

Official Minutes -- June 2000

National Organic Standards Board Meeting Minutes

June 6 –7, 2000

Hilton Crystal City
2399 Jefferson Davis Highway
Arlington, Virginia

Attendance Record:

Members Present: 8

Robert Anderson
Carolyn Brickey
Owusu Bandele
Kim Burton
Rebecca Goldberg
Joan Gussow
Steven Harper

Mark King
William Lockeretz
Betsy Lydon
Stephen Pavich
Eric Sideman
William Welsh

E. Rod Crossley, Former NOSB
Fred Kirschenmann, Former NOSB
Margaret Wittenberg, Former NOSB
Hope Crain, State Rep.
Enid Wannacot, Certifier Rep.

Members Absent: 1 Marvin Hollen

Other Attendees:

- Keith Jones, *Program Manager, National Organic Program (NOP), USDA;*
- Kathleen A. Merrigan, *Administrator, Agricultural Marketing Service (AMS), USDA*
- Sharon Bomer Lauritsen, *Acting Deputy Administrator, Transportation and Marketing*
- Beth Hayden, *NOP, USDA;*
- Mark Keating, *NOP, USDA;*
- Richard Mathews, *NOP, USDA;*
- Arthur Neal, *NOP, USDA;*
- Robert Pooler, *NOP, USDA;*
- Toni Strother, *NOP, USDA;*
- Tom Tischner, *AMS, USDA;*
- *Darcie Priester, NOP, AMS; and*

Interested persons from the public (See attachment B).

Meeting Purpose:

Welcome new members, receive an update regarding certification of aquatic animals, receive committee reports, approve the NOSB's comments to the repropoed National Organic Program regulations, elect new officers, make committee assignments, and set meeting dates and agenda for the next 3 meeting.

CALL TO ORDER

Robert (Bob) Anderson, Chairperson of the NOSB called the meeting to order at 9:20 a.m.. Mr. Anderson thanked every one for coming to the meeting. He introduced the five newly appointed members; Mr. Owusu A. Bandele from Baton Rouge, LA (Farmer); Ms. Kim M. Burton from Chico, CA (Handler); Ms. Rebecca J. Goldberg from Montclair, NJ (Environmentalist); Mr. T. Mark King from Indianapolis, IN (Retailer); and Mr. William P. Lockeretz from Brookline, MA (Environmentalist). Bob stated that he looked forward to working the each of them. Mr. Anderson acknowledged Ms. Hope Crain, (KY) State representative and Ms. Enid Wonnacott, (NOFA-VT) Certifier representative that were present to assist the NOSB. Mr. Anderson gave a quick overview of the Agenda for the days activities.

Motion: Steven Harper moved that the minutes from the March 21-22, 2000, be approved as written. William Welsh seconded the motion. The motion passed unanimously.

USDA/NATIONAL ORGANIC PROGRAM UPDATE

Aquaculture Update: Keith Jones, Program Manager, NOP

Mr. Jones recommended that the NOSB assign a taskforce to address the issues surrounding aquaculture. There will be a workshop on aquatic species on June 23-24, in St. Paul, Minnesota, Becky Goldberg will be speaking and Bill Welch will attend.

NOSB COMMITTEE UPDATES/PROGRESS REPORTS

Mr. Anderson noted the primary focus of this meeting is to develop Board comments to the National Organic Program proposed rule. The following are committee comments on the appropriate sections of the proposed rule.

Accreditation Committee Report: *Ms. Betsy Lydon, Chair*

Ms. Lydon received comments that section 205.501 General requirements for accreditation (a)(1)'s language is too restrictive. NOP attempted to look at conflict of interest in the context of the committee. The Accreditation Committee was asked to work with NOP on new language for tomorrow.

Section 205.620 Requirements of State organic certification programs. The language needs to be clarified, a clear distinction needs to be made between State certification and State Program. Will the State certify even if they don't have a state program? (See NOSB Comment)

Crops Committee Report: *Mr. Eric Sideman, Chair*

Mr. Sideman discussed the crop sections in the "NOSB Draft Comments to Revised Proposed Rule." Section 205.2 Terms defined wanted to add to this section "composted manure and animal parts."

Remarks by Kathleen A. Merrigan, Administrator, Agricultural Marketing Service

Ms. Merrigan thanked the current, new, and old members of the Board for coming together to develop comments on the Proposed Rule.

