

National Organic Standards Board

JOINT COMMITTEE MEETINGS

WASHINGTON, D.C. -- MAY 1-2, 1992
MINNEAPOLIS, MINNESOTA -- May 4-6, 1992

The series of first formal NOSB Committee meetings began with a convening of International Issues and Accreditation Committee members in Washington, D.C., May 1 and 2. The meetings of the Crops, Livestock, Processing, and Materials List Committees in Minneapolis, May 4-6, were preceded by a general session, with all Board members present. During this general session, which lasted until close to 5 p.m. on Monday, administrative matters were discussed, presentations by the public heard, and the definition of organic deliberated.

The facilitation of communication among Board members and USDA staff was discussed and ideas for document distribution and interim conference calls presented. Regarding public input, Committee Chairs are to advise the USDA of the technical expertise required to meet their Committee workplans. Interested parties contacting the USDA seeking placement on Committee agendas will be referred to Committee Chairs.

Those outside parties seeking to provide public input in the form of formal presentations at full-Board or Committee meetings are required to submit written testimony. It would be of great assistance if sixteen (16) 3-holed punched copies made available to Board and USDA staff members prior to the presentation, given the limited amount of clerical support available. Documents submitted by the public to Board members will be considered "Working" documents.

Regarding individual Board member responses to unsolicited contact by public parties, it was decided that Board members should encourage these parties to submit their concerns in writing to the full-Board or appropriate Committee Chair.

Committees were notified of the option to hire technical advisors where needed. Interested Committee chairs are to provide a written proposal with purpose and estimated cost along with suggestions for individuals to conduct the work.

Advisory Board funds for Fiscal Year 1992 have been cut to \$100,000; no change in the \$780,000 in USDA appropriated funds now in the Administration's budget has yet been reported.

During the public input session, the following individuals addressed subjects of relevance to Board decisions:

• Paul Janssen, a natural and organic products distributor from Minneapolis, expressed his hope that the regulations concerning organic production would be workable for all farm sizes.

NOSB Joint Committee Meetings
May 1-2, 4-6, 1992
Page Two

- Bill Welsh, an organic livestock producer from Lansing, Iowa, described the maintenance of long term soil health and the packaging and labelling of organic meat products sold at the retail level as critical components of organic regulations. He also warned the Board that any exception, such as less than 100% feed for organic livestock, would eventually become the rule.
- Mel Coleman, a natural and organic beef producer from Denver, Colorado, appealed to the Board for the inclusion of a definition for both transitional and natural livestock products. He commented that there is not enough organically-grown grain to feed all his naturally-grown cattle at the present time. He also explained the audit trail of his business, and stressed that the Organic Foods Production Act is not a food safety act but one that regulates the raising of animals.
- Tom Ables, a farmer of 4,000 acres OCIA-certified cropland in Minnesota and South Dakota, expressed his concern that practitioners of the organic philosophy were being excluded in the industry's efforts to self-regulate itself for marketing purposes. He also advised the Board to build a mechanism for change into the recommended regulations, since practitioners are acquiring new knowledge daily.
- Jim Glassmand of North County Coop in Minneapolis asserted that Coop consumers are concerned about genetically-engineered organisms derived from gene splicing that in his view would not fit the term "organic."
- Ray Gengler, a grower/processor, portrayed his problem in obtaining untreated seeds of the varieties and characteristics to bring in adequate yields as one that may affect many organic growers.
- Lyndon Torstenson, a member of the urban-rural Minnesota Food Association, communicated his association's concern about the safety, secrecy, and ethical issues pertaining to biotechnology research and described the consumer's expectation that nature is not fundamentally altered in organic food production.
- Arnold Patsoldt, a maple syrup producer from Grand Rapids, Minnesota, claimed that syrup cannot be purely organic when the chemical properties typically added to clear the sap are used.
- Robert Sharlou, of OCIA-Wisconsin and a beef producer, counseled the Board in saying that as long as decision-making criteria are established by the October 1993 deadline, the standards and other regulations developed can be reevaluated.
- Terry Gips of the International Alliance for Sustainable Agriculture declared that the U.S. standards for organic production must be operative within the world market and also that non-food products presently labelled organic, such as cotton, lawncare products and cosmetics should be addressed in the standards recommended by the Board to circumvent fraud.

