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DELST, INC. 31805 Hwy 79 South, #200 Temecula, CA 92592 USA PH (951)694-5273 FAX (951)303-0894

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 (specifieding redients).'

ITEMB

- 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

(7] 4-694-0441

- 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.

951-303-0894

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- 5. Propionic Acid is produced by reacting ethylene and carbon monoxide to produce the intermediate, propional dehyde. 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 delstincra@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.)

Category 1. Advene impacts on humans or the environment?

Substance Proportic Acid

	T		·	
Question	Yes	No	N/A ¹	Documen tation
	1	1	***************************************	petition; regulatery agency; other)
I. Are there adverse effects on	7	T	Î	The state of the s
environment from manufacture.	İ	1		
use, or disposal?		X		
[§205.600 b.2]	ł	Ι΄		
2. Is there environmental	 	} 		
•	Í	١.	1	
contamination during		X		
manufacture, use, misuse, or	ļ	/		
disposal? [§65 18 m.3]	ļ			
3. Is the substance harmful to the		.,]	
environment?	1	X	1	
[§6517c(1)(A)(i);6517(c)(2)(A)i]	L	<u> </u>		
4. Does the substance contain List		١., ً		
1, 2, or 3 inerts?	l	X		
[§6517 c (1)(B)(ii); 205.60 l(m)2]	1	()		
5. Is there potential for	<u> </u>	<u> </u>		
detrimental chemical interaction	1	V	1	
with other materials used?	1	\wedge		
[§6518 m.1]	1	Ì		
6. Are there adverse biological	 			
and chemical interactions in agro-		V		
		X		
ecosystem? [§6518 m.5]				
7. Are there detrimental			1	
physiological effects on soil		X		
organisms, crops, or livestock?		/ `		
[§6518 m.5]			L	
8. Is there a toxic or other adverse		, ,	1	
action of the material or its		\times		
breakdown products?		/ \		
[§6518 m.2]				
9. is there undesirable persistence				
or concentration of the material or	<u> </u>			
breakdown products in		X		
environment?[§6518 m.2]				
10. Is there any harmful effect on	I			
human health?		./		·
[§6517 c (1)(A)(i); 6517 c(2)(A)i;		X		·
§6518 m.4]		1		
I. Is there an adverse effect on				·
]			
human health as defined by	ļ	$X \mid$		
applicable Federal regulations?	- 1			
[205.600 b.3]				
12. Is the substance GRAS when	:		j	
used according to FDA's good	X	1	1	~
manufacturing practices?	/ \]		
[§205.600 b.5]				
13. Does the substance contain	Ţ	,]	7	
residues of heavy metals or other	Ì	XI		
contaminants in excess of FDA		-(-	·
tolerances? [§205.600 b.5]	- }	. [

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

Question	Yes	No	N/A1	Documentation (TAP; petition; regulatory agency; other)
I. 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		X		
occurring plant, animal, or mineral, sources? [6502 (21)]				
3. Is the substance created by naturally occurring biological processes? [6502 (21)]		Χ		
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)]		Х		
8. Is the substance used in handling, not synthetic, but not organically produced? [§6517 c (1)(B)(iii)]		Х		
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	·	

 $^{^{1}}$ 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 3. Is the substance compatible with organic production practices?

Substance Propionic Azid

Question	Yes	No	N/A	Documentation (TAP; petition; regulatory agency; other)
1. Is the substance compatible with organic handling? [§205.600 b.2]	X			
2. Is the substance consistent with organic farming and handling? [§6517 c (1)(A)(iii); 6517 c (2)(A)(ii)]	X			
3. Is the substance compatible with a system of sustainable agriculture? [§6518 m.7]	X			
4. Is the nutritional quality of the food maintained with the substance? [§205.600 b.3]	X			
5. Is the primary use as a preservative? [§205.600 b.4]	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)? [205.600 b.4]		×		
7. Is the substance used in production, and does it contain an active synthetic ingredient in the following categories: a. copper and sulfur compounds;		X		
b. toxins derived from bacteria;	-	Y		
c. pheromones, soaps, horticultural oils, fish emulsions, treated secd, vitamins and minerals?	_	×		
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	CHEMICAL FAMILY
Kem Prop Liquid	Mold Inhibitor
PROPER DOT SHIPPING NAME	DOT HAZARD CLASSIFICATION
PropionIc Acid	UN1848, Hazard Class 8, Packing III
MANUFACTURER	MANUFACTURER PHONE NUMBER
Kemin Industries, Inc.	(51 5) 266-2 111
ADDRESS	CITY/STATE/ZIP
2100 Maury Street	Des Moines, lowa 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
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III. PHYSICAL DATA	
APPEARANCE & ODOR: Colorless liquid with a pungent a	cid 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
EVAPORATIONRATE (Butyl Acetate =1): 0.24	pH: 0.0 to 1.0

