

Pooler, Bob

From: nat@grandyoats.com
Sent: Wednesday, August 29, 2007 2:16 PM
To: Pooler, Bob
Subject: wheat germ
Attachments: ATTACHMENT.TXT; USDA PETITIONMay 25.doc

Thank you for taking the time to talk with me today about our petition for Wheat Germ. I have gone through and done many updates and changes to the petition to hopefully better fill in the blanks. I am still working on the specifics of production, number 5. I would greatly appreciate your insight as to if this will be sufficient or where I need further work.

Thanks again,

Nat Peirce
President/Head Honcho
GrandyOats Granola
349 Center Conway RD
Brownfield, ME 04010
207-935-7415

6/5/2008

June 25, 2007

National Organic Standards Board
c/o Robert Pooler
Agricultural Marketing Specialist
USDA/AMS/TM/NOP
P.O. Box 96456
Washington, D.C. 20090-6456
Fax: 202/205-7808
E-mail: nlpetition@usda.gov

SUBMISSION OF PETITION.

ADDITION OF "WHEAT GERM" TO 205.606

ITEM A

This petition requests that "Wheat Germ" be added to the National List under 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic". This product is extremely rare in the organic form and quantity is not sufficient or consistent in availability. Addition of this item to 205.606 would allow for the substitution of conventional wheat germ in the instances when organic is unavailable or organic supplies are unacceptable for the intended use.

ITEM B

1. **Substance Name:** Wheat Germ. Wheat germ adds a nutty flavor and fiber. Wheat germ also contains a phytonutrient called L-ergothioneine, which is a powerful antioxidant that is not destroyed by cooking.
2. **Manufacturer's Name:** The following company's name is our primary supplier of non-organic wheat germ: North Dakota Mill. We have been unable to find an organic source for Wheat Germ.
3. **Intended Use:** Wheat Germ is an agricultural ingredient used to add subtle background flavor note to a range of products.
4. **Mode of Action:** Discriminating Bakers and Chefs use wheat germ for its unique flavor and also health benefits.
5. **Source and Manufacture:** Wheat Germ is a by product of the production of white flour, where the germ and bran are separated from the wheat berry when milling. Wheat is grown throughout the American and Canadian mid-west and west. The majority of organic White flour retains the germ making it extremely difficult to source as organic.
6. **Summary of Previous Reviews:** an internet search yielded no relevant results.

7. **Regulatory Authorities:** After detailed searching of the FDA web site, information regarding EPA, FDA, and State regulatory authority registrations does not seem to exist.
8. **Chemical Abstract Service Number:** Not applicable.
9. **Physical Properties and Mode of Action:** Other than lending a subtle flavor to a food system, no known chemical interactions, toxicity or environment adversities nor health benefits or detriments are known for intact wheat germ, the subject of this petition.
10. **Safety Information:** A detailed search of the National Institute of Environmental Health Studies web site did not reveal a Material Safety Data Sheet. It was determined that this information does not exist.
11. **Research Concerning the availability of Organic Wheat Germ or substitutions:** GrandyOats has spent considerable time and money in search and qualification of Organic Wheat Germ. After contacting no less than the 5 top organic millers, it was determined that Organic Wheat Germ is not readily and consistently available. The total amount produced by these major mills annually is less than 4,000 pounds. Our current demand alone is about 10,000 pounds. Also, drawing on our own expertise of creating consistent products for 28 years, we have determined that there are no real substitutes for wheat germ in regards to flavor and nutritional benefits.
12. **Justification Statement:** Organic Wheat Germ is not readily available. GrandyOats products that contain wheat germ have been produced for over 25 years and reformulation could have serious negative sales implications. We will continue to encourage mills to produce organic wheat germ but feel that in the interim, it is essential for wheat germ to be added to the National List under 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic".

Respectfully submitted:

Nathaniel Peirce, President
nat@grandyoats.com
207-935-7415
207-935-7416 fax
Bountiful Berry Inc.
DBA GrandyOats Granola
349 Ctr. Conway rd.
Brownfield, ME 04010



United States
Department of
Agriculture

Agricultural
Marketing
Service

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

August 9, 2007

Nathaniel Peirce, President
Bountiful Berry Inc.
DBA GrandyOats Granola
349 Ctr. Conway Road
Brownfield, ME 04010

Dear Mr. Peirce,

Thank you for your petition of July 9, 2007, which requests the addition of Wheat Germ onto section 205.606 of the National Organic Program's (NOP) National List of Allowed and Prohibited Substances (National List).

We have reviewed your petition and determined that the Wheat Germ petition cannot move forward through the petition process for the following reason:

1. Incomplete petition information provided within the Wheat Germ petition. As submitted, there is insufficient information within your petition to conduct an adequate petition review to consider adding Wheat Germ to the National List.