Four individuals were invited formally by the Board to make presentations on technical areas of their expertise. Three

addressed the Board on Monday:

- George Kalogridis, OFPANA Processing Committee Chair, described the 15 subcommittees that address the wide variety of processed products and the philosophical approach that is cornerstone to the development of organic standards. He also presented the process by which Earth's Best baby food company obtained the authority to include organic verbiage on its meat product labels, along with other labeling issues.

- Anne Schwartz, OFPANA Livestock Committee Co-Chair, presented results of a survey sent to 1000 organic livestock producers. She also made recommendations to the Board on priorities and criteria for use in the development of organic livestock standards and discussed the constraints that may hinder the process.

- Zea Sonnebend, California Certified Organic Farmers, presented the proposed OFPANA materials list and described the history of its formulation. She gave examples of materials and the broad issues consideration of each material brings forth.

Lynn Coody, USDA/FSMIP Grant Recipient, deferred her presentation to Tuesday morning, to immediately precede the Materials List Committee meeting. She presented the model through which materials for use in organic production can be evaluated, and described areas where further refinement is needed. She pointed out that no list of materials for use in organic livestock production nor processing has yet been drawn up by the industry.

Summaries of the individual Committee meetings are provided below.

INTERNATIONAL ISSUES COMMITTEE

Attendees

NOSB: William J. Friedman, Chair; Margaret Clark; Nancy Taylor; Michael Sligh (April 30-May 1); William J. Friedman; Robert Quinn (May 1-2).

USDA Staff: Harold Ricker; Julie Anton.

Technical Expert: Ron Brewington, Alternative Delegate;
Codex Committee on Food Labelling

Meeting Summary

Sections of the Organic Food Production Act relevant to the work of the International Issues Committee were discussed in this first Committee meeting. In particular were the relationship of the Committee to the Secretary of Agriculture, the possible role of the Technical Advisory Panel, international issues relevant to livestock hearings, and accreditation of certifying agents.

In review of Section 2106(b) of the Act, the Committee agreed that the Secretary has discretion to approve or disapprove of NOSB

Joint Committee Meetings
May 1-2, 4-6, 1992
Page Four

foreign certification programs for importation purposes. The role of the Committee will be to give contour to his discretion. This will be primarily achieved through the Committee's examination of three components of foreign programs: (1) application procedures and substance; (2) record-keeping requirements of both the certified entity as well as the accrediting body or responsible public authority; and (3) inspection procedure and substance of both the certification body and the accrediting body or responsible authority.

The Committee determined that all questions relating to materials and practices arising out of consideration of non-domestic certification programs would be referred to the NOSB Materials List Committee. Consensus was also reached regarding the work of the NOSB Livestock Committee, particularly on materials and practices, in that it should guide the International Committee's recommendations to the Secretary on the importation of organically produced livestock and livestock products.

Ron Brewington responded to inquiries about the structure of CODEX Alimentarius and its progress in developing guidelines for organic food production

A discussion of the European Economic Community's regulations pertaining the import of organic products ensued, and the following three European Council Regulations were examined: (1) Commission Regulation (CR) No. 2092/92, issued 24 June 1991; (2) CR No. 94/92, issued 14 January 1992; and (3) CR No. 92/C 74/05, submitted 5 March 1992.

The Committee met with Christine Sloop and Audrey Talley of the USDA Foreign Agriculture Service (FAS) to discuss response to EEC-imposed deadlines. A memorandum from Lyle Sebranek of FAS had been submitted to all States and known private certifying organizations on 17 April 1992 regarding an interim application process with FAS as the conduit. This precluded the International Committee's interest in an affidavit-based program for private and State certification groups.

The formal resolution adopted by the Board at their first full meeting in March 1992 called upon the Secretary to request U.S. inclusion on the EEC Approved List. The Committee awaits action by the Secretary.

ACCREDITATION COMMITTEE

Attendees

NOSB: Margaret Clark, Chair; Nancy Taylor; Michael Sligh (April 30-May 1); William J. Friedman; Robert Quinn (May 2).
USDA Staff: Harold Ricker; Julie Anton.
Technical Expert: Judith Gillan, OFPANA.

Meeting Summary

This was the first meeting of the Accreditation Committee since its formation. The purpose of the meeting was to establish the criteria for certifier accreditation and initiate the development of a process for accreditation that meets the requirements of the Organic Foods Production Act of 1990.