IV. FIRE & EXPLOSION HAZARD DATA	A OTHER DESCRIPTION	
FLASH POINT (TEST METHOD): (126° F) Tag Closed C	Cup ASTM D56-79	
FLAMMABLE LIMITS:	LEL: 3.04%	UEL: 14.9 %
EXTINGUISHINGMEDIA: Water spray. Dry Chemical, C	Carbon Dioxide	
SPECIAL FIRE FIGHTING PROCEDURES: Addition	of water may reduce in	ntensity 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, ± should be given immediately. Prompt treatment may
	greatly decrease the severity of the effect.

VI. REACTIVITY DATA			
STABILITY:	Unstable Stable ✓	CONDITIONS TO AVOID:	N/A
INCOMPATIBILITY:	None	MATERIALS TO AVOID:	Amines, Alkalies. Ammonia, Halogens
HAZARDOUS POLYMERIZATION:	May Occur⊡ Not Occur⊠	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:	SKIN PROTECTION:
Goggles recommended.	Avoid prolonged exposure. Rubber gloves recommended.
RESPIRATORY INFORMATION:	VENTILATION RECOMMENDED
Use of a NIOSH approved respirator is recommended if exposure may, or does exceed occupational exposure limits.	Local exhaust recommended.
	OTHER PROTECTION: None

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

ISSUE DATE:	1011 8101	SUPERSEDES:	09/19/01	

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21 Code of Federal Regulation

and Drug Administration, HHS

6582.3169

Limitations, restrictions, or expla-Hos. This substance is generally recseding 3 percent in table salt and 5 arrent in baking powder in accordance The good manufacturing or feeding incuce.

fin 2437 Magnesium silicate.

(a) Product Magnesium silicate.

ign) Limitations, restrictions, or expla-lation. This substance is generally rec-Threed as safe when used in table salt rections practice.

(a) Product. Sodium alaminosilicate

radding silicusluminate). recognised as safe for use at a series of exceeding 2 percent in accordance with good manufacturing or feed-

NAME 2729 Hydrated sodium calcium

(a) Product Hydrasod sodium calcium Caleminesticate (sodium calcium ballcoaluminate).

(b) Tolerance. This enbstance is generally recognized as safe for use at a itevel not exceeding 2 percent in accord-Flace with good manufacturing or feed-easing practice.

Tricolomous shiests.

(a) Product. Tricalcium silicate.

(b) Tolerance 2 percent.

(c) Limitations, restrictions, or explaation. This substance is generally rec-Officed as safe when used in table suit 4 feeding practice.

Subpart D-Chemical Preservatives

(a) Product. Ascarbio acid.

ally recall (a) Product (b) Conditions of use. This substance actoring is generally recognized as sale when used in accordance with good manufacturing or feeding practice.

percent. 5382.3021 Benseic seid.

(a) Product. Benzoic zcid.

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

5582.8841 Brythochic scid.

(a) Product. Brythorbic scid.

(b) Conditions of use, This substance is generally recognised as safe when used in accordance with good manufacturing or feeding practice.

§582.3081 Propionic acid.

(a) Product. Propionto acid.

(b) Conditions of use. This substance is generally recognized as sofe when used in accordance with good manufacturing or feeding practice.

6688.2089 Sorbic scid.

(a) Product. Sorbic acid.

(b) Conditions of use. This substance is amerally recognized as safe when used in accordance with good manufacturing or feeding practice.

\$582.3109 Thiodipropionic said.

(a) Product. Thiodiproplants acid.

(b) Tolerance. This substance is gonerally 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 prac-

