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National Organic Standards Board
USDA-AMS-NOP
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Submitted via www.regulations.gov

RE: Docket: AMS-NOP-16-0049

NOSB Crops Subcommittee Proposal on Petitioned Material Soy Wax

Dear NOSB members:

Thank you for the opportunity to provide comments on the proposal regarding soy wax listing. MOSA certifies approximately 30 mushroom producers, a few with log production. We appreciate the NOSB's consideration of the production aids organic producers have available. The intent of this proposal - for wax to be produced from organic soybeans- supports our overall goals for growth of the organic industry.

We are not offering an opinion on *whether or not* this material should be listed, but *if it is*, we suggest an edit for clarity and appropriate emphasis, and we request direction on recordkeeping documentation necessary to verify compliance for the soy wax used and suggest the complete production of soy wax be considered. We also recognize the gap this addition will create in the review of crop materials.

The motion to add soy wax at §205.601 of the National List as a production aid for use in log grown mushroom production is clear. The annotation requires that soybeans be free of excluded methods, but *only if* wax produced from organic soybeans is not commercially available. Similar to the listing for yeast, it may more clearly emphasize organic preference to state "***soy wax must be produced from organic soybeans; soy wax produced from nonorganic soybeans may be used when organic is not commercially available. Nonorganic soybean seed must be produced without excluded methods.***" This helps with absolute clarity that the *seed* planted has to be verified as not having been produced using excluded methods (non-GMO) and we see value in emphasizing the requirement for soy wax from *organic* soybeans.

We appreciate the intent to require that the soybeans used to produce the soy wax be organic. When organic, we can be sure that the seeds used to grow the soybeans were non-GMO. Organic soybeans would include those produced from certified organic seed and organically acceptable

nonorganic seed. We think that tracking documentation back to the grower would present some challenges, but the real documentation challenge begins with opening the door to allow for the use of **nonorganic** soybeans, and requiring that they be non-GMO. We would see an increase in the documentation required coupled with a decrease of certifier oversight. Documentation that the processed soy *oil* is non-GMO would not be adequate to verify the intent of the annotation. Nonorganic farmers growing the soybeans used to produce the oil would need to provide documentation regarding their seed.

Upon review of the petition materials, it appears that Fungi Perfect, LLC distributes EcoSoya wax made by Nature's Gifts International. The documents submitted describe the EcoSoya processing. *"We designed all the manufacturing processes to purify our waxes so thoroughly as to remove any presence of pesticides, herbicides, or **Genetically Modified Materials (GMM)**."* The Fungi Perfect label states '*non-GMO soybeans*'. In this documentation provided, we do not see verification regarding the seeds planted or an absolute connection between Fungi Perfect and Nature's Gifts International. We also do not see complete information regarding the soy oil processing, and from the soy wax production description, we wonder what GMMs were present in the soy wax that needed to be removed. What documentation is available for the seed used to produce the wax petitioned? It would seem necessary that the soybeans used in the wax would need to have some sort of third party verification of production. Are there other verifications or label claims that would be acceptable? We ask for guidance regarding necessary documentation to verify the non-GMO status of the seed.

The challenge in requiring documentation back to the farmer growing the soybeans is apparent, especially when nonorganic seeds are used, and it compounds when the soy oil processing has no oversight. **It seems more in line with organic principles to require that organic soybeans are used to produce organic soy oil** which would be used to produce synthetic soy wax through a process that has been verified as acceptable. Certifier oversight during the soy oil processing would decrease the documentation burden by one step, since the processor would be required to process organic soybeans. We also would be sure of processing methods. In the petition, to answer number five, the petitioner described the process as *"After harvesting, the beans are cleaned, cracked, de-hulled, and rolled into flakes. The oil is then extracted from the flakes and hydrogenated. The hydrogenation process converts some of the fatty acids in the oil from unsaturated to saturated. This process dramatically alters the melting point of the oil, making it a solid at room temperature."* The petition continues, *"Soybean oil is separated from the solid components by solvent extraction or by mechanical pressing. This raw oil will be further refined and bleached."* and also states, *"The exact steps to produce soy wax are well protected and every producer may have his own secrets."* It appears that this manufacturer processes the soybeans through to the wax. It is unclear to us whether all manufacturers produce soy wax from soybeans themselves, or if oil is purchased from another (or multiple) manufacturers for processing into wax. Can we assume processing of **all** soy wax is acceptable, including the processing and materials used in the production of soy oil? It seems as if a technical review would have provided helpful information for these considerations.

We mainly want clarity on what information we'll need to verify from seed to wax. If we must verify the seed the farmers use *and* the soy oil production, then the requirement to use certified organic beans and certified organic soy oil will be easier for certifiers to verify, and will enable oversight throughout the chain of production. If we only must verify the *seeds* as organic or non-GMO, and *not* the production of the soy oil, then it seems the intent to require organic seed is negated. Would a soy wax manufacturer be motivated to search out soy oil produced from organic seeds? Please provide clear guidance on documentation expected to verify acceptability of the soy wax.

We also recognize the new ground this listing creates regarding the review of materials. For some crop inputs, soy oil, which may be derived from soybeans grown from genetically modified seeds, would be acceptable, because we'd consider it to be a nonsynthetic material. But for soy wax, this annotation requires the soy oil be from non-GMO seeds. (We know that biodegradable mulch has a similar annotation, but since no products are on the market meeting the criteria, we have not considered a review process.) Other synthetics on .601 do *not* require a two-step-back process of verification, and in general, natural derivatives of conventional agricultural crops are deemed acceptable. This would also be the first material on .601 that would require commercial availability searching, not for the listed material, but for the seeds used to produce the soy oil used to produce the wax. Again, we need clear guidance on documentation that will be acceptable to prove that organic soybeans are not available for the production of soy wax. Since this is a specific annotation listing for a specific material, we accept that the review of this material will require more documentation.

Finally, we want to mention it's a little confusing to see the statement that the soy wax is "all natural" yet the NOSB is recommending it be listed on .205.601, under synthetic substances allowed for use.

Thank you for your work on this challenging and perhaps precedent-setting topic. We are available to answer any questions you may have.

Respectfully submitted,

The MOSA Certification Team