

UNITED STATES DEPARTMENT OF AGRICULTURE

In the Matter of:

PUBLIC MEETING IN LaCROSSE, WISCONSIN
NATIONAL ORGANIC STANDARDS BOARD

Pages: 1 through 238

Place: LaCrosse, Wisconsin

Date: June 6, 2001

HERITAGE REPORTING CORPORATION

Official Reporters

1220 L Street, N.W., Suite 600

Washington, D.C. 20005-4018

(202) 628-4888

hrc@concentric.net

BEFORE THE
UNITED STATES DEPARTMENT OF AGRICULTURE

In the Matter of:

PUBLIC MEETING IN LaCROSSE, WISCONSIN
NATIONAL ORGANIC STANDARDS BOARD

Wisconsin Room
Best Western Motel
LaCrosse, Wisconsin

Wednesday,
June 6, 2001

The above-entitled matter came on for hearing,
pursuant to notice, at 8:10 a.m.

APPEARANCES:

CAROLYN BRICKEY, Chairman
TONI STROTHER
WILLIAM WELSH
WILLIAM LOCKERETZ
GEORGE SIEMON
ROSALIE KOENIG
MARK KING
STEVEN HARPER
REBECCA GOLDBURG
JAMES RIDDLE
ERIC SIDEMAN
RICHARD MATHEWS
GOLDIE CAUGHLAN
DAVID CARTER
KIM M. BURTON
OWUSU A. BANDELE

I N D E X

PUBLIC COMMENTS BY:	PAGE
Harriet Behar, IOIA	4
Randy Duranceau, Petaluma Poultry	8
Robert Schwartz, Ph.D., Schwartz Consulting Services	11
Dick Krengle, Petaluma Poultry	14
Julia Bibner, NOVUS International	17
Greg Herbruck, Herbruck Poultry Ranch	21
Morris Preston, Preston Engineering	25
Sharon Krumwiede, Chino Valley Ranchers	27
Kelly Morrhead, Sanitech Corporation	30
Jim Pierce, Organic Valley	31
Tim Griffin, Organic Valley	35
Fred Ehlert, Quality Assurance International	38
Kathleen Downey, Organic Materials Review Institute	41
Zia [unintelligible], California Certified Organic Farmers	44
Richard Holliday, DVM, IMPRO Company	47
Tom Hutchinson, Organic Trade Association	51
Ron O'Bara, Jarrow Wood, Inc.	54
Edward Brown, Wedge Community Cooperative	57
Maury Wills, Iowa Department of Agriculture	60
Lynn Cody, Organic Agriculture Systems	61
Michael Sligh, Rural Advancement Foundation	64
John Clark, Organic farmer	70
Merrill Clark, Organic farmer	73
Bob Anderson, consumer	77
Phil LaRocca, Organic farmer	82

PUBLIC COMMENTS BY:	PAGE
Sissy Bowman, Organic farmer	87
Pam Saunders, Organic Valley	89
Mark Ritchey, Institute of Agriculture and Trade Policy	94
Faye Jones, Organic farmer	95
Remarks of the Chair/Overview of the Agenda	97
Approve minutes from March meeting	105
NOP Update and Discussion	108
Presentation by Janet Andersen	142
Livestock Committee report	167
Materials Committee report	182
Crop Committee report	206

1 P R O C E E D I N G S

2 MS. BRICKEY: I'd like to welcome everyone to the
3 meeting. We have a lot of speakers this morning, so we want
4 to get started.

5 Harriet Behar, please come forward. You'll have
6 five minutes.

7 COMMENTS BY HARRIET BEHAR

8 MS. BEHAR: Good morning everyone. I guess I'm
9 number one here.

10 Thank you for the opportunity to address the
11 National Organic Standards Board and the employees of the
12 National Organic Program. I hope you have enjoyed your time
13 in the beautiful hills and valleys of the Upper Mississippi
14 River region and the [unintelligible] area, a place that I
15 call home.

16 My name is Harriet Behar, and I am currently the
17 chair of the Independent Organic Inspectors Association,
18 IOIA, as well as a member of the OMRI Board -- that's the
19 Organic Materials Review Institute.

20 I have been a certified organic farmer growing
21 vegetables and herbs since 1989, an organic inspector since
22 1991, and a trainer of organic inspectors since 1996. I
23 also worked for Organic Valley during their earlier years,
24 from 1989 through 1996, as the marketing coordinator, a
25 member of the management team and new products coordinator.

1 I am an avid organic consumer.

2 I will speak to you today wearing my hat as the
3 chair of IOIA, although my experiences as an organic
4 producer, organic marketer and organic consultant have all
5 contributed to my viewpoint.

6 Organic inspectors have a unique position in the
7 organic community. We usually represent the only face-to-
8 face contact with the certification body by the producer.
9 Organic certification agencies and ultimately consumers rely
10 on our work as reviewers of the producers' compliance with
11 the organic standard, as well as our expertise and skill, to
12 produce a complete report of our findings.

13 Our viewpoint is unique, and we feel we are an
14 important stakeholder in the process of implementation of
15 the USDA National Organic Program's final rule, as well as
16 the ongoing process of organic certification.

17 IOIA inspector trainings conducted around the
18 globe carry the respect of the worldwide organic community,
19 and our trainings serve not only inspectors, but also
20 members of certification agencies, governmental regulatory
21 bodies and the organic industry as a whole.

22 Our recent IOIA organic inspection manual was
23 published with a joint copyright between IFOAM -- that's the
24 International Federation of Organic Agriculture Movements --
25 and IOIA, and is in the process of being translated into a

1 variety of languages to be used for training, as well as an
2 organic reference material worldwide.

3 IOIA along with the Organic Trade Association
4 recently completed a manual to help retailers comply with
5 the USDA final rule when they handle organic products in
6 their stores. Our work has contributed to the consistency
7 in the organic certification process and to reciprocity in
8 international organic trade.

9 IOIA has incorporated the final rule into both
10 our basic and advanced inspector trainings, and we have been
11 very proactive in discussing ISO-65 guidelines with our
12 membership to aid in compliance with this aspect of
13 accreditation for organic certification agencies.

14 As the NOSB and the NOP continue to work on USDA
15 organic standards and accreditation, please feel free to
16 call on IOIA as a resource. IOIA's perspective is unique
17 and on most issues objective. Our overriding goal is to
18 promote organic integrity from the field to the marketplace.

19 The knowledge of our collective membership includes
20 experience with just about every item that has both applied
21 for and received organic certification.

22 IOIA would like to work with the NOSB and the NOP
23 in defining a qualified inspector, and we look forward to
24 specific suggestions on skills and areas of expertise the
25 NOP would like us to impart to our membership.

1 The final rule to be implemented in October 2001
2 has both clarified some areas of organic certification and
3 clouded others. It is in the interest of all parties
4 involved, from production to certification and regulation,
5 to have a rule that is clear, complete, easy to understand
6 and practical. As inspectors, it is our job to assess
7 compliance with standards. These standards need to be
8 verifiable in order to be implemented in a consistent
9 manner.

10 IOIA would like to comment upon a few issues
11 within the NOP final rule.

12 I'm just about done. He told me I had one
13 minute.

14 Okay. I want to just say one point. I have
15 comments in the back. I believe a technical correction
16 should be made to the rule, Section 205.302, where the
17 organic percentage calculation to determine the labeling
18 category states the calculation derived by dividing the
19 ingredients by the weight of the finished product.

20 And the correction should state that the weight
21 of the organic ingredients in the product should be divided
22 by the total weight of all ingredients. For example,
23 nonorganic liquid ingredients may have a percentage.

24 All right. You understand what I'm getting at?

25 MS. BRICKEY: Yes, thank you.

1 Randy Duranceau.

2 COMMENTS BY RANDY DURANCEAU

3 MR. DURANCEAU: My name is Randy Duranceau. I'm
4 with Petaluma Poultry, a broiler operation in Petaluma,
5 California. I'll be reading a brief statement on our
6 support of DL methionine, as well as a letter from Spangler
7 Kopf, the corporate veterinarian from [unintelligible], a
8 broiler operation in Arkansas.

9 Petaluma Poultry strongly supports the inclusion
10 of DL methionine on the National List of Approved Organic
11 Ingredients based primarily on the following principles:
12 Organic farming practices should be sustainable, and organic
13 farming practices should include humane treatment of
14 livestock.

15 We feel that the use of DL methionine is critical
16 to meeting these two standards, which we believe are core
17 principles of organic agriculture.

18 Amino acids, specifically DL methionine, helps
19 provide a feed ration that is well balanced for organic
20 chickens, which allows them to consume organic feed in an
21 optimum manner. If we were not allowed to use DL
22 methionine, we would need to overfeed our chickens using
23 more organic soybeans than would otherwise be necessary.

24 Overfeeding soys leads to an increase in the
25 excretion of nitrogen in the form of uric acids, which

1 converts to ammonia. Ammonia is an air pollutant that is
2 harmful to both chickens and their human caretakers.

3 DL methionine not only allows us to use our
4 limited supply of organic crops wisely, a balanced diet of
5 organic grains will lead to a reduced environmental impact
6 from our livestock-raising activities.

7 It is a scientifically proven fact, as my
8 colleagues will speak later today, that DL methionine
9 enhances the health and welfare of chickens. Feathering
10 improves which allows the bird to use its natural defenses
11 against the elements rather than having to rely on
12 medications, such as antibiotics, to fight illness and
13 disease.

14 Moreover, the reduced level of ammonia that
15 develops when DL methionine is used, as referred to above,
16 creates a more hospitable environment for the chickens.

17 We believe that the continued use of DL
18 methionine provides us with our best opportunity to continue
19 to farm organically in a responsible, sustainable manner.
20 We strongly encourage you to include DL methionine on the
21 National List of Approved Materials.

22 Now I'll read a brief letter from Spangler.

23 This is a subject which has generated
24 considerable discussion when in reality there seems to be
25 little discussion, but merely the act of allowing the use of

1 essential amino acid.

2 I am a veterinarian by profession and not a
3 nutritionist, so I'm critically aware of the need for the
4 amino acid in a chicken's diet, but not of the details of
5 adding the methionine to the diet. Methionine is one of the
6 sulfur-containing amino acids, and as such plays a critical
7 role in the development of feathering in the bird.

8 While feathering may appear to be an extraneous
9 component, they are indeed critical to the health and well-
10 being of the animal. Feathers serve as an important role in
11 the temperature control of the bird, but also even more
12 critically in the protection of the skin from scratches.
13 These scratches lead to localization of systemic disease and
14 thus the formation of good feathering is good for the bird's
15 health.

