

LE BARBOCCE, INC

RECEIVED
USDA NATIONAL
ORGANIC PROGRAM
2006 OCT 12 2:29

October 12, 2006

Mr. Robert Pooler
Agricultural Marketing Specialist
National Organic Standards Board
USDA/AMS/TM/NOP
Rm-4008-So., Ag Stop 0268
1440 Independence Ave. SW
Washington, D.C. 20250
Phone: 202/720-3252. Fax: 202/205-7808

Subject: Petition for inclusion on The National List

Item A

Category being petitioned for inclusion on the National List: Non-organic substance allowed in products labeled as "organic."

Item B

1. Common name of the substance: Instant non-fat dry milk powder (agglomerated)
2. Current manufacturer's information:
Humboldt Creamery
572 Highway 1
Fortuna, CA 95540-9711
707-725-6182 Phone
707-725-6186 Fax
info@humboldtdcreamery.com
3. Current use: One of the ingredients used to bake granola cereal
4. Mode of action: Dry ingredients including instant dry milk is mixed with wet ingredients (oil and honey). Instant dry milk dissolves instantly in wet ingredients for even distribution. The combined ingredients are then baked in the oven for finished products.
5. The source of the instant dry milk: pasteurized skim milk. Instant non-fat dry milk powder is manufactured by spray drying fresh pasteurized skim milk without the use of irradiation.
6. Summary of previous review: It has been reviewed by QAI, Inc., which is a certifier of organic food systems (www.qai-inc.com). QAI determined that the use of the conventional instant dry milk powder was in compliance with the NOP. Please see attached documents:
 - a. Letter sent to QAI requesting to allow conventional instant dry milk powder for our application.
 - b. Three letters from distributors/manufactures of dry milk powder stating that the organic instant dry milk is not available.
 - c. Letters from Humboldt Creamery, our current manufacturer, stating that their products are non-GMO, non-irradiated, and conformed to the requirements of the Federal Food, Drug & Cosmetic Act.
 - d. Email from a representative from QAI, Inc. stating that the use of the conventional instant dry milk is in compliance with the NOP.
 - e. Organic Certificate from QAI, Inc.

7. Information regarding EPA, FDA, and State regulatory authority registrations: N/A
8. CAS number: N/A
9. Typical composition:

Milkfat	0.85%
Protein	36.0%
Moisture	4.0%
Lactose	51.0%
Ash	8.0%
Bulk Density	0.25g/cm

Specification Requirements:

Milkfat	<1.25%
Moisture	<4.5%
Standard Plate Count	<10,000 per g
Solubility Index	Max 1.0 ml
Scorched Particles	Max Disc B (15.0 mg)
Coliforms	<10/g
Salmonella	Negative
Antibiotics	Not Found
Titrateable Acidity	Max 0.15%


Instant non-fat dry milk powder is not toxic to the environment or human health.

10. MSDS: N/A
11. Other research information: N/A
12. Petition Justification Statement:

Non-organic instant non-fat dry milk (agglomerated) should be included on the National List because organic instant non-fat dry milk (agglomerated) is not commercially available at this time.

If you require additional information, please contact me.
Thank you.

Best regards,



Ariko Moriya
Sales Manager
Café Fanny Granola
1619 5th St.
Berkeley, CA 94710
510-526-7664 ext. 1
510-526-7486 Fax
shop@cafefanny.com

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2006 OCT 13 10:29

Ms. Ayaka Gray
Client Services Representative
QAI, Inc.
9191 Towne Centre Drive, Suite 510
San Diego, CA 92122

Dear Ms. Gray,

We would need to change one of our ingredients, dry milk, from organic to conventional and we would like to get QAI's approval on this change.

Dry milk is the binder that holds the other ingredients together to make our cereal. Our recipe calls specifically for **instant** nonfat dry milk (NFDM) and we had been baking with it for the past 20 years. When we decided to make our product organic in 2003, we switched to organic **non-instant** NFDM simply because instant NFDM was not available in organic form.