A statutory review of Section 2115 of the Act was conducted to define the requisite elements of the accreditation program. Sections 2116 and 2117 regarding requirements and peer review of certifying agents were also analyzed. Use of the USDA seal on products labeled organic was identified as an area that needs further definition as the accreditation program is developed.

Judith Gillan presented a history of the development of certification and how OFPANA came to its proposal for a private-public sector accreditation model. It was decided by the Committee that implementation of this model, presented at the first full-Board meeting last March, would require resolution of certain legal questions pertaining to provisions of the Act.

The Committee reviewed the structure that typifies the current private certification organization, of which there are three components: the "Sponsor," which owns the seal and retains the ultimate authority; the certification "Agent," which administers the program, and the "Inspector," which maintains a certain degree of autonomy.

In examination of a functional model for accreditation, three criteria were cited as elemental: (1) competency; (2) independence or freedom from vested interests; and (3) transparency.

Discussion of certification organization structure and criteria for evaluation prompted an analysis of conflict-of-interest issues. Legal opinions were requested from the USDA's Office of General Counsel with regard to this and several aforementioned areas of statute vagueness.

The Committee developed a timeline for action to coincide with the deadlines set forth in the Act. The Committee expects to have drafted for the next full-Board meeting in July a proposal for NOSB

Joint Committee Meetings
May 1-2, 4-6, 1992
Page Six

Phase I of accreditation, which will include a preliminary application structure. The Committee agreed to meet Jun 27-28, 1992, in Millbrae, California, to evaluate the work of industry representatives on program management standards, among other pending tasks.

CROPS COMMITTEE

Attendees

NOSB: Gene Kahn, Chair; Craig Weakley; Robert Quinn; Dean Eppley; E.K. Chandler; Michael Sligh, and William J. Friedman (statutory review).

USDA Staff: Harold Ricker.

Meeting Summary

The first formal meeting of the Crops Committee convened with a statutory review of relevant sections in the Organic Foods Production Act. In discussion of the crop standards embodied in the law, several issues were brought forth for consideration: planting stock sources, irrigation water, erosion, residue testing, emergency spray and drift, botanical pesticides, and the need to define the term "handling." Farms in transition to organic were described as having special documentation requirements.

Manure management was identified as an unregulated area under the farming practices section of the Act, and may be included in the farm plan elements listed by the Committee for discussion purposes. The Committee formally supported a motion to require the incorporation of staged improvements in farm plans.

Dean Eppley added that under the Act the farm plan must be agreed to by not only the producer and certifier but by the handler as well. In presenting the audit trail required for OCIA-certification of his Montana grain farm, Robert Quinn noted that off- and on-farm inputs must be reported under the Act.

In order to provide the NOSB Materials List Committee with recommendations for a preliminary list of inputs for use in crop production, the Crops Committee reviewed what are considered the non-controversial materials on the OFPANA "Inputs for Crop Production" list. The Committee identified the remaining materials on OFPANA's list as (1) requiring confirmation as natural versus synthetic; (2) needing updated annotations; and (3) not registered with the Environmental Protection Agency (EPA) and thus subject to elimination. Materials acceptable to some certifying organizations but not on OFPANA's list were identified, and a list of materials requiring further study before classification was drawn up.

A workplan was developed to assign Committee members to

specific tasks. The Committee expects to have a draft farm plan outlined by June 1 for review by its members prior to the July meeting.

LIVESTOCK COMMITTEE

Attendees

NOSB: Merrill Clark, Chair; Donald Kinsman; Gary Osweiler; Robert Quinn; and William J. Friedman (statutory review).

USDA Staff: Julie Anton.

Technical Experts: Anne Schwartz, OFPANA Livestock Committee.

Meeting Summary

The objectives set forth in this initial Livestock Standards Committee meeting were to review statutes of the Organic Foods Production Act relating to livestock production and processing, to identify issues relevant in the setting of livestock standards, and to develop a Committee workplan.

The meeting was preceded by a tour of two certified organic livestock operations on Sunday, May 3: Welsh Family Farms in Lansing, Iowa, and the Ellinghuysen farm in Winona, Minnesota. The tour was organized by Terry Gips of the International Alliance for Sustainable Agriculture.

References to emergency spray of pasture land, the small farmer exemption, mixed organic/conventional operations, breeder stock, synthetic trace elements, and the term "routine" were among the topics of discussion in statutory review. George Siemon, a Committee meeting guest, suggested the term dairy replacement be included in defining standards for organic breeder stock.