16 Another more perhaps important aspect of the
17 discussion is the lack of availability of so-called organic
18 methionine. This factor would appear to allow for the usage
19 of available sources for the protein of the bird. Other
20 sources of methionine, such as fishmeal and [unintelligible]
21 apparently have substantial issues in regards to the organic
22 program.

23 I support and keep good science, poultry
24 husbandry and common sense in the policymaking process for
25 organic production. Many lessons of poultry production have

1 been learned the hard way through unintended suffering of
2 many people and animals.

3 Sincerely, Spangler Kopf, Corporate Veterinarian
4 [unintelligible]. Thank you.

5 MS. BRICKEY: Thank you. Our next speaker is Dr.
6 Robert Schwartz.

7 COMMENTS BY DR. ROBERT SCHWARTZ

8 DR. SCHWARTZ: Thank you.

9 I'm a consulting nutritionist. I live in Barron,
10 Wisconsin. I've been in the poultry industry for over
11 twenty years. Originally I worked for such companies as
12 Central Soya, Cargill, Carroll's Foods, Durham Foods. So
13 I've been an integrated part of it where I was responsible
14 for ingredients purchasing, the feedmills and the research.

15 One of the clients I currently work with is
16 Kramer Feeds in Kramer, Pennsylvania, producers of organic
17 broilers, layers and turkeys.

18 The biggest concern I have, as I look at this
19 information, are some of the false statements,
20 misconceptions, conflicting information in scientific
21 publications. Certainly, there are publications -- and
22 always have been -- that are conflicting.

23 My livelihood has been predicated on the ability
24 to look at the different scientific publications and
25 determine what is appropriate for a certain situation that

1 you're working in, because when you design a research trial,
2 you're looking at specific situations. We have to take that
3 information and apply it to what we're doing out in the
4 field.

5 The ingredients that are available today are
6 basically corn and soy with a few limited other alternative
7 ingredients for organic poultry feeds. In the past, early
8 on, the information -- most of it, where they're talking
9 about producing poultry feeds without added methionine,
10 where several different alternative ingredients were
11 available.

12 There's indications in the references to the
13 ability to use meat products and milk products to produce
14 birds because of the methionine content. Yes, their
15 methionine content is higher than corn. However, the ratio
16 of lysine to methionine is basically the same as it is in
17 soybean meal, roughly two to one.

18 To have an ingredient that is rich in methionine
19 that would allow you to substitute for methionine, you have
20 to have a different ratio. You have to have material that
21 has a much narrower ratio.

22 You know of Dr. Baker's work at the Illinois
23 Chick Reference Diets, in general you're going to have --
24 the methionine [unintelligible] requirement is going to be
25 75 percent of the lysine requirement.

1 Sunflower meal and corn gluten meal are really
2 the only practical ingredients that would allow you to
3 balance a diet without DL Methionine.

4 VOICE: Can you repeat that?

5 DR. SCHWARTZ: Sunflower meal and corn gluten
6 meal are basically the only two practical ingredients that I
7 can think of that would allow you to balance a diet without
8 DL methionine, and I'm not sure that you could even do that
9 on a turkey starter.

10 You get into the end of the turkey feeds in
11 there, the last turkey feed they really don't require DL
12 methionine. But you have to have these sources. You're
13 going to have a source of methionine in through there to be
14 able to do the balancing.

15 Now, meat and bone meal and some other things
16 will help a little bit, but not because really of the
17 methionine content. It's because they're higher density as
18 far as nutrients.

19 That's what we had and was used back in the
20 fifties and prior to really the use of methionine. The
21 sunflower meal in there, really, you don't even have
22 commercial sources that are available in any content.

23 These are byproducts, and people -- the reference
24 in there that you're going to create a byproduct market, no.
25 You have to create demand for the primary product before

1 you have byproducts available.

2 So whether you're going to increase the use --
3 you know, the production of that, probably not. But that's
4 my biggest concern is, is that we can talk about all this
5 stuff, but they are not available and I seriously doubt
6 whether they're going to be available -- the alternative
7 ingredients -- in any type of sufficient supply in the near
8 future to allow people not to use DL methionine, or they're
9 just plain going to cheat.

10 And I would rather see us have rules that allow
11 us to follow the regulations than force people to cheat.

12 Thank you.

13 MS. BRICKEY: Joe Ward, please. Is Joe Ward
14 here?

15 Dick Krengele.

16 COMMENTS BY DICK KRENGLE

17 MR. KRENGLE: I have a series of letters that I
18 have given to the board, and I'd like to quote from some of
19 them.

20 First of all, I'm a poultry nutritionist with
21 Petaluma Poultry.

22 One of the issues that has come up is whether the
23 amino acid, methionine -- DL methionine -- is a growth
24 promoter. I'd like to quote from Dr. Mark Jackson who is
25 with the prime producer of DL methionine. "A growth

1 promoter physiologically stimulates growth by non-
2 nutritional means," which means that it does not -- a growth
3 promoter is not a nutrient.

4 And DL methionine is a nutrient. It's an amino
5 acid. So, according to the commonly accepted definition for
6 growth promoter, DL methionine could not be called a growth
7 promoter.

8 Now, in the common sense it could be called a
9 growth promotant, as [unintelligible] can also be called a
10 growth promotant. If you eliminate or decrease the amount
11 of any nutrient in the feed, you decrease the performance
12 that comes from that feed.

13 For example, if you leave the salt out of the
14 feed, the birds do not grow. If you put the salt back in,
15 the birds grow. In that respect, you could call it -- not
16 call it a growth promotant, but it enhances the growth of
17 the animal.

18 In the same way, DL methionine X, a perfectly
19 balanced feed which allows the animal to grow at its genetic
20 potential, has all of the nutrients in the proper amounts,
21 not in great excess, but in proper balance to one another.
22 And the research has been done to establish what those
23 ratios are, between amino acids, between the minerals and
24 the energy level, the amino acids and the energy level.

25 So DL methionine in the scientific community is

1 not accepted as a growth promoter.

2 I also have a letter from Jeff Mattocks. And
3 Mattocks is with the Fertrell Company. He's not able to be
4 here today. I will not read all of his letter.

5 And, essentially, Jeff supplies the premix that
6 goes to the group called the Pastured Poultry Group, who are
7 small producers who raise their birds on pasture. And that
8 premix does contain DL methionine. I asked him why, and
9 here's what he said.

10 I attempted to make a ration using corn, soy,
11 crab meal, fishmeal, sesame meal, sunflower meal, calcium
12 and vitamin mineral premix. The conclusion that I found was
13 as soon as I had met the methionine value -- without DL
14 methionine -- I found that I was now deficient in lysine
15 which would cause the birds not to grow as well.

16 The conclusion that I found was as soon as I had
17 met the methionine value -- excuse me. If I had met these
18 values somehow something else is missing.

19 So there is no sesame available, there's no
20 sunflower. So his conclusion was for the time being,
21 because the alternative ingredients are not available, DL
22 methionine is necessary so that these birds will have proper
23 feathering, that they will have well-developed immune
24 systems. And some of the other people are going to cover
25 this.

1 MS. BIBNER: Good morning. I am a senior
2 scientist for a small company that produces the other
3 methionine source called methionine hydroxyanalog. NOVUS
4 International is the name of our company, and we're in St.
5 Louis.

6 I'd like to speak on Alamet, which is the trade
7 name for our product. Alamet Feed Supplement is a source of
8 methionine for organic farming systems. I would like to
9 break this into a couple of parts: first, talking about
10 methionine and how it's compatible with organic systems and
11 then talking about our product as it's distinguished from DL
12 methionine.

13 Amino acid supplementation is compatible with
14 organic farming systems maybe more than you realize. It
15 spares limited sources of high-quality protein, such as
16 fishmeal and crab meal. Continuing availability of animal
17 protein makes sustainability of those very questionable,
18 especially fishmeal.

19 It encourages the use of less well-balanced
20 vegetable protein sources for the feeding of poultry and
21 other livestock. These sources are things like milo, field
22 peas which are not eaten by humans, canola, tapioca which is
23 less eaten by humans. All of these are examples of crops
24 that can be used for livestock if a methionine source is
25 fed, but not if a methionine source is not fed.

1 I agree with Dr. Schwartz. Soy is one of the
2 only things where you really approach a balance of
3 methionine with the other amino acids. Almost all of the
4 other diverse kinds of sources have a poorer balance, not a
5 better balance.

6 Use of a methionine source affects the health and
7 well-being of poultry grown in organic farming systems.
8 Hatchling birds cannot be put onto pasture until they are
9 able to control their body temperature. That takes two to
10 three weeks. They are not homeothermatic when they're
11 hatched.

12 The diet of the hatchling is the most methionine-
13 deficient diet of its life. And it does not have access to
14 insects or worms to supplement that methionine. The first
15 two weeks of life are critical, as Dr. Schwartz said, for
16 the bird. This is when the immune system is developing.
17 This is when you're asking the bird to respond to a vaccine.

18 This is when feather growth begins. Feather growth is
19 really critical.

20 All of these processes are very demanding of
21 methionine. And for birds -- having studied them for some
22 twenty years -- later disease resistance and growth
23 performance of the free-range bird are all affected by this
24 early period of life and the quality of the amino acids that
25 the bird receives at that time.

1 Now, I'd like to talk about our specific
2 methionine source, Alamet. Alamet is chemically exactly the
3 same as methionine except for the substitution of the amino
4 group where Alamet has hydroxyl, and many of the advantages
5 of Alamet are related to the fact that it doesn't carry that
6 amino group.

7 It is not methionine, and it really isn't a
8 methionine analog, although it was named that early on. In
9 fact, it's a naturally occurring methionine precursor that
10 it found in microorganisms, plants and animals. This is
11 documented in a reprint that I have handed in.

12 It is much less toxic than methionine. It has no
13 health risks for humans. In fact, it has been used for
14 human nutrition in persons with liver and renal failure
15 because it places no nitrogen load on the liver or kidney.

16 Again, I have provided references -- citations
17 for that.

18 Alamet has important health benefits to poultry.

19 It can be used to control kidney disease, which is very
20 common in Langhans not ameliorated by organic farming
21 methods, and there are papers to attest to that.

22 So, in summary, I want you to give consideration
23 to amino acid supplementation synthetic until a better
24 source is found. But supplementation is very important, and
25 it's vital in encouraging organic farming systems, because

1 it will allow the organic farmers to use barley, to use
2 alfalfa.

3 It's an amazing thing. You can't replace those
4 with animal byproducts. So crabmeal and fishmeal, things
5 like that, which are cited as sources of methionine, they
6 have methionine in them if you analyze them chemically. But
7 the animal can't get that methionine because it's in a form
8 very similar to hair.