Ms. Merrigan anticipates that the issue of raw manure and compost will stimulate significant feedback during the comment period. The Organic Food Production Act (OFPA) was drafted as a marketing standard. Manure has the food safety "tag" that is not found in any other standards defined by OFPA. Ms. Merrigan requested that commenters with scientific backup submit it with their comments.

Regarding the National List, the petition will be available tomorrow and this will be an on going process. The National List will be the biggest role of this Board in the future. Ms. Merrigan is working on getting funding for materials review and supports the authority of the Board to approve the National List. She wants scientist in the government to do some of the materials review work; EPA, FDA. There is increasing interest and excitement about organics at the federal level so they may actually want to get involved.

Ms. Merrigan presented certificates of appointment to five new members appointed to the NOSB by Secretary Glickman. New members: Owusu Bandele; Kim Burton; Becky Goldberg; T. Mark King; and William Lockeretz. A notice has already gone out to solicit nominations for five new appointments to the NOSB, two farmer/growers; two consumer/public interest; and a certifier.

BREAK

Crops Committee Report (Continued): *Mr. Eric Sideman, Chair*

Mr. Sideman continued the Crops Committee comments with Section 205.202 Land requirements. He suggested prohibiting use of the 3-year waiting period as a tool for intentionally rotating in and out of organic status. The intent being to prevent the applications of a persistent prohibited material then not using the land for organic production 3-years.

Section 205.203 Soil fertility and crop nutrient management practice standard. The committee supports this section strongly, but may present other language at tomorrow's session. Should there be a definition for manure? Kim Burton stated that scientific evidence on manure use is sparse and mixed. Becky Goldberg suggested that the Board should err on the side of safety. The restrictions should not be any stricter for manure than for compost. A new waiting period should be made on manure/compost tea. Steve Harper suggests a 60 day time limit on restrictions. (See NOSB Comment)

Processing Committee Report: *Ms. Margaret Wittenberg, Former Chair*

Ms. Wittenberg reported that the committee believes: (1) the "commercially available" definition needs to be more detailed, especially in practice manuals (See pg. 1 & 7 of comment); (2) the NOSB needs to give priority to the development of organic standards for honey production; and (3) the NOSB made recommendations for standards for mushroom and greenhouse production that should be included in the final rule. The committee also recommended language regarding the issues of transition and whole-herd conversion. (See NOSB Comment)

BREAK FOR LUNCH - 12:50 P.M.

PUBLIC COMMENT SESSION

Jim Riddle – Three documents were presented to the NOSB for the Organic Trade Association (OTA)
(See attachment 1)

Rod Crossley – Discussed his concern over the materials review process. (See attachment 2)

Paul Chartrand – Mr. Chartrand made comment in support of the NOSB's 1998 recommendation to allow sulfur dioxide on the National List for use in the processing of wine from organic grapes, which the Secretary rejected in this proposed rule. The 1997 proposed rule allowed use of sulfur dioxide in processing of organic wine, following a 1995 NOSB recommendation. (See attachment 3)

Mr. Martijn VanEs, Dole Fresh Fruit Int. – Mr. VanEs discussed the use of ethylene for flowering induction in organic pineapple. A petition was filed back in April 1998 by organic pineapple growers, researchers and distributors world wide, with the NOP for approval of the use of Ethylene for organic pineapple flower induction. (See attachment 4)

Mr. George Sieman, CROOP Cooperative – Mr. Sieman spoke on behalf of Coulee Region Organic Produce Pool (CROOP) one of the oldest and the largest cooperative of certified organic farmers in the U.S. Mr. Sieman discussed the need for an entry herd clause for organic dairy. This clause is a "deal breaker" for the organic dairy industry. The CROOP applauds the NOSB Livestock Committee's support for this standard. (See attachment 5)

Mr. Joseph Mendelson, The Center for Food Safety – Mr. Mendelson recommended language to strengthen "excluded methods" prohibition and to ensure NOSB authority over prohibition. (See attachment 6)

Ms. Enid Wonnacott, NOFA-VT – Ms. Wonnacott mentioned issues of concern:

- States should not be given more rights than privates
- conflict of interest
- privates are now allowed to deny certification
- American Organic Standard (AOS) language on new herd transition; she approves
- AOS parasite policy; she also approves

Mr. Phil LaRocca, Certified wine producer – Mr. LaRocca does not think sulfur dioxide should be in organic wine. He thinks the NOSB should go along with the comments on no synthetics. On the issue of conflict of interest there is no reason why certifiers can not check each other.