§ 582.5149 Accorbyl palmitate

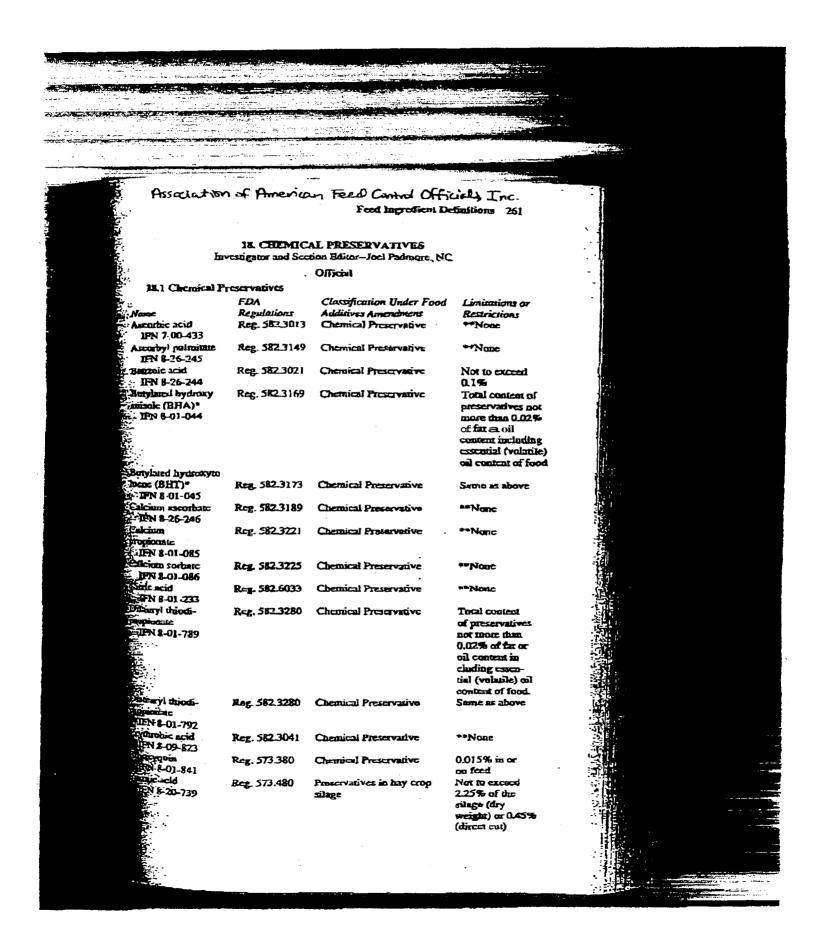
(a) Product. Ascorbyl palmitate.

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

§5823169 Butylated hydroxysmisola.

(a) Product. Butylated hydroxyanisole.

(b) Tolerance. This substance is generally recognized as safe for use in food when the total content of antioxidante is not over 0.00 percent of fat or off content, including essential (volatile) of content of food provided the substance is used to accordance with good manufacturing or feeding practice.



Potassium metablisatifies IFN 8-26-203 Potassium sorbate IFN 8-25-761 Propriomic geid IFN 8-02-807 Propriogaliate IFN 8-03-308 Propriogaliate IFN 8-03-308 Propriogaliate IFN 8-03-308 Propriogaliate IFN 8-03-308 Reg. 582.3660 Chemical Preservative Total content of preservative not more than cluding essential (valuable) oil content of food. O.02% of fat or oil content of food. Reg. 582.3670 Chemical Preservative IFN 8-03-810 Reg. 582.3336 Chemical Preservative IFN 8-03-810 Reg. 582.3336 Chemical Preservative IFN 8-03-810 Reg. 582.3336 Chemical Preservative O.1% IFN 8-03-810 Reg. 582.3331 Chemical Preservative IFN 8-03-809 Softwan ascorbate IFN 8-03-731 Chemical Preservative IFN 8-04-271 Softwan bisultite IFN 8-04-271 Softwan bisultite IFN 8-04-271 Softwan bisultite IFN 8-04-271 Softwan bisultite IFN 8-26-305 Softwan bisultite IFN 8-26-305 Chemical Preservative Not for use in means or vitamin B1 sources Not for use in means or vitamin B1 sources Not for use in means or vitamin B1 sources Not for use in means or vitamin	Protestium bitalifice IPN 8-26-302 Potassium meta- bisalifies IPN 8-26-203 Potassium sochate IPN 8-26-203 Propylganaben IPN 8-20-807 Reg. 582.3660 Chemical Preservative of preservative not more thon not more thon not more thon not more thon not food. 0,1% Chemical Preservative 0,1% Chemical Preservative 0,1% Olf Gpuirvalen preservative so- vitanin preservative solvito 100-100 Not for use in metas or vitamin Bl sources Nor	IFFé 62-0-88 Poussium bituilitie IFFé 8-26-302 Praximm mera- bituilitie IFFé 8-26-303 Prassium northure IFFé 8-26-305 Prassium sorthure IFFé 8-26-305 Prassium sorthure IFFé 8-26-307 Propyligatable IFFé 8-26-306 Reg. 582-3670 Propyligatable IFFé 8-26-306 Reg. 582-3731 Propyligatable IFFé 8-26-306 Reg. 582-3731 Reg. 582-3731 Chemical Preservative IFFé 8-26-306 Reg. 582-3735 Chemical Preservative IFFé 8-26-307 Reg. 582-3735 Chemical Preservative IFFé 8-26-306 Reg. 582-3735 Chemical Preservative IFFé 8-26-306 Reg. 582-3735 Chemical Preservative Reg. 582-3735 Reg. 582-37		262 Feed lingredle	nt Definitions		
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