9 So just like we can't get methionine out of hair,
10 poultry can't get methionine out of shells.

11 VOICE: Time.

12 MS. BIBNER: Okay.

13 MS. BRICKEY: Thank you.

14 Jeff Mattocks. He's not here.

15 Greg Herbruck.

16 COMMENTS BY GREG HERBRUCK

17 MR. HERBRUCK: Good morning. My name is Greg
18 Herbruck, and I'm representing Herbruck Poultry Ranch and
19 United Egg Producers and United Egg Association. Herbruck
20 Poultry Ranch raises approximately a hundred thousand
21 organic egg-producing chickens.

22 We appreciate the opportunity to comment on the
23 National Organic Program, 7 CFR 205, and specifically
24 205.238, which relates to livestock healthcare practices and
25 205.239, which is regarding livestock living conditions.

1 At this time I'll comment on DL methionine diets.
2 The provisions of 7 CFR 205 stipulate production practices
3 that will actually harm the chicken's welfare and thus
4 prevent achieving the program's objectives.

5 My appearance here today is to produce the
6 scientific evidence, and I will present that and not go into
7 great detail, but that allowing free-roaming chickens in a
8 [unintelligible] with the aim of advancing what I believe
9 are the intentions in promulgating the final rule.

10 My involvement today involves years of experience
11 in raising laying chickens, both in cages and on free-
12 roaming environments.

13 205 refers to the performance of physical
14 alterations as needed to promote the animal's welfare and in
15 a manner that minimizes pain and stress. The rule provides
16 that all physical alterations performed on animals in
17 organic livestock operation must be conducted to promote the
18 animal's welfare in a manner that minimizes stress and pain.

19 The producer of an organic livestock operation
20 must establish and maintain living livestock conditions for
21 the animal under his or her care which accommodate their
22 health. We support this concept of producing eggs in a
23 manner that minimizes stress and pain.

24 Organic egg producers are producing in
25 confinement barns. To have standards that insist chickens

1 be given the opportunity to go outside the barn would
2 severely restrict the production of organic eggs during the
3 winter months in the Michigan environment that we're
4 involved with, and actually increasing the stress on the
5 chicken.

6 Poultry husbandry has evolved over the years to
7 maximize both the production efficiency of chickens and the
8 profit from the systems involved. In keeping with the
9 requirements of the written final rule, the producer of an
10 organic livestock operation must establish and maintain
11 livestock living conditions which accommodate the health and
12 natural behavior of the animals. Free-roaming for laying
13 chickens in a barn will accommodate the health and natural
14 behavior of chickens.

15 The producers seeking to comply with these
16 standards must establish appropriate housing, pasture
17 conditions and sanitation practices to minimize the
18 occurrence of spread of diseases and parasites.

19 Access to the outdoors will actually increase the
20 spread of disease and parasites.

21 To meet the goals of 205.238, the establishment
22 of appropriate housing/pasture conditions, the sanitation
23 practices, to minimize the occurrence of spread of diseases,
24 current production practices in organic eggs are more
25 healthful and minimize the stress on -- and disease and

1 parasites.

2 Other stresses in other environments include
3 natural predation. Domestic poultry in a free-range
4 environment are easy prey to flying predators: hawks, owls,
5 et cetera, and other predators, such as foxes, raccoons and
6 weasels.

7 Provision of conditions which allow for exercise,
8 freedom of movement and reduction of stress appropriate to
9 the species in 205.238(4), free-roaming systems in a barn
10 for laying chickens allow for these requirements while
11 reducing the associated stress seen in the free-roaming
12 system.

13 205.239 refers to shelter designed to allow for
14 natural maintenance, comfort, behaviors and opportunity to
15 exercise, temperature level, ventilation, air circulation
16 suitable to the species. The temperature extremes in wet
17 weather and other elements, such as snow and ice, will
18 actually increase mortality among domestic poultry.

19 Producing organic eggs in more northerly
20 climates, such as where I am in Michigan, will cease during
21 the winter months under the final rule. The rule will
22 create a regionally-discriminatory effect favoring one
23 region at the expense of another.

24 This will lead to shortages at times because of
25 nonproduction.

1 Temporary confinement provisions are outlined in
2 205.239(b). The producer of an organic livestock operation
3 may provide temporary confinement for an animal because of
4 inclement weather, the animal's stage of production or
5 conditions where health, safety and well-being are at risk.

6 We believe the regulations should be interpreted
7 to consider the winter months in cooler climates as
8 conditions under which the health, safety and well-being
9 would justify confinement for organic chickens and be
10 consistent with stated objectives.

11 VOICE: Time.

12 MR. HERBRUCK: Thank you.

13 MS. BRICKEY: Thank you. Morris Preston. Morris
14 Preston.

15 COMMENTS BY MORRIS PRESTON

16 MR. PRESTON: Do you need some information from
17 me as to who I am or anything of that nature?

18 MS. BRICKEY: Please.

19 MR. PRESTON: My name is Morris Preston. I'm the
20 president of Preston Engineering, which is located in
21 Davenport, Iowa. I'm here on behalf of Meeker Farms which
22 has submitted a petition for a product that they produce
23 called Biocalcium Complex. It's not on your agenda
24 today, but we hope to have it on the agenda for your next
25 meeting.

1 We had submitted this petition in December.
2 Basically, the product that Mr. Meeker produces is a
3 combination of several calcium sources. The product is
4 currently widely used by a number of farmers in this area
5 and the upper Midwest. It's used to supplement soils that
6 are deficient in calcium.

7 It has been found to provide for increased growth
8 in production of crops, such as alfalfa as an example.

9 The product is produced from some industrial
10 byproducts. It contains calcium oxide that comes from fine
11 dust from a lime manufacturing plant. It's combined with
12 limestone. It's combined with gypsum, and it's hydrated
13 through a process that produces a very buffered compound
14 that does not burn crops.

15 We've had tests that shows that it is a very
16 benign product.

17 The concern is that calcium oxide and calcium
18 hydroxide have been discouraged or prohibited for organic
19 uses, and we feel that the evidence we have indicates that
20 this is a good product and is not harmful.

21 One of the procedural issues that we're trying to
22 work our way through is that the petition process is
23 primarily for a single substance, and we feel that the value
24 of this product is the fact that it is blended and
25 formulated in a particular way with several substances, and

1 that it's very beneficial in the particular complex and
2 formulation that Mr. Meeker produces.

3 And, apparently, that's something that's not
4 clearly anticipated in the petitioning process, and I guess
5 we're looking for some guidance from the Materials Review
6 Committee as to how we should approach this product and if
7 we can get it accepted as an organic crop input.

8 I guess that's about all I have to say on the
9 issue. We don't have a formal paper today to present, but
10 it is something that we would like to get before the board
11 at their next meeting, and we've had this under review for
12 several months now and we're hoping to be able to move
13 forward as soon as possible.

14 Thank you.

15 MS. BRICKEY: Sharon Krumwiede.

16 COMMENTS BY SHARON KRUMWIEDE

17 MS. KRUMWIEDE: Good morning. My name is Sharon
18 Krumwiede. I'm the general manager for Chino Valley
19 Ranchers. We're an egg production company with a diverse
20 line of products based in Arcadia, California.

21 Chino Valley Ranchers began its business as a
22 family-run commercial egg ranch in 1953. We've been selling
23 eggs produced by cage-free, vegetarian-fed chickens since
24 1978.

25 In 1991 Chino Valley Ranchers began raising

1 chickens in a free-range facility. In 1997, in conjunction
2 with free-range access, we began feeding our chickens an
3 organic diet and also became certified by the California
4 Certified Organic Farmers, CCOF, which I'm also a member of
5 the board.

6 Our chickens live in a healthy and stress-free
7 environment, we believe an environment that is on par with
8 the best available in the United States or even the world.

9 Let me tell you briefly about my earliest
10 experience with natural eggs. I spent the early part of my
11 life living in a rural area of a country called British
12 Guyana, a small third-world country in South America. The
13 eggs that my family ate came from the chickens that we kept
14 on our property.

15 These chickens lived on whatever they foraged in
16 the yard, such as plants and small insects. Perhaps it
17 would be wonderful if everyone had backyard chickens like I
18 had as a child. But for most people in our society that is
19 not reality.

20 For those individuals who would like everything
21 natural and pure, the diet that we feed and the living
22 conditions that we provide for our chickens are the closest
23 to a natural environment that we have found possible.

24 Quite frankly, in our industrialized society the
25 pollutants that we all are exposed to on a daily basis, even

1 in the best of circumstances, far exceed the .00009 percent
2 (less than two one-hundredths pound) of methionine that is
3 included in one ton of chicken feed.

4 The use of methionine is critical to the
5 development and maintenance of a consistent egg production
6 base. Reducing methionine would negatively affect egg
7 production, egg size and the health of the birds.

8 Research has shown that plant proteins, such as
9 corn, sunflower, soybean, yeast, whey or peas, do not
10 contain enough methionine, except in a real large quantity.

11 So currently the best natural alternative to methionine is
12 anchovy fishmeal.

13 Our research has indicated that about 140 pounds
14 of anchovy meal per ton of chicken feed would be required to
15 accomplish the same results as two one-hundredths of a pound
16 of methionine, and the eggs would have a fishy taste.

17 It is questionable if there's enough anchovies in
18 the world's oceans to properly treat all of today's organic
19 egg production. I strongly believe that organic foods
20 should be pure of synthetics, but currently in the United
21 States the existing alternatives to methionine are neither
22 viable nor practical. Research must be conducted to locate
23 other practical alternatives before methionine is banned
24 from use.

25 Thank you.

1 MS. BRICKEY: Kelly Morrhead.

2 COMMENTS BY KELLY MORRHEAD

3 MR. MORRHEAD: Aloha. I'm Kelly Morrhead. I'm
4 an aquatic biologist from Sanitech Corporation, spirulina
5 cultivator in Hawaii. I've been there 16 years and helped
6 develop the first organically certified [unintelligible]
7 which has been certified by OGBA and then QAI for eight
8 years.

9 Our comments today are about the board's
10 potential treatment of spirulina cultivation. At Buena Park
11 you saw a presentation detailing how spirulina is grown and
12 how about the ecosystems that naturally support spirulina,
13 and particularly there was shown the large amounts of highly
14 soluble nitrogen that the organisms require.

15 In the followup letter to the board we have asked
16 for annotation for unrestricted use of sodium nitrate in
17 spirulina cultivation and extending the use of sodium
18 bicarbonate and sodium carbonate to the cultivation of
19 spirulina, as well as CO-2.

