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July 30, 2004

BY ELECTRONIC MAIL

Ms. Rosalie Koenig, Chair, Materials Committee
Mr. Dave Carter, Chair, Policy Development Committee
National Organic Standards Board
Room 4008, South Building
U. S. Department of Agriculture
Washington, DC 20090

Re: Draft Policy Recommendation on Organic Yeast (Enclosed)
For Consideration of Your Committees

Dear Ms. Koenig and Mr. Carter:

I am writing to you as counsel for Marroquin International Organic Commodities Services, Inc., of Santa Cruz, California. Among the organic ingredients that Marroquin imports is organic yeast. Because of a peculiarity in the Final Rule, processors are not required to use organic yeast in products labeled as “organic,” even though organic yeast is commercially available. No other organic ingredient that is commercially available faces such a barrier in the Final Rule.

The solution to this problem requires a simple, concise amendment to the Final Rule. Because this amendment would change sections of the National List, this must first come before the Board and so we have drafted a proposed policy recommendation (enclosed) for the Board’s consideration. We have followed the format for draft policy recommendations to the Board that is in the Board Policy Manual, at Section V, on pages 15-16. As we explain in the draft recommendation, the materials in question, five types of yeast, are already on the National List as nonsynthetic. We do not seek either to add them to the National List or to remove them, only to reclassify them as “agricultural.” Therefore, this involves a policy recommendation to the Department, not a materials recommendation.

We note that the next Board meeting will be October 12-14 in Washington, and that in order for a policy recommendation to be on the agenda, it must be submitted to the NOP staff no later than August 12, 60 days before the meeting. We would deeply appreciate it if your Committees could

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take the time to review this recommendation and act favorably on it before August 12 so that it can come before the Board at the upcoming meeting.

In preparing this draft recommendation, we have made every effort to provide your Committees with the full information needed for them to act on it in the time remaining before this deadline. To accelerate the process, we are using electronic mail and are sending copies of this letter and draft recommendation to all members of your Committees, to the two remaining Board members who are not on either Committee, and to Barbara Robinson and the NOP staff at the Department.

Please let me know as soon as possible if you have any questions.

Sincerely yours,

Richard D. Siegel

Enclosure

cc: Goldie E. Caughlan, Vice-Chair, Materials Committee
Nancy Ostiguy, Member, Materials Committee
Owusu Bandele, Member, Materials Committee
Kim (Burton) Dietz, Member, Materials Committee
Ann Cooper, Vice-Chair, Policy Development Committee
Rebecca Goldberg, Member, Policy Development Committee
Jim Riddle, Member, Policy Development Committee
Kevin O'Rell, Member, Policy Development Committee
Andrea Caroe, Member, Policy Development Committee
T. Mark King, Board Chairperson and Member, Policy Development Committee
Michael P. Lacy, Board Member
George L. Siemon, Board Member
Barbara Robinson, Deputy Administrator, Transportation & Marketing Programs, AMS
Richard Mathews, NOP Program Manager
Keith Jones, Director, Program Development, NOP
Katherine Benham, NOP Staff
Arthur Neal, NOP Staff