To assist you in the development of your petition, we recommend that you modify your current petition to address these items:

- Provide comprehensive information that adequately addresses each item in the attached document (pdf), "National Organic Program – Submission of Petitions of Substances for Inclusion on or Removal from the National List of Substances Allowed and Prohibited in Organic Production and Handling." Specifically, please provide more information on items 5 - 7, 9 - 11 and 12(G).

Should you have any further 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". The signature is written in a cursive, flowing style.

Robert L. Pooler
Agricultural Marketing Specialist
USDA\AMS\T&M\National Organic Program

cc: NOSB

Attachment

June 25, 2007

National Organic Standards Board
c/o Robert Pooler
Agricultural Marketing Specialist
USDA/AMS/TM/NOP
P.O. Box 96456
Washington, D.C. 20090-6456
Fax: 202/205-7808
E-mail: nlpetition@usda.gov

RECEIVED
USDA NATIONAL
ORGANIC PROGRAM
2007 JUL -9 A 8:03

SUBMISSION OF PETITION.

ADDITION OF "WHEAT GERM" TO 205.606

ITEM A

This petition requests that "Wheat Germ" be added to the National List under 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic". This product is extremely rare in the organic form and quantity is not sufficient or consistent in availability. Addition of this item to 205.606 would allow for the substitution of conventional wheat germ in the instances when organic is unavailable or organic supplies are unacceptable for the intended use.

ITEM B

1. **Substance Name:** Wheat Germ. Wheat germ adds a nutty flavor and fiber. Wheat germ also contains a phytonutrient called L-ergothioneine, which is a powerful antioxidant that is not destroyed by cooking.
2. **Manufacturer's Name:** The following company's name is our primary supplier of non-organic wheat germ: We have been unable to find an organic source for Wheat Germ.
3. **Intended Use:** Wheat Germ is an agricultural ingredient used to add subtle background flavor note to a range of products.
4. **Mode of Action:** Discriminating Bakers and Chefs use wheat germ for its unique flavor and also health benefits.
5. **Source and Manufacture:** Wheat Germ is a by product of the production of white flour, where the germ and bran are separated from the wheat berry when milling. Wheat is grown throughout the American and Canadian mid-west and west. The majority of organic White flour retains the germ making it extremely difficult to source as organic.
6. **Summary of Previous Reviews:** an internet search yielded no relevant results.

7. **Regulatory Authorities:** Information regarding EPA, FDA, and State regulatory authority registrations does not seem to exist.
8. **Chemical Abstract Service Number:** Not applicable.
9. **Physical Properties and Mode of Action:** Other than lending a subtle flavor to a food system, no known chemical interactions, toxicity or environment adversities nor health benefits or detriments are known for intact wheat germ, the subject of this petition.
10. **Safety Information:** information doe not exist.
11. **Research Concerning the availability of Organic Wheat Germ:** GrandyOats has spent considerable time and money in search and qualification of Organic Wheat Germ. After contacting no less than the 5 top organic millers, it was determined that Organic Wheat Germ is not readily and consistently available.
12. **Justification Statement:** Organic Wheat Germ is not readily available. GrandyOats products that contain wheat germ have been produced for over 25 years and reformulation could have serious negative sales implications. We will continue to encourage mills to produce organic wheat germ but feel that in the interim, it is essential for wheat germ to be added to the National List under 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic".

Respectfully submitted:



Nathaniel Peirce, President
nat@grandyoats.com
207-935-7415
207-935-7416 fax
Bountiful Berry Inc.
DBA GrandyOats Granola
349 Ctr. Conway rd.
Brownfield, ME 04010



F A X

GRANDYOATS

349 Ctr. Conway Rd.
Brownfield, ME 04010
P207-935-7415
F207-935-7416



To: Robert Pooler
Fax number: 202-205-7808

From: Nat Peirce
Fax number: 207-935-7416

Date: 6/3/2008

Regarding: Wheat Germ

06-03-2008

Supplement to Petition for Wheat Germ

Justification Statement: In the year that has past since our first petition for Wheat Germ to be included on the National List under 205.606, we have done further extensive search for this item produced organically. The two largest suppliers of organic grains, Grain Millers and Grain Place Foods responded that they do not produce organic wheat germ because it is not an economically viable by product of organic white flour where it is simply left in. The third largest organic miller, Heartland Mills produces a very small quantity and sells all of it in 5# bags to United Natural Foods. We did work closely with Heartland Mill in finding another source of organic wheat germ. This source stated that they could meet our demand for this product on a delivered time schedule and we purchased 2000 pounds. When we went to reorder at the time laid out in our agreement, the source said they did not have the product and would not have it for up to 6 months. This obviously is not a readily available item especially when the only source found who says they can deliver actually can't in any consistent manner needed for production.

As a small producer dedicated to using organic ingredients and producing quality natural products since 1979, I urge you to place Wheat Germ on the National List under 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic".

Respectfully submitted:



Nathaniel Peirce, President
nat@grandyoats.com
207-935-7415
207-935-7416 fax
Bountiful Berry Inc.
DBA GrandyOats Granola
349 Ctr. Conway rd.
Brownfield, ME 04010