20 Today I'm just requesting that spirulina be
21 treated by annotation and not as a component of hydroponics.
22 Specifically, spirulina is an aquatic organism, not a
23 terrestrial plant, and there are no terrestrial alternatives
24 to its cultivation.

25 Secondly, it will not -- it will survive in

1 salinities up to three times that of the ocean, and there
2 are no negative consequences of sodium buildup. In fact,
3 it's required.

4 Third, it gets its carbon dioxide from dissolved
5 salts of carbon dioxide in the water, not from the air.

6 And, finally, just the unique conditions.
7 Spirulina culture have been certified for over eight years
8 by two different agencies, and it's marketed worldwide.
9 We're just concerned that it not take a step backwards, if
10 there are problems with the certification of hydroponics.

11 Thank you very much.

12 MS. BRICKEY: Thank you. Jim Pierce.

13 COMMENTS BY JIM PIERCE

14 MR. PIERCE: Ladies and gentlemen of the gallery,
15 members of the NOSB, Madam Chairman, welcome to Wisconsin,
16 the 30th state, the "Eat Cheese or Die" state, where we are
17 proud to brag about 500 certified farms and about 100,000
18 acres in certified organic production.

19 While I don't envy your task, I greatly admire
20 the diversity, tenacity and ability that you have seeking
21 justice on these most difficult and in this historic
22 process.

23 I'm the organic czar -- certification czar at
24 Organic Valley. These then are some postulations and some
25 [unintelligible] from the organic certification czar.

1 The challenge that you've been faced with is to
2 seek and sort a balance between very different opinions and,
3 most importantly, to keep the trust and integrity in the
4 word organic, unless it become a farce as in real or
5 natural.

6 From the green book, condensed from the NOSB
7 definition of the word organic and incorporated into part of
8 the principles which you're discussing here, certification
9 is a regulated system of trust, which allows customers to
10 identify and reward operators who meet organic standards.

11 With the publication of Michael Palm's article,
12 "The Organic Industrial Complex," conventional wisdom --
13 maybe I should say organic wisdom -- seems to be moving
14 towards the paradigm of little or no inputs in processing.

15 This is a good thing if the opposite of that
16 model is the dreaded organic Twinkie. The underlying -- the
17 truth, however, which you've been asked to find is somewhere
18 in between. The underlying goal is and should remain to
19 follow the law, and as I stated before, keep the trust and
20 integrity in the word organic.

21 On amending the National List, please clarify and
22 simplify this process. We're aware of a runaway train. We
23 simply don't know quite how to deal with it.

24 There has been talk about correcting the language
25 of OFPA and/or the final rule so that materials which only

1 chemically interact or are present in the final formulations
2 need to be petitioned, similar to the language that's
3 pending the Class 4 inerts will not need petition, for
4 livestock issues.

5 The strategy would be to focus limited and
6 precious resources on core issues; that is, what's in the
7 food.

8 Further relief would come if and when the idea of
9 reciprocity between processing and handling lists and the
10 livestock list bears some fruit.

11 On boiler additives, please don't hesitate to
12 take your time on this very difficult issue in order to get
13 it correct. There is a certified organic baby in that
14 bathwater.

15 If your findings uncover that direct steam
16 contact causes actual product contamination, then the
17 decision to prohibit should be simple. If, however, in the
18 absence of such evidence, may I suggest that organic
19 processing certification be handled on a case-by -- in the
20 presence of boiler additives be handled on a case-by-case
21 basis by accredited certifying agencies.

22 On amino acids and other synthetics, in the past
23 and again in the course of this meeting, you will hear very
24 passionate testimony to support and to oppose the use of
25 synthetic amino acids and vitamins in organic systems. The

1 task -- and again I don't envy you a bit -- is to discern on
2 one hand whether or not the production with alternative
3 methods is in fact practical and economically feasible, and
4 if on the other hand, by permitting synthetics, you, (a)
5 possibly go against the law as defined in OFPA and/or, (b),
6 you stymie the creative forces of innovation.

7 On secondary standards, such as fiber,
8 aquaculture, greenhouse, health and beauty aids, as an
9 impartial observer sort of like Jimmy Carter, it has been a
10 pleasure to watch this process unfold. The aquaculture
11 standards have come a long way towards being credible,
12 respectable and workable.

13 If the word organic is to remain a term of
14 integrity, you must put the same teeth in these secondary
15 standards that OFPA mandates that you put into production
16 and handling rules.

17 On made with organic ingredients, please do not
18 regulate functional foods to this category. If an item is
19 95 percent or greater organic, and if the added functional
20 component is on the national list, the end product should be
21 called organic. To do otherwise will only serve to glaze
22 the eyes of consumers and subsequently erode the integrity
23 of the term organic.

24 In closing, let me challenge you -- charge you
25 with the idea of promoting local control as an avenue to

1 stricter and more uniform controls. Inspectors will have to
2 answer to accredited certifying agencies, which will in turn
3 have to answer to the USDA. It will be in the certifier's
4 very best interests to point out inconsistencies and push
5 each other's bar higher in order to keep the trust and
6 integrity in the word organic.

7 Thank you and keep up the good work.

8 MS. BRICKEY: Jim, do we have a written copy of
9 your statement?

10 MR. PIERCE: Yes.

11 MS. BRICKEY: Thank you. Pam Saunders.

12 John Marquart.

13 Kathleen Downey -- oh, sorry.

14 COMMENTS BY TIM GRIFFIN

15 MR. GRIFFIN: My name is Tim Griffin. I'll be
16 speaking in behalf of John Marquart.

17 MS. BRICKEY: All right.

18 MR. GRIFFIN: My name is Tim Griffin. I work for
19 Organic Valley as a pool resource coordinator. I was hired
20 to help the other producers with areas --

21 MS. BRICKEY: I'm sorry. Could I have your name
22 again?

23 MR. GRIFFIN: Tim Griffin.

24 MS. BRICKEY: Griffin, all right.

25 MR. GRIFFIN: -- such as nutrition and soils.

1 I'm here to talk about the -- researching the reviews and so
2 forth on DL methionine or methionine. I'd like to pose some
3 questions.

4 My question was can we really go without DL
5 methionine for organic poultry? And do these alternative
6 rations fly? Has anyone put a pencil to it?

7 You have a handout called "Comparison of Organic
8 Poultry Rations for Layers." On the backside is one for
9 broilers.

10 In looking at these alternative materials, one of
11 my concerns is will we sacrifice flock health and
12 performance by eliminating methionine and using alternative
13 sources. I'm concerned about the overall availability and
14 flexibility of alternative ingredients in organic
15 infrastructure, and can we literally meet the needs of the
16 ration? And what are the economic consequences for the
17 producer?

18 On the dairy side, I do -- we do strongly desire
19 methionine for use in micromineral inclusion due to enhanced
20 availability for nutritional and therapeutic purposes. I'm
21 referring to chelated and protenate type sources: zinc
22 methionine, other metals such as cobalt, magnesium, copper
23 and zinc.

24 As far as the data for the comparison, the intent
25 in my -- in working these rations was to focus on balancing

1 the amino acid content of primarily methionine while also
2 tracking the associated cystine and lysine levels for both
3 layer and broiler rations. The calculations were based on
4 organic feed analysis of commodities and cross-reference
5 with book values from the feedstuffs analysis table.

6 When we're looking at these alternative rations,
7 as we increase protein levels -- or vegetable proteins in an
8 intent to replace methionine, we do begin to close the gap
9 of balancing the methionine level, noting that lysine levels
10 may go out of balance.

11 Importantly, the crude protein levels rise to
12 prohibitive levels and overall energy drops.

13 The alternative rations in relation to that of
14 corn and soy, and with methionine, offers several benefits
15 -- or without methionine, excuse me. We do see an improved
16 methionine/lysine ratio, reduced but still very high crude
17 protein levels and potential cost advantages relative to
18 currently high organic soybean mill prices.

19 So what I did was I looked at sources, such as
20 flax, corn gluten, the sunflower meal, worked fishmeal into
21 the ration and then corn and soybean meal. I did not use
22 canola or some of the other sources mentioned here today.

23 The disadvantages include the virtual
24 unavailability of certain ingredients. Corn gluten at this
25 time is very limited, if available. Fishmeal faces some

1 challenges due to animal byproduct concerns, and then also
2 the [unintelligible] or preservative issues.

3 Overall, I pose this as a compromise for the USDA
4 and National Organic Standards Board as a consideration. We
5 need to experiment with these alternatives to measure flock
6 performance. We need to research and implement sources of
7 high amino acid output traits in corn, soybeans and
8 alternative grains and oil seeds.

9 We need to allow an interim period -- perhaps
10 three years -- for resources to consolidate and provide
11 production history with these alternative rations in order
12 to justify the extinction of adding methionine to organic
13 poultry rations.

14 Thank you.

15 MS. BRICKEY: Mr. Griffin, is this chart from
16 you?

17 MR. GRIFFIN: Yes.

18 MS. BRICKEY: And are you also with Organic
19 Valley?

20 MR. GRIFFIN: Yes, I am.

21 MS. BRICKEY: Thank you.

22 Our next speaker is Fred Ehlert.

23 COMMENTS BY FRED EHLERT

24 MR. EHLERT: Thank you for this opportunity. My
25 name is Fred Ehlert. I work for Quality Assurance

1 International managing their Midwest office in Minneapolis.

2 I'm here to address a labeling issue. The
3 quality assurance council of the Organic Trade Association
4 is requesting a technical correction to the national organic
5 program regulations in order to clarify that the name or
6 identity of the certified operation be listed on final
7 product labels.

8 The purpose of the correction is to request that
9 it be made clear the name of the certified operation on the
10 label because this was the intent of the Organic Food
11 Production Act, requiring certification and full disclosure.

12 This labeling requirement was assumed and not discussed
13 during the rule-making process, and all other regulatory
14 systems require that the registrant or certified operation
15 appear on the product label, including FDA drug, EPA
16 pesticide and state feed and fertilizer programs. This will
17 solve problems that are now appearing in organic labeling
18 and in audit trails.

19 The proposed technical correction: For clarity
20 we propose that the word "certified" be inserted in the
21 following three sections of the NOP regulations: Section
22 205.303(b): Agricultural products in packages described in
23 Section 105.301(a) and (b) must, on the information panel,
24 below the information identifying the certified handler or
25 distributor of the product and preceded by the statement,

1 "Certified organic by."