Documents pertaining to the presentation given by Technical Expert Anne Schwartz to the full Board on the development of draft OFPANA livestock standards were distributed, and unaddressed issues were identified and examined. The shortage of livestock inspectors and concerns about adequate producer record maintenance were brought forth as important issues for consideration. The suggestion of utilizing livestock producer Mel Coleman's record maintenance structure was accepted by the Livestock Committee as a suitable audit trail model for adaption.

Advances in the science of animal behavior were discussed, and the minimalization of livestock stress as a disease-preventative measure in production practices was accepted as important for consideration in the development of organic standards. The Committee agreed, however, that the less controversial term "animal well-being" was preferable to the terms "animal welfare" or "animal rights" in discussion of livestock treatment and living conditions.

The regional variation in views of livestock disease treatments and organic feed and species-specific production issues were discussed as issues for the Committee.

Environmental concerns such as manure management, sustainable soil health, and botanical pesticide use were brought forth by Committee Chair Merrill Clark. Consumer perceptions of organic were also considered. USDA staff economist, Julie Anton, presented an outline of a consumer survey on organic meat that should relay critical consumer input.

The Committee considered various means of obtaining input on materials and practices used in organic livestock production. Of concern is input from producers who have largely eliminated conventional materials.

In concluding the meeting, a workplan was established, and member Don Kinsman appointed as Technical Resource Contact for the Livestock Standards Committee. The Committee elected to hold an interim meeting between the next two full-Board meetings to focus on herd health issues.

PROCESSING COMMITTEE

Attendees

NOSB: Richard Theuer, Chair; Donald Kinsman; Eugene Kahn; Craig Weakley, Robert Quinn; and William J. Friedman (statutory review).
USDA Staff: Harold Ricker.

Technical Experts: George Kalogridis, OFPANA Processing and Labeling Committee.

Meeting Summary

The purpose of this first formal meeting of the Processing Committee was to address the statutory requirements pertaining to processing standards and to develop a workplan.

It was evident from the start that the term "handler" in the Organic Foods Production Act requires definition, considering that the term handler may encompass not only processors but packers, distributors, transporters, and retailers who process in-store. Labelling requirements will also need further definition, particularly when identifying mixed organic/conventional products.

The Committee discussed the Organic Handler Plan required by the Act, and concluded that the plan for processors should incorporate the following components: (1) processing and handling management system; (2) material inputs; (3) packaging; and (4) record-keeping and audit trail. It was agreed that plans approved

by certifying agents should ultimately demonstrate a processor's effort to adopt alternatives for the use of non-organic ingredients.

The processing ingredients criteria outlined in the Act were compared with the draft fruit and vegetable processing standards developed by OFPANA. A discussion of the fact that the Act generally disallows synthetic ingredients ensued, and the Committee concluded that it may be necessary to recommend certain exemptions to the Secretary of Agriculture.

Confidentiality concerns were raised in a Committee discussion of the disclosure of product recipes and/or formulas required from processors in order to determine the percentage organic ingredients.

The Committee decided to hold conference calls every Tuesday, with agendas distributed the Thursday prior. Assignments to the issues of labelling, enforcement, and materials for use in processing were made and a workplan established.

Prior to departure from Minneapolis, the Processing Committee and other interested Board members visited Mill City Bakery in St. Paul, co-owned by John Mattox and Mary Ann Mattox. Mill City Bakery uses organic wheats and flours grown on certified farms in the Upper Midwest.

MATERIALS LIST COMMITTEE

Attendees

NOSB: Nancy Taylor, Chair; Michael Sligh; K. Chandler; Gary Osweiler; Tom Stoneback; Dean Eppley; Rich Theuer; and William J. Friedman (statutory review).

USDA Staff: Harold Ricker; Julie Anton.

Technical Experts: Lynn Coody; Zea Sonnabend.

Meeting Summary

Issues of the first Materials List Committee meeting were introduced at the full-Board presentations given by Zea Sonnabend and Lynn Coody. The Materials List Committee commenced its formal meeting with a review of statutory responsibilities under the Organic Foods Production Act, and discussed factors for consideration in forming a Technical Advisory Panel.