Since this change, we have been getting negative customer feedbacks that non-organic granola was better in texture. Thus, we are losing sales.

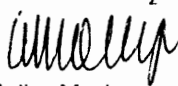
Our R&D recently determined that non-instant NFDM is the key ingredient that is making our cereal less chunky, which is less desirable in texture, and that it is critical for us to switch back to instant NFDM immediately.

Unfortunately, we found out that instant NFDM in organic form is still not readily available for us to purchase. One company, Humboldt, told us that they are capable of producing it, although they have never manufactured this previously, and only on a special order of 40,000 lbs. This amount would be a 5-year supply and which is too much for us to purchase at one time. They also said that there has never been a demand for this specific product before.

For these reasons, we are now requesting QAI to allow us in using conventional instant NFDM until an organic form becomes readily available. This is not about cost; it is about keeping the integrity of our product.

Please find attached three letters from distributors/manufactures stating this fact. Also attached is a non-GMO, non-irradiated, non-synthetic, non-sewer sludge statement from Humboldt who would be the manufacturer of conventional instant nonfat dry milk that we would be using.

Best regards,



Ariko Moriya
Sales Manager
Café Fanny Granola

To: Cafe Fanny Granola
Attn: Ariko Moriya
From: Camille Nava
Date: 2/15/2005
Re: organic nonfat milk powder

Dear Ariko,

We have available organic low heat nonfat milk powder and organic sweet whey powder. To the best of my knowledge, organic instant nonfat milk powder is not available, but many clients have found one of the two above-mentioned dairy powders workable in most applications.

Please contact us with any questions.

Best regards,
Camille Nava

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ORGANIC FEDERATION
2006 FEB 15 2:29



AURORA ORGANIC DAIRY • 1401 Walnut Street, Fifth Floor • Boulder, CO 80302-5328 • 720 564 6296 • auroraorganic.com

January 27, 2005

Ms. Ariko Moriya
Café Fanny Granola
1619 5th Street
Berkeley, CA 94710

Dear Ariko,

Aurora Organic Dairy does not sell certified organic instant nonfat dry milk (agglomerated NFDM). Please contact me (phone: 303-938-5824; e-mail: sallyk@auroraorganic.com) with any further questions, information needs, etc.

Sincerely,

Sally Keefe
Vice President Supply Chain

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2005 JAN 28 2:30

Far West Distributors, Inc.

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www.farwestdistributors.com

Food Products

Est. 1930

6818 Patterson Pass Road #D • Livermore, CA 94550-9770 • Telephone: (925) 455-8000 • Fax: (925) 455-8025

02/08/05

3:30PM

RE: Organic Instant NFDM

ATT: Ariko Moriya

In response to your request regarding Organic Instant Non Fat Dry Milk

Humboldt Creamery does manufacture an Organic Instant Non Fat Dry Milk, however there is a minimum order of 40,000# for this product. We can supply Café Fanny with Organic Instant Non Fat Dry Milk if there is a need for 40,000# or more

If you should have any questions or concerns please do not hesitate to contact us

We thank you for the opportunity to serve Café Fanny

Regards,

Kristen Schrefb
Far West Distributors, Inc.

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2006 FEB 10 2:30

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2006 07 13 10:23:30

To Whom It May Concern:

Humboldt Creamery Association markets powder produced by our members at these plant locations: Fernbridge, CA and Loleta, CA.

GMO (Genetically Modified Organisms) are not added in the production of the powders manufactured at the plant level to our knowledge. What happens at the farm level in the production of the raw milk sent to the plant for manufacturing, we cannot attest to.

A handwritten signature in black ink, appearing to read "Mike Callihan".

Mike Callihan
Plant Manager

6c

Humboldt.
SINCE 1928
CREAMERY
Your Source For Natural Dairy Products

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2006 AUG 24 3:30

August 24, 2005

To Whom It May Concern:

Humboldt Creamery markets powder produced by our members at these plant locations: Fernbridge, CA and Loleta, CA.