2 Section 205.304(b): Agricultural products in
3 packages described in Section 205.301(c) must, on the
4 information panel, below the information identifying the
5 certified handler or distributor of the product and preceded
6 by the statement, "Certified organic by."

7 Section 105.306(b)(1): Livestock feed products
8 described in Section 205.301(e)(1) and (e)(2) must, on the
9 information panel, below the information identifying the
10 certified handler or distributor of the product and preceded
11 by the statement, "Certified organic by."

12 The proposed technical correction clarifies that
13 the certified operation must be identified on one hundred
14 percent organic, organic, and made with organic and
15 livestock feed final product labels, where the name of the
16 certifying agent of that operation is also required.

17 This is consistent with the intent of the OFPA,
18 which states in 2106(a)(1)(B), "No person may affix a label
19 to, or provide other market information concerning, an
20 agricultural product if such label or information implies,
21 directly or indirectly, that such product is produced and
22 handled using organic methods, except in accordance with
23 this title."

24 This statement presumes that operations that
25 label products as organic must comply with the National

1 Organic Program, including being certified by an accredited
2 certifying agent.

3 This correction will help assure a successful
4 National Organic Program in several ways.

5 1. Consumer confidence will be protected because
6 there will be clear certification.

7 2. Most of the current tracking problems will be
8 avoided because the audit trail will be clear.

9 3. Regarding commissioned products, the label
10 will either identify the certified operation that packaged
11 the product or the private labeler can choose to be
12 certified.

13 4. Exemptions and exclusions from certification
14 will remain in place and these operations will not be
15 required to be certified.

16 5. Enforcement agencies and the public will be
17 able to verify the integrity of the product through either
18 the certified operation or the certifying agent and perform
19 their functions more easily.

20 Thank you.

21 MS. BRICKEY: Thank you.

22 Kathleen Downey.

23 COMMENTS BY KATHLEEN DOWNEY

24 MS. DOWNEY: Good morning. I'm Kathleen Downey,
25 Executive Director of OMRI, Organic Materials Review

1 Institute.

2 OMRI is committed to helping the organic
3 community by reviewing materials, both generic and brand
4 name, for use in organic farming and handling. OMRI strives
5 to provide the maximum amount of information regarding
6 materials for certifiers, growers, processors and handlers.

7 In view of discussion and reactions to some
8 recent TAP reviews conducted by OMRI, in keeping with our
9 contract with the USDA, it's obvious that some long-standing
10 conflicts and gray areas must be resolved and clarified.

11 Much of the confusion and controversy about the
12 materials review has to do with the nature and
13 interpretation of the [unintelligible] criteria. OMRI is
14 asked to compile information regarding these criteria.

15 The T in TAP stands for technical, to be
16 scientifically conducted and based on these criteria,
17 although not all could be considered technical. We
18 recognize that some might dispute OMRI's interpretation of
19 the [unintelligible] criteria and believe it's up to the
20 NOSB to give us guidance on this.

21 Also, some sections may need to be revamped or
22 maybe left off altogether. OMRI welcomes the opportunity to
23 fine tune this process to meet your needs and welcomes
24 clarifications and refinements regarding criteria
25 interpretation.

1 Recent events suggest there's a bigger picture
2 issue that must be addressed, maybe even before OMRI
3 completes more TAP review work. The current system,
4 including the role OMRI plays, needs to be reevaluated so
5 that decisions are fair and the process meets evolving needs
6 of the organic community.

7 There needs to be a better process with a time
8 line for taking in public comment and responding to it.

9 This is taken from my seven-year-old son's stash
10 of art paper. If the circle represents the entire spectrum
11 of information the NOSB could consider, then possibly this
12 circle indicates the relative scope of work OMRI was asked
13 to compile via the contract.

14 While our role could be bigger or smaller, and
15 while we believe OMRI's work to be important, it's also only
16 a part of the realm of information that NOSB must consider.
17 We're all in this together.

18 Please do note that OMRI's current contract for
19 TAP reviews ends on September 30, 2001. OMRI has performed
20 twenty of the fifty possible TAP reviews under this
21 contract, and we've done another sixteen under a separate
22 contract in 1999.

23 OMRI remains very proud overall of its TAP review
24 work and the other work that we do for the industry. Again,
25 OMRI welcomes the opportunity for more clarity regarding the

1 entire process, and I thank you for your continuing support
2 and constructive discussion.

3 MS. BRICKEY: Thank you. Will you be with us in
4 the morning?

5 VOICE: Uh-huh.

6 MS. BRICKEY: If the purpose of your remarks is
7 to talk about the matrix, we'll talk about it in the
8 morning.

9 VOICE: It isn't.

10 MS. BRICKEY: It isn't. Okay. All right.

11 COMMENTS BY Zea Sonnabend

12 MS.Sonnabend: Good morning. My name is Zea
13 Sonnabend. I'm materials consultant for California
14 Certified Organic Farmers and an organic farm inspector,
15 among other things, which most of you are aware of.

16 I come here this morning to follow through with
17 some of the discussion that I started to bring up at the
18 last meeting in public comment about how important it is to
19 keep working on some of the unresolved materials issues,
20 which don't have any special interest advocating them and
21 tend to fall through the cracks in your deliberations
22 because they are tough issues.

23 Among the many -- a broad range of these issues
24 which I brought up last time, because I've been out in the
25 field a lot doing farm inspections lately, I just want to

1 pick on two of them, which I think are achievable for you to
2 do to actually make a policy on in a relatively short time
3 frame.

4 First of all -- and these two are very important
5 among growers in the field and will be majorly disrupted if
6 the rule goes into place the way it is without a little bit
7 more policy made on them.

8 The first one concerns manure and the definition
9 of composting. I know you know that there's some very
10 sticky, messy things in the rule the way it stands, but
11 there's a whole class of products which in OMRI we call
12 processed manure products that are very, very widely used
13 out in the field by the growers. These are the pellet --
14 these are manure products which have been heat or steam
15 sterilized so that they have a significant amount of
16 pathogen reduction, and they are pelletized usually, or
17 sometimes just granulated and broadcast, but used pre-plant
18 and side dress for fertility.

19 These processed products, of which OMRI has nine
20 straight products on their list and ten blended fertilizers
21 which contain processed manure -- and we think there are a
22 lot more out there -- should be able to be to be considered
23 equivalent to compost in the final standards because the
24 intent of the composting regulation was to reduce pathogens,
25 and these products have proved through the sterilization and

1 then tests to back it up that they have reduced pathogens.

2 They test negative for salmonella, and the ecoli
3 is -- we require a test of three-colony forming units -- I
4 didn't bring the exact thing -- but a very low level of
5 ecoli, which is a test accepted by industry.

6 So we strongly urge you to pass a policy -- and I
7 guess the Crops Committee should take this first and then
8 pass it on to the board -- to declare that manure that has
9 been sterilized and therefore path has been reduced should
10 be considered the equivalent of composting, or if you wish
11 to annotate it further, put an annotation requiring the
12 sixty-day use before harvest, which OFPA states for manure
13 products, which is what certification agents now generally
14 enforce and is workable for growers, a sixty-day-before-
15 harvest policy.

16 So that's thing number one.

17 Thing number two is inert ingredients are used in
18 other categories of products besides registered pesticides.

19 And the final rule only accommodates their use in
20 registered pesticides. These products include aquatic plant
21 products, blended fertilizers, fish products, agivents and
22 sanitizers for processing.

23 We would like to see a similar language to the
24 list for inert allowance for registered pesticide in some of
25 these other products. The type of -- the things that we're

1 talking are not strictly inerts. A lot of them are things
2 that are FDA GRAS food preservatives, stabilizers,
3 emulsifiers, carriers and things like that.

4 Some of the examples of these things are
5 synthetic citric acid when used in a liquid fertilizer,
6 ascorbic acid, synthetic ethyl alcohol used as a carrier in
7 many, many products, preservatives such as sodium benzoate,
8 potassium sorbate, VHT, and then some other things like
9 refined pine resins, phosphoric acid, methyl paraben and
10 sodium bicarbonate.

11 There's a particular problem with agivents
12 because agivents are not regulated by the EPA at all, and
13 yet many of these things will have an oil base, say a
14 cottonseed oil, but then it will have a list for inert that
15 is with it.

16 So we are close to language. I hope to talk
17 about it a little bit tomorrow, and we hope you'll take
18 final language at your October meeting.

19 Thank you.

20 MS. BRICKEY: Dr. R. D. Holliday.

21 COMMENTS BY DR. R. D. HOLLIDAY

22 DR. HOLLIDAY: Good morning. My name is Richard
23 Holliday. I'm a veterinarian. I've been involved in one
24 form of organic agriculture or another for over forty years.

25 I work for the IMPRO Company which has been involved in

1 animal health and productivity for over forty years with the
2 production of cholestrom WAY products.

3 I'm here today to comment on the preservatives in
4 vaccines, serums, WAY products and biologics. All of these
5 products need preservatives by the very nature of their
6 production and use. Most vaccines are preserved with
7 [unintelligible] or antibiotics, and I understand that
8 antibiotics and vaccines have been approved --

9 VOICE: To be discussed soon.

10 DR. HOLLIDAY: To be discussed soon. Okay.

11 Similar biological products have minuscule
12 amounts of other preservatives, such as paraben, which is
13 the one we use. Parabens are classified by the FDA as a
14 generally regarded safe food preservative. At the dosage
15 rate that we recommend, a dose of our product to our dairy
16 cow gives a one to eleven million parts of her body weight,
17 or .08 parts per million or 80 parts per billion.

18 These amounts are so small that we feel that
19 parabens should be allowed the same categorization as the
20 antibiotics and the other vaccines and things of a similar
21 nature.

22 I'd like to suggest that, that as you consider
23 the use of antibiotics as a preservative in vaccines that
24 you consider the use of paraben -- at least on a temporary
25 basis until a petition process can be completed.

1 My other comment involves the use of chelated
2 trace minerals and synthetic vitamins in livestock feeds. I
3 don't know if any of you realize it or not, but the biggest
4 genetically modified organism that you deal with on a day-
5 to-day basis is a dairy cow.

6 We think it's a terrible thing when scientists in
7 a laboratory include a gene of a fish that grows twice as
8 fast, but we've taken that dairy cow and increased her
9 production by maybe ten or fifteen times. And we think
10 that's a normal cow, and it's not a normal cow. And I don't
11 -- in my experience -- believe that you can maintain her
12 nutritional health without the addition, at least at this
13 time, of some chelated trace minerals or synthetic vitamins.