The Materials List Committee proceeded to develop a process for categorizing materials for review, starting with the current draft of the proposed OFPANA materials list. Crops, livestock and processing are categories for materials for review under the Act, and these were subcategorized into six groupings: fertilizers,

pesticides, production aids, post-harvest methods, handling, and processing. Materials on the OFPANA list were identified as requiring EPA or FDA regulatory screening, as were substances requiring definition as synthetic or natural.

The Committee approved a motion to focus review efforts on generic substances rather than brand name formulations. The Committee decided that it will look to the industry to provide brand name review of materials, with NOSB input.

The Committee agreed to a proposal for hiring Lynn Coody and Zea Sonnebend to facilitate the NOSB, EPA, and FDA review process of materials by categorizing and annotating the materials on the draft OFPANA list.

A materials list review process was staged by the Committee in closing, with public notice set for late May. The Committee intends to initiate Federal regulatory review by the responsible agencies in August 1992 and to maximize public input. The Committee proposed the following as the first draft of the staging process for the review of materials. This timeline will be subject to the schedules of the reviewing parties.

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NATIONAL ORGANIC STANDARDS BOARD
NATIONAL LIST REVIEW STAGING PROCESS

<u>TARGET DATES</u>	<u>PROCESS & DEVELOPMENT</u>	<u>REVIEWERS</u>
May 1992	Initial Materials List Working Document	Organic Industry
	1) NOSB categorizes OFPANA's list.	NOSB
	2) Hire Zea Sonnebend & Lynn Coody as Technical Experts to annotate list for further review.	
	3) Public Notice of National List staged review process.	

<u>TARGET DATES</u>	<u>PROCESS & DEVELOPMENT</u>	<u>REVIEWERS</u>
June 20, 1992	Review of Updated Working Document	
	1) Zea & Lynn's annotated list sent to Livestock, Crop, Materials, & Processing Committees.	NOSB Committees
	2) Public Notice for Technical Review Panel nominees.	Materials Committee
July 1992	3) NOSB Committees' recommendations to Materials Committee.	
	4) Materials committee prioritizes list for regulatory review.	
	5) NOSB structure Technical Review Panel.	NOSB & Organic Industry
Aug. 1, 1992	6) National List sent out for regulatory review.	FDA & EPA
August 1992	7) National List sent out for public review & comment.	Public
Sept. 1992	Identify Information Gaps for Materials Review	Technical Review Panel
	1) NOSB Committees develop list of materials' research needs for technical data.	NOSB
	2) NOSB Committees refine National List criteria.	Materials Committee

<u>TARGET DATES</u>	<u>PROCESS & DEVELOPMENT</u>	<u>REVIEWERS</u>
	3) Review information from FDA, EPA, & National Institute of Environmental Health Studies.	Public
	4) Public notice of criteria changes.	NOSB
	5) Material Committee develops petition process.	
Jan. 1, 1993	Draft of Complete National Materials List	Public
	1) Public notice of materials list published in Federal Register by Secretary of Agriculture.	
Feb. 1993	Tentative Informal Hearing by USDA/AMS & FSIS	
	1) NOSB & USDA will take public comments on National List.	
	2) NOSB considers revision to National List.	NOSB
	3) Technical review of proposed changes.	Technical Panel
May 1993	Amended National Materials List	Review
	1) Public notice of materials list amendments published in Federal Register	

<u>TARGET DATES</u>	<u>PROCESS & DEVELOPMENT</u>	<u>REVIEWERS</u>
	1) by Secretary of Agriculture.	
	2) Public comment period.	
	3) NOSB makes National List recommendations to Secretary of Agriculture.	Secretary of Agriculture
	4) Secretary of Agriculture makes final ruling with possible deletions to National List.	Secretary of Agriculture
Sept. 1993	Final National Materials List	
	1) Public notice of final materials list published in Federal Register by Secretary of Agriculture.	Public
Oct. 1993	Deadline for Implementation of Organic Foods Production Act (OFPA) Regulations	

JOINT-COMMITTEE SESSION

At the wrap-session, the agenda for the next full Board meeting, set for July 7-10 in Fort Collins, Colorado, was discussed at length. The following were suggested as agenda topics: Committee reports; Office of General Counsel responses; budgetary review; approval of Board minutes and procedural guidelines; necessary full-Board actions.

It was determined that the Board needs to develop a process for assessing the following broad issues of concern: biotechnology; environmental impact; humane treatment of animals; social justice; and cost of certification. There may be other issues for inclusion as well.