**None
Sodium benzoate IFN 8-04-271	Reg. 582.3733	Chemical Preservative	0.1%
Sodium bisulfite IFN 8-26-305	Reg. 582.3739	Chemical Preservative	Not for use in meats or vitamin B1 sources
Sodium metabisulfite IFN 8-26-306	Reg. 582.3766	Chemical Preservative	Not for use in meats or vitamin B1 sources
Sodium nitrite IFN 8-04-283	Reg. 573.700	Preservative & color fixative in canned pet food containing fish; meat and fish and meat by-products	20 ppm (0.002%)
Sodium propionate IFN 8-04-289	Reg. 582.3784	Chemical Preservative	**None
Sodium sorbate IFN 8-04-290	Reg. 582.3795	Chemical Preservative	**None
Sodium sulfite IFN 8-26-307	Reg. 582.3798	Chemical Preservative	Not for use in meats or vitamin B1 sources
Sorbic acid IFN 8-04-297	Reg. 582.3089	Chemical Preservative	**None
Sourness chloride IFN 8-26-308	Reg. 582.3845	Chemical Preservative	Not to exceed 0.0015 as lit