14 Chelated trace minerals -- actually, the natural
15 occurrence of trace minerals in feedstuffs is in a chelated
16 form, maybe not the same form that we chelate today, but it
17 is actually more of a natural occurrence of trace minerals
18 than feeding a trace mineral mineral out of the soil or
19 something, which natural animals would not have that much
20 availability.

21 So I'd like to suggest that that be considered a
22 priority because one of the things that we want is to have
23 healthy animals. And if you think about taking some old cow
24 that's on the range someplace and produces a calf and maybe
25 enough milk for that calf, she might get along. If you want

1 to call that organic beef, she might get along without
2 chelated trace minerals or synthetic vitamins, but I don't
3 think a modern dairy cow can very well.

4 One interpretation of the rule is that you can
5 use these synthetic trace minerals and things like that if
6 you have a clinical deficiency diagnosed. Another way of
7 looking at that is the animal has got to be sick before you
8 can feed it, and I don't think that was the intent.

9 I'd be curious to know if any steps are being
10 taken to consider chelated trace minerals or synthetic
11 vitamins. And my final plea is that there be more of an
12 attempt to make sure that some of these things meet a common
13 sense requirement.

14 People are implementing and interpreting these
15 rules for livestock that in my experience in talking to them
16 have never encountered livestock, and they're making these
17 rules on the basis of what they see on the paper and do it
18 without any background expertise in these areas.

19 So, again, to recap. I'd appreciate it if
20 something was done about preservatives in biologicals and
21 vaccines, and also something was done about chelated trace
22 mineral.

23 MS. BRICKEY: Tom Hutchinson.

24 COMMENTS BY TOM HUTCHINSON

25 MR. HUTCHINSON: Thank you very much for this

1 opportunity to comment.

2 OTA would like to comment on the NOSB Aquatic
3 Animals Task Force report and the upcoming recommendation
4 from the Livestock Committee on Pasture. Also, OTA would
5 like to inform NOSB of a technical correction OTA will be
6 requesting to have the NOP rule explicitly require that the
7 name or the identity of the certified operation appear on
8 final product labels.

9 OTA will further urge NOSB to support this
10 request.

11 The Organic Trade Association would first like to
12 commend NOSB for its work on aquatic animals. The Task
13 Force has thought through a great number of details in a
14 relatively short period of time and developed a creative
15 recommendation which adheres closely to the spirit of the
16 Organic Foods Production Act.

17 OTA urges the National Organic Standards Board to
18 adopt the recommendation on aquatic animals and looks
19 forward to commenting on specific standards. OTA will need
20 time to review the recommendation of the Livestock Committee
21 being presented at this meeting.

22 OTA greatly values the broad and deep consensus
23 that both public and private members of the organic
24 community have been able to forge over time and notes that
25 this consensus is the result of substantial dialog regarding

1 issues of the industry, NOSB and NOP.

2 The Livestock Subcommittee of OTA's Quality
3 Assurance Committee -- George Siemon is currently chair, but
4 is maybe moving from that position now that he's with your
5 board -- the Livestock Subcommittee is conducting a survey
6 of OTA livestock producers and certifiers to determine the
7 range of practices and policies currently in place. The
8 study could not be completed by this meeting, but will be
9 completed shortly.

10 The results of the study should prove most useful
11 to NOSB. OTA therefore respectfully requests that a vote on
12 the NOSB recommendation on pasture be postponed until the
13 public has had a chance to comment.

14 OTA must repeat a request you've heard numerous
15 times. NOSB must work with complete transparency and must
16 actively seek public input on their work before voting on
17 recommendations.

18 To help this process, OTA is willing to bear the
19 burden in cost of posting NOSB proposed definition and
20 recommendations on our own website to keep the organic
21 community involved in the development of organic standards.

22 Please let OTA and other willing organizations
23 know if this proposal would help further NOSB's goals in the
24 public/private partnership. OTA would also like to inform
25 the board that OTA is in the process of finalizing a request

1 for a technical clarification that the certified entity's
2 name should appear on the final consumer product label. OTA
3 believes this to be the intent of OFPA.

4 Further, this requirement was assumed in
5 rulemaking, and making this explicit will solve a problem
6 that is appearing in organic labeling and audit trails.
7 Please find a draft request attached to this comment.

8 OTA hopes that NOSB will agree that the writers
9 of OFPA intended the certifier's name to appear on the label
10 and that having the certified entity's name on the label
11 will aid the audit requirements of the NOP and help ensure
12 organic integrity.

13 Finally, OTA would like to submit a letter
14 supporting the current structure and certification
15 organizations in light of the conflict-of-interests section
16 of the final rule.

17 Thank you very much.

18 MS. BRICKEY: When would you expect your survey
19 to be completed?

20 MR. HUTCHINSON: Soon. A month or two.
21 Certainly well before the next meeting.

22 MS. BRICKEY: Could you get back to us with a
23 date you expect it to be ready?

24 MR. HUTCHINSON: Sure.

25 MS. BRICKEY: Ron O'Bara.

1 petition of any experiments that you have conducted with
2 that technology. Have you done anything with that, and what
3 do you know about that?

4 MR. O'BARA: Actually, freezing is a disaster.
5 That's why we haven't done anything with it.

6 Periodically, we have runaway cold runs that get
7 below 32, 31, and the fruit is subjected to freezing
8 temperatures. What happens is the skin underneath oxidizes
9 due to the salt damage from the freezing. We don't discover
10 it until we actually go through the peeling process.

11 But at that point the skin is discolored. Now,
12 we did a crust-freezing experiment, which I think is more to
13 the point, on kiwi because kiwi is very heat sensitive, and
14 you're trying to preserve the color. We essentially had the
15 same problem. The freezing actually destroys the cell
16 integrity, and that starts another oxidization reaction.

17 The issue that you have is by freezing the skin
18 on the outside, you delay the process of applying the
19 antioxidant -- usually Vitamin C or whatever -- and the
20 flesh color changes before you can do anything about it.

21 So we have done small experiments by trial and
22 error on other fruits, and we've had it happen on accident,
23 but generally freezing is the worst thing you can do.

24 One other comment. When you remove the heat from
25 the process, you also introduce microbe concerns. One of

1 the advantages of our steam process with the three percent
2 hydroxide is you're submitting the fruit to 190-degree
3 Fahrenheit temperatures, and you're knocking down a
4 substantial amount of the microbe load.

5 If you don't have a heat process in your peeling
6 or the rest of your processing, then you have another
7 microbe issue.

8 The final area on that freezing is that it's the
9 most energy-impacted portion of our line. Currently, we've
10 already modified our plant operating hours. We don't
11 operate in California now between 12 and 6 in the afternoon
12 because of the energy. We've modified our plant usage
13 because our IQF units -- that's the peak demand period that
14 costs the most money -- to go from a steam peeling with an
15 hydroxide solution to a pressed freezing and then
16 essentially a mechanical peel -- the brush washers and then
17 back to a freezing thing would essentially double the energy
18 needed in the current process, and I don't think that's
19 environmentally sound either.

20 Any other questions?

21 [No response.]

22 MS. BRICKEY: Thank you very much.

23 MR. O'BARA: All right. We'll be around if
24 there's any other.

25 MS. BRICKEY: Edward Brown.

1 that are on the list.

2 I'm sorry, I do not have documentation with me
3 right now. However, Keith Jones did get a copy of the
4 documentation at the OTA conference in Austin, Texas, in
5 early May, and I will be providing that document to this
6 group, to the NOSB later on this afternoon.

7 But having been working for 27 years in the
8 industry, I've seen food quality go from extremely poor to
9 pretty good. And over the last seven years, we've been
10 using a shellac-based product from South Texas Organics, and
11 we've seen the shelf life increase by almost 14 days. And
12 in citrus that's pretty amazing.

13 And basically what this wax does is help retard
14 the dehydration of the fruit. So the main alternative to
15 shellac is a beeswax. And what that does is leaves a white
16 film on the fruit. And the consumers that we talk to on a
17 daily basis have more objections to the beeswax than they do
18 the shellac.

19 And so I'm going to be brief here. I would like
20 to ask the NOSB to revisit their decision and hopefully
21 include shellac-based wax in the National List as an
22 ingredient for citrus crops.

23 That's my statement. And if you have any
24 questions, I'll be glad to answer them.

25 MS. BRICKEY: Thank you.

1 MR. RIDDLE: I have a question more for Kim.
2 When new information has come forward, should that be
3 submitted as a new petition to start the process over?

4 MS. BURTON: Correct. Yeah, that's what I was
5 going to recommend, you repetition because of the new
6 information that you've got. You can talk to me if you've
7 got any questions about that.

8 MR. SIDEMAN: You said there were no
9 objectionable chemicals. Does that mean that's a
10 [unintelligible] product?

11 MR. BROWN: Yeah. My understanding is that the
12 insect that excretes this shellac base is put in bulk and
13 then shipped to Boston. And in the processing there are no
14 objectionable ingredients on the National List that are --
15 that are not on the National List.

16 MR. SIDEMAN: If it's all natural, perhaps you
17 don't even need a petition.

18 VOICE: It would be --

19 VOICE: Yeah, you do.

20 MR. SIDEMAN: Okay.

21 MR. BROWN: Thank you.

22 MS. BRICKEY: Thank you.

23 Maury Wills. Maury Wills. We're not talking
24 about the baseball player, are we? Just checking.

25 COMMENTS BY MAURY WILLS

1 MR. WILLIS: Good morning. Thank you for this
2 opportunity.

3 I'm with the Iowa Department of Agriculture in
4 Land Stewardship. I'm the organic program manager there and
5 also a board member for the National Association of State
6 Organic Programs.

7 My comment refers to the accreditation component
8 in the rule. States were informed at the annual meeting of
9 the National Organic Programs in April of this year that
10 certifiers at the time of application for accreditation must
11 be in full compliance with the rule.

12 This language is not consistent with Section
13 205.504 of the rule, which states that certifiers instead
14 must demonstrate their ability to fully comply with the
15 rule.

16 The Iowa Department of Agriculture and the
17 National Association of State Organic Programs then urges
18 the NOSB to request that the NOP implement the accreditation
19 program consistent with the rule. Certifiers should be
20 afforded the time between application for accreditation and
21 the time of full program implementation to move from their
22 ability to comply to full compliance.

23 Thank you.

24 MS. BRICKEY: Thank you.

25 Lynn Cody.

1 lack of an audit checklist and the implications of
2 certifier's use of standards -- of the NOP standards prior
3 to the date for full implementation.