Irradiation, 3 technologies (gamma rays, electron beams and x-rays) are not used in the processing of our powders manufactured at the plant level to our knowledge. What happens at the farm level in the production of the raw milk sent to the plant for manufacturing, we cannot attest to.



Mike Callihan
Operations Manager

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LETTER OF CONTINUING GUARANTEE

This is to guarantee that all products marketed by Humboldt Creamery Association shall conform to the requirements of the Federal Food, Drug & Cosmetic Act, as amended and, where applicable, other Federal, State or local laws or ordinances.

Humboldt Creamery Association also guarantees that the products shall have been manufactured, packaged, stored, and shipped using the best sanitary standards available in the food industry.

By acceptance of each individual purchase order, Humboldt Creamery Association guarantees that all materials shipped will comply with specific Ingredient Specification Requirements for the material being shipped.

Mark Silvas

**Mark Silvas
National Sales Manager**

Date: July 18, 2002

6d.

Cafe Fanny Organic Granola

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 2005 MAR 15 10:30

From: Gray, Ayaka [Ayaka@qai-inc.com]
Sent: Tuesday, March 15, 2005 10:01 AM
To: 'Cafe Fanny Organic Granola'
Subject: RE: status of our request -- 2nd email

Dear Ariko,

Your use of the conventional dry milk appear to be in compliance with the NOP.
 Thank you very much for you cooperation.

Please let me know if you have any questions.
 Have a nice day!
 Ayaka

-----Original Message-----

From: Cafe Fanny Organic Granola [mailto:cafefanny.granola@sbcglobal.net]
Sent: Monday, March 14, 2005 2:44 PM
To: Ayaka Gray
Subject: status of our request -- 2nd email

Hello Ayaka,
 Just checking to see if you know the status of our request...
 Thank you,

Ariko Moriya
 Cafe Fanny Granola
 Tel: 800-441-5413 ext. 1
 Fax: 510-526-7486
 Email: cafefanny.granola@sbcglobal.net
 Web: www.cafefanny.com

-----Original Message-----

From: Cafe Fanny Organic Granola [mailto:cafefanny.granola@sbcglobal.net]
Sent: Wednesday, March 09, 2005 10:29 AM
To: Ayaka Gray
Subject: status of our request

Dear Ayaka,

Hello, how are you?
 I sent you documents last week pertaining to our use of conventional nonfat dry milk.

I would like to confirm that you have received them, and also I would like to find out the status on this. Did you need anything else from us?

Best regards,

Ariko Moriya
 Cafe Fanny Granola
 Tel: 800-441-5413 ext. 1
 Fax: 510-526-7486
 Email: cafefanny.granola@sbcglobal.net
 Web: www.cafefanny.com

3/15/2005

6e.

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Organic System Plan Summary

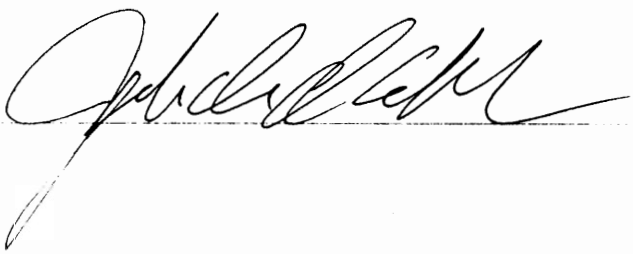
Company: Café Fanny Granola
1619 Fifth St.
Berkeley, CA 94710
USA

Operation Type: Handler (Processor)
Certification Number: 104905-B
First Certified Date: 08/26/2003
Next Annual Monitoring Date: 07/29/2006

Organic

Category	Product	ID Mark	Compliance	Date Added
Granola	Granola	Café Fanny Granola	NOP	12/29/2004

The above information is provided as a description of the organic system under certification. This document does not replace the organic certificate. It is provided as customer service to assist in the representation of the certified organic products.

Authorization  08/31/2005