Mr. Brian Leahy, Director of CCOF

- National List needs to come up quickly
- Should not micro-manage on conflict of interest
- Manure issue is very complicated, you should not regulate by hysteria, there are no current safety studies
- Seeds are another important issue to CA growers

Ms. Emily Brown Rosen, Organic Materials Review Institute (OMRI) – Ms. Brown Rosen presented the NOSB with OMRI's extensive comments on the proposed organic rule. The documents can also be viewed on the OMRI website (<http://www.omri.com>). **(See attachment 7)**

Ms. Cissy Bowman, Indiana Organic Farmer

- Conflict of interest
- Peer review panel should be funded by USDA
- Honey and hydroponics need to be included

End of Public Comment

BREAK

NOSB COMMITTEE UPDATES/PROGRESS REPORTS – CONTINUED 3:30 p.m.

Livestock Committee Report: *Mr. Fred Kirschenmann, Chair*

Mr. Kirschenmann reviewed the sections of the comment to the proposed rule that the Livestock Committee addressed. Section 205.236 Origin of livestock, the committee recommended language to address the transition and whole-herd conversion issues. Section 205.237 (a) Livestock feed, suggested that the word "pasture" be defined as part of the feed requirement. (See NOSB Comment)

Recessed for the day.

WEDNESDAY, JUNE 7, 2000

MEETING RESUMED 9:20 a.m. - Robert Anderson, Chairperson

It was agreed that a cover letter be attached to the comment that described the goal of the NOSB's comments and a general statement before Subpart A. Discussion on what needed to be changed on the NOSB comments on the Proposed Rule, started at the beginning with Section 205.2 Definitions.

Crops Committee Report: *Mr. Eric Sideman, Chair*

The additional changes from yesterdays reports were:

Definitions - "Composted manure and animal parts" change language of the second sentence to, "At a minimum, **all** materials must reach thermophilic conditions, Steve Harper suggested tabling the topic of vermiculture until more information can be provided.

"Excluded Methods", add to sentence, "...are achieved by recombinant techniques."

"Transition," and "Transition Period" – remove "Inclusion of these terms, will clarify the practice and". The paragraph would now begin, "The practice required..."

Subpart B - Applicability:

Section 205.102. Use of the term "organic" is deleted.

Subpart C – Organic Production and Handling Requirements:

Section 205.200 General is deleted.

Section 205.201(a) is deleted.

Section 205.201(5) delete the last sentence.

BREAK FOR LUNCH – 1 p.m.

Accreditation Committee Report: Ms. Betsy Lydon, Chair

Subpart E - Certification

Section 205.406 no change from yesterday.

Subpart F – Accreditation of Certifying Agents

Section 205.500 no change from yesterday.

Section 205.501 same language change.

Section 205.509 no change from yesterday.

Subpart G - Administrative

National List

Section 205.640 no change from yesterday.

Motion: Eric Sideman moved that the whole-herd conversion language in Section 205.236 Origin of Livestock be changed as indicated. Second by Joan Gussow. Motion passed unanimously.

ADMINISTRATION – Robert Anderson, Chairperson

The Chair open the floor up for nominations for Chair, Vice-Chair and Secretary.

Motion: Kim Burton moved to nominate Carolyn Brickey as Chair of the NOSB. Second by Steve Harper. Motion passed unanimously. Carolyn Brickey was elected Chair.

Motion: Becky Goldberg moved to nominate Eric Sideman as Vice-Chair of the NOSB. Second by Willie Lockeretz. Motion passed unanimously. Eric Sideman was elected Vice-Chair.

Bob Anderson stated he would like to have a professional Secretary work with the NOSB.

Bob Anderson addressed priorities of the Board going forward:

Petitions

Materials Review

Program Manuals

Board Process

The meeting was adjourned at 4:37 p.m.

ROBERT ANDERSON, Chair

National Organic Standards Board

KEITH JONES, Program Manager

National Organic Program