4 So the implementation date is my first topic.
5 Certifiers were told at two USDA trainings -- one that Maury
6 mentioned for the states and another that I attended that
7 was oriented more for all different certifiers, mostly
8 private certifiers attended -- that they must be fully
9 compliant with the rule when they apply for accreditation,
10 as Maury pointed out, in contrast to Rule 205.504, which
11 requires only that certifiers must show their ability to
12 comply at the time of accreditation -- at the time of
13 application for accreditation.

14 This requirement combined with 504(d)(2) to
15 submit completed certification files with your application
16 then means that certifiers are now trying to implement the
17 standards so they can have something to show at the time of
18 accreditation.

19 This effectively puts the full implementation
20 date one year earlier at October 2001 as opposed to the
21 stated date of 2002.

22 Second point, the checklist. To add to the
23 difficulties of the USDA's stated interpretation, there's a
24 lack of their provision of a detailed audit checklist. To
25 prepare for accreditation, certifiers must do an internal

1 audit and a management review against the rule.

2 And although my recent communications with Mark
3 Bradley -- I found that they are in the process of providing
4 an -- creating an audit checklist containing both rule and
5 ISO requirements, its continued absence at the time of
6 certifier's intense preparation for accreditation leaves
7 certifiers with many questions which is causing
8 consternation, especially in light of conflicting
9 information presented at the certifier trainings.

10 And my third point is certifier's use of NOP
11 standards prior to final implementation -- the final
12 deadline for implementation is that USDA's inconsistent
13 guidance on the implementation dates to the certifiers, as
14 both Maury and I expressed, means that some certifiers have
15 begun to implement the rules, production standards now
16 currently.

17 This has resulted in difficulties for some
18 operators, processors and growers who must make immediate
19 changes to their production systems. The problem is
20 especially acute with respect to materials which are in the
21 pipeline for TAP review because it means that these
22 materials are taken away from certifiers that are currently
23 using them.

24 In conclusion, provision of an audit checklist
25 would go a long way toward clarifying NOP's interpretation

1 of the rule for all concerned, certifiers and all the
2 certified operators, and clear communication about
3 implementation timelines will benefit the entire industry.

4 Thanks a lot. I'd be happy to answer questions
5 now or at breaks or whenever. Thanks.

6 MS. BRICKEY: Thank you very much.

7 Michael Sligh. I want to welcome Michael as a
8 past chair of the NOSB board.

9 COMMENTS BY MICHAEL SLIGH

10 MR. SLIGH: Thank you very much. I'm a survivor
11 of the NOSB and glad to be here to provide some public
12 comment to this process.

13 I do have some documents that are supporting of
14 earlier comments that we have provided to the board. I
15 would like to resubmit them for the record today.

16 I come to you today as a former farmer and as a
17 farmer advocate and also representing the interests of my
18 organization, the Rural Advancement Foundation
19 International, as well as the Union of Concerned Scientists
20 and the International Center for Technology Assessment, as
21 well as the Steering Committee of the Organic Committee of
22 the National Campaign for Sustainable Agriculture.

23 We are staunch supporters of the vital roles of
24 the NOSB, and we recognize the challenge that you face in
25 meeting the multiple and simultaneous roles of the NOSB. We

1 think that it is critical that you respond to the needs of
2 USDA for timely advice on implementing the final rule, but
3 you must also continue to respond to the official materials
4 reviews before you, as well as fleshing out the materials
5 and practices that have historically not been included in
6 the final rule.

7 But it's very important that you must also
8 provide a national forum for building consensus and for
9 problem solving and for being responsive to the engaged and
10 informed public.

11 Very careful and deliberate pains were taken and
12 fought for to ensure that the National Organic Standards
13 Board was not just an old style advisory board, but, really,
14 was one that set the bar for being interactive, transparent
15 and responsive to critical concerns.

16 We strongly urge the board to reclaim this
17 legacy, and we formally petition the board to restore a very
18 clear and consistent process for public engagement. You
19 were also meant to play an advocacy role in ensuring that
20 the implementation process is fair, consistent and does not
21 alienate or drive out the traditional clientele, while being
22 open to the concerns of new constituencies.

23 Your priorities and the priorities of USDA, and
24 those of the clients must mesh in a very deliberate and
25 proactive and productive way. There's much willingness on

1 the part of the concerned public to participate.

2 This can actually be a help in speeding
3 resolution to complex issues and to providing USDA with
4 advice that will not come home to roost, so to speak.
5 Isolation is dangerous at this point in transition.

6 The website is great, but it is not timely and is
7 not interactive and does not meet the needs for feedback and
8 dialog. We urge the board to immediately reenact written
9 and e-mail notice of your priorities, of your timelines, of
10 the opportunity to provide comment.

11 We stand ready to use some of our other websites
12 as well. And my computer just crashed.

13 I will be able to provide written comments at a
14 later time today if technology will cooperate. But,
15 however, we also want to make some comments on some of the
16 topics before you today, one of them being the issue of
17 access to pasture. We generally support the Livestock
18 Committee's recommendation and language in this area. We
19 think that the word "could" could be changed to "would," and
20 we would like to see some general examples on behalf of the
21 board as to what would be entailed in temporary exemptions,
22 so that farmers and certifiers get a better idea of what the
23 landscape and parameters of these types of temporary
24 exemptions might be.

25 Also, in due respect to all the farmers and the

1 question of the synthetic amino acid, it's our sense that in
2 many cases the farmers may be victim in this, and that we
3 oppose the allowance of this synthetic amino acid into the
4 organic system because we think that the long view is very
5 essential that we take here, and that in the short term we
6 recognize the complexity of the difficulty, but we think
7 that there is a great opportunity to encourage farmers to
8 have a longer rotation, to have additional crops that
9 actually have cash value in the marketplace and that many
10 farmers would see this as a benefit in the long term in
11 terms of developing the protein needs for the animal feed
12 industry.

13 So having said that, we really urge that USDA and
14 the board seriously consider the tool of phase-out, because
15 we don't want to hurt farmers in the current situation, but
16 at the same time the long view dictates that this should not
17 be a part of the organic system. It really is a carryover
18 from the confinement model and I think is not appropriate or
19 compatible with the system of sustainable agriculture over
20 the long haul.

21 And I think that your challenge is to be really
22 the protector of organic integrity and to look at this long
23 view and take the systems approach. We urge you to do the
24 right thing and to act in that manner over the long time.

25 Thank you.

1 MS. BRICKEY: Michael, what do you mean by using
2 the tool of phase-out specifically?

3 MR. SLIGH: Well, I think it's fairly common --
4 and we actually years ago really urged the idea of both
5 phase-in and phase-out with clear sunsets and timelines so
6 that farmers could adjust to the changes in practices that
7 are required in meeting the final rule.

8 If currently some organic farmers are using this
9 synthetic product, that there could be a period of time for
10 that to be phased out with a clear sunset so that everybody
11 understands how to get to this place.

12 Our concern is the same and could be said for the
13 implementation process. It was our intent that the process
14 would be a phasing in, and there would be adequate time for
15 adjustment both of the farmers and the certifiers to make
16 the necessary changes in order to comply.

17 We're concerned now that we may be in this
18 compressed period where there's not adequate time for people
19 to phase in or phase out. It almost seems as if a train
20 wreck may be in the working, and this is not the intent of
21 USDA or the law or the intent of the legislation.

22 MS. BRICKEY: When you say phase-out, you mean
23 something beyond our generic five-year sunset?

24 MR. SLIGH: Well, I mean, that's required by law
25 to do that. I would not encourage the board to allow it for

1 five years and then attempt to reopen it because you already
2 have that. That's not going to send the market signal to
3 grow these additional crops and to provide that kind of
4 incentive.

5 I think you would be better to say we would
6 disallow it with a phase-out of its use with a sunset. That
7 would be my recommendation as the way to go so that farmers
8 have a chance to provide for these additional protein needs
9 in a timely fashion.

10 And I guess just a footnote to -- one of the
11 materials that we gave you, since my computer crashed -- we
12 are very concerned and provided you a letter that we have
13 sent to USDA urging there to be some clarification,
14 particularly about the conflict of interest language in the
15 final rule.

16 It's our belief that the way it is written
17 currently that it would drive farmer-centered certification
18 out of the process, which was not the intent of the law. We
19 strongly urge the NOSB to support and help in trying to get
20 this clarification made.

21 MR. RIDDLE: I just had a question about one of
22 your other documents that you submitted where you list off
23 some suggested technical corrections. It's my understanding
24 that a technical corrections docket is likely sometime this
25 summer to be put together.

1 I'm looking at these, and I mean, some of them
2 appear to be more than technical, substantive possibly. But
3 if -- I just would like to ask if you can narrow those down
4 to what are technical and submit them to the NOP and NOSB,
5 you know, in terms of what language is incorrect.

6 MR. SLIGH: Uh-huh. Sure, we'd be glad to do
7 that. And of course it's our hope that as wide a scope as
8 possible is interpreted in terms of technical corrections to
9 solve some of the difficulties of the rule, but we would be
10 glad to provide that.

11 MS. BRICKEY: Thank you, Mike.

12 MR. SLIGH: Thank you very much.

13 MS. BRICKEY: John Clark.

14 COMMENTS BY JOHN CLARK

15 MR. CLARK: Hello, I'm John Clark. I've been an
16 organic farmer most of my life. I'm 63 years old. I only
17 have five minutes to spell out volumes.

18 I would ask that you seek out -- in what I was
19 told was a pile of substantive comments on all of the
20 proposed rules, my comments, especially the ones made in
21 March '98 on the original proposed rule which was 26 pages,
22 single-spaced, was annotated from the law, from the rule.
23 If it had been followed, a final rule could have been
24 formulated consistent with OFPA in about 30 days.

25 I am extremely concerned that the present final

1 rule violates the OFPA in a very great number of ways, very
2 important ways. And in five minutes I cannot do that.
3 However -- I cannot elaborate on that.

4 However, I am extremely disappointed that both
5 the NOP staff and NOSB in general has apparently failed to
6 comprehend this wonderful statute called OFPA. Between the
7 plain reading of that, as my friend from Maine -- help me
8 out, Eric -- Arthur Harvey would say, a plain reading of the
9 act and a plain reading of the -- or the law and a plain
10 reading of the conference report, both the Senate and the
11 House of Representatives was very clear on a number of
12 things that continue to be violated, particularly the
13 regimen for labeling processed organic food.

14 The NOSB continues to waste time on something
15 that it has no business messing with. Anything on the GRAS
16 list from FDA is allowed for foods made from organic and not
17 allowed in things called organic. It's that simple. It's
18 not a matter of whether you can use these things; it's how
19 you label them. And I can't understand why that continues
20 to be a puzzle to the NOSB, to OMRI and to the National
21 Organic Program people.

22 With respect to the National Organic Program
23 people, we're playing a game of musical chairs which I find
24 is very regrettable. About the time either the proposed
25 rule or the final rule comes out, we find our director being

1 promoted or retired and the continuity of the staff is just
2 beyond belief. There's no connection with what went from
3 the past.

4 I was involved in some of the original TAP
5 reviews. I tried to set an example as to how those should
6 be professionally done, and I have not heard one word from
7 OMRI since OMRI took this contract or since OMRI was formed.

8 There are those of us who both know organic, who know
9 chemistry and who know what the law says.

10 I don't find that very common, and I would think
11 that both NOP, NOSB and OMRI, all three, would seek out
12 people like me who can make legitimate contributions to the
13 TAP review process.

14 It has been five years since the original TAP
15 reviews were done. It's time for the re-review of most of
16 these things. In fact, at the Indianapolis NOSB meeting, I
17 made that request in public that all of the botanicals --
18 pesticides be re-reviewed because I don't believe those
19 reviews were done properly. And most of the things that
20 were done in 1995 are now subject to re-review, unless
21 you're going to play games with, well, it isn't a final rule
22 yet, so therefore our reviews aren't reviewable even though
23 six years has now passed.

24 That seems to be evasion of the purpose of the
25 act, the purpose of the reviews and the sanity of the

1 organic community.

2 VOICE: Time.

3 MS. BRICKEY: Thank you, Mr. Clark.

4 MR. CLARK: Thank you.

5 MS. BRICKEY: Merrill Clark.

6 COMMENTS BY MERRILL CLARK

7 MS. CLARK: Thank you very much.

8 I wanted to follow Michael Sligh whose board I
9 was on originally from '92 to '96 as a consumer
10 representative of the NOSB, whose representative is or is
11 not here today. Thank you. There you are.

12 Unfortunately, there aren't too many organic
13 consumers coming in the door and speaking. That was always
14 almost par for the course during the meetings that I was a
15 part of as well, and I always thought that was terribly
16 unfortunate because these are the people for whom we're
17 growing food. And also we of course have environmental
18 prerogatives, but the consumer prerogative is certainly
19 there.

20 I was a Livestock Committee chair on the board
21 for three and a half years or so, also served on the
22 Materials and Processing Committee. My husband who just
23 spoke, my children and I own 1800 acres of certified organic
24 -- diversified organic livestock and grain farm in southwest
25 Michigan. We were certified by the Organic Growers for over

1 13 years and now certified by Indiana Certified Organic.

2 Also do some Michigan Organic Food and Farm
3 Alliance co-chair and Michigan Organic Food Products Act
4 that just passed and am part of that board.

5 Some of the things I wanted to just to reflect on
6 really quickly about what has already been said is that --
7 one of the comments that's sometimes always made during NOSB
8 meetings is the title on the board here organic, or what
9 meeting did I walk into.

10 Unfortunately, we started out talking a lot of
11 synthetics from the very beginning of this meeting, and
12 apparently that happens a lot at NOSB meetings, which is too
13 bad. I keep thinking, where's the organic conversation.
14 We're always talking about one more thing that needs to be
15 added to the list.

16 The synthetic list is growing, and when people on
17 the board actually cry out for more petitions for synthetic
18 materials and processing, which are illegal according to the
19 law, I'm beginning to wonder where the process is going and
20 how much adherence to the letter of the law we're paying
21 attention to.

22 When I hear, well, my product is less toxic than
23 his product, that is inappropriate kind of material. We're
24 not talking about trying to find out risk assessment or
25 trying risk avoidance from the very beginning, and

1 somebody's less toxic than somebody else's doesn't to me
2 sound like an organic ingredient on either side.

3 I'm also concerned there's not enough adherence
4 and continual reliance on the seven criteria for reviewing
5 at least the organic -- the products allowed in organic
6 production. Apparently, we don't have a very good list.
7 That doesn't seem to faze the processing of synthetics as
8 much as it does to production of synthetics. Something has
9 to break there, because as soon as you let one in, in comes
10 another chicken additive, in comes another livestock
11 antibiotic and something else.

12 It's going to go down a prickly path. The next
13 thing you know -- I mean, just one person after another.
14 The leathermeal discussion has gone on for a really long
15 time, and they don't seem to be about to give up.

16 Confinement for livestock, it seems like some of
17 the things people need is to avoid -- is to continue to
18 allow some kind of confinement of chickens or livestock,
19 which is inappropriate for livestock production in my view.

20 Other things I just wanted to get at with respect
21 to materials and particularly the materials list and the
22 National List, I believe as somebody else has quoted in a
23 document, the center piece of concern over reproducing the
24 very system the organic community has sought to reform is
25 the materials list and the national standards and substances

1 approved for fertility and pest control.

2 I felt myself the National List is apparently --
3 and will continue to be -- sort of the Achilles' heel of the
4 organic, quote, industry. The list is where the blocks of
5 organic integrity will show up or not show up if the board
6 and/or NOP continue to hide certain allowances, such as a
7 failure to list, what is in the list for inerts.

8 Dr. Paul Konnet has written a really thorough
9 paper about sodium fluoride -- I believe it is -- that is
10 apparently still allowed in the -- it is on the list for
11 inerts. He feels it's a terribly toxic substance and should
12 have nothing to do with anything organic.

13 I will make sure that paper gets to the board if
14 you have not seen it.

15 Decisions regarding inclusion of such materials
16 on NOSB have not been unanimous. This is another quote from
17 the book I originally quoted from, about the center piece of
18 concern.

19 Specifically, the consumer representative on the
20 board disassociated herself from the botanicals review
21 because she thought members had not sufficiently evaluated
22 this substance before listing them as allowed materials.
23 That consumer representative I believe she must be talking
24 about was me, and I feel the same way now with respect to
25 biopesticides allowed and synthetics allowed in organic

1 processed foods.

2 I can remember now at Buena Park, California,
3 where the air went out of everybody, a huge -- not sigh of
4 relief, but kind of a scare kind of thing when PBO was voted
5 down. People had thought that was obviously a clearly --
6 obviously a synthetic synergist, but they still had to have
7 it because obviously the pests would run rampant through
8 vegetable crops if they didn't have the power of pyratheum
9 to -- might diminish a little bit too soon without that PBO
10 insert there.

11 I'm also concerned about the OMRI products that
12 are OMRI listed and out for purchase that give people the
13 idea that these products are already organically approved by
14 someone when they're only listed on a list of OMRI at this
15 particular time.

16 VOICE: Time.

17 MS. CLARK: And manure, raw manure, has got to
18 go. Thank you.

19 MS. BRICKEY: Thank you, Merrill. Thanks for
20 being with us today.

21 Bob Anderson.

22 COMMENTS BY BOB ANDERSON

23 MR. ANDERSON: It's sort of Yogi Berra day, you
24 know, it's de ja vu all over again here. It has been seven
25 years since I've been on this side of the podium.

1 I come to speak to you really as a consumer with
2 absolutely no dog in any hunt here. There are a couple of
3 things that I think I'd just like to talk about. Some of
4 them have come up during this meeting.

5 One is I think that as the board you're charged
6 between being the arbiter between science and principles,
7 and sometimes that's a very, very difficult row to hoe.
8 It's important that we always are basing these on the
9 principles.

10 I come to potassium hydroxide especially, and
11 this is really where Yogi Berra came in because, you know,
12 one of the primary motivations for me to be an organic
13 processor was in reaction to lye peeling, particularly of
14 peaches and tomatoes.

15 And I think that as the board reviewed it, we
16 found no reason why it should be allowed because the major
17 reason that we were told that it needed to be used was that
18 you couldn't transport ripe peaches, and if you can't
19 transport ripe peaches to the cannery, you have to have
20 green peaches, and green peaches can't be peeled by anything
21 other than a caustic sodium -- or a potassium hydroxide or
22 lye.

23 And I think it's extremely important that we
24 understand that I really believe that if you allow it in a
25 very isolated case, it will become the camel's nose, and

1 that it will ultimately be looked at and petitioned and
2 repetitioned for other peaches, ultimately tomatoes.

3 Remember that the guys who run these machines
4 wear full-body suits. And also no residues does not make a
5 product organic. That was something we were very adamant
6 about.

7 Second, I'm here just to talk -- just for a
8 moment to endorse what Michael said about the synthetic
9 amino acids. Never used them. Raised lots and lots of
10 chickens. But I do think that there is a problem here, and
11 some of the very most respected growers in the organic
12 community are using it.

13 Now, I really believe that a phase-out -- that
14 this is very, very similar to treated seeds and to the
15 availability of organic seeds, even antibiotics in livestock
16 as we looked at them early on.

17 So, you know, I don't know. I know that if we
18 don't set an end to it -- not just the one that's mandated,
19 that people won't put the same level of energy into it and
20 we won't seek the solutions as aggressively as they are.

21 The real reason that -- and the initial reason
22 that I wanted to talk here -- well, I'll say one other
23 thing. About the accreditation, this just came up this week
24 and I didn't really get it until I really got into some
25 dialogs. I think it's very, very important that certifiers

1 demonstrate the ability to comply with the law, concurrent
2 with the use of the label.

3 So we can't really -- I think it's very difficult
4 to penalize everybody out there and impose standards when
5 you can't get the marketplace advantage of the seal on the
6 label. And the use of the seal and the requirement of the
7 seal are two very different things.

8 We were adamant that the use of a seal was
9 voluntary and that it could be used but that no certifier
10 could use it to restrain trade. Please keep that
11 perspective in mind, because it was one of the things that
12 brought us to this whole table in the first place.

13 Finally, it's pasture based. I've gone through
14 this for six years now, and being on the land yesterday was
15 just a wonderful thing again, and to be -- and to see
16 incredibly lush pasture, and still see that there were
17 complications even within a very large 400-acre farm where
18 there were -- for any number of reasons, whether it was the
19 stage of production or the stage of the farm or the
20 transition of the farm or the development of the farm, that
21 access to pasture and access to the outdoors are things that
22 I believe are going to have to be or should be very, very
23 carefully considered and not drawn too narrowly.

24 I truly believe that agriculture today is going
25 to be dependent upon -- and the survival of the farmer is

1 going to be dependent upon cooperative efforts, and it's the
2 cooperative efforts that can exist in regional integrated
3 agricultural systems that very well may be the survival of
4 the organic industry and the farmer on the land all told.

5 I think it's important to look at the diversity
6 of the region, the best use of the land, the skills of the
7 people there, the habitat and the environment. And I urge
8 you to look beyond what I -- you know, I think that there
9 are good large operations and there are bad small
10 operations. And I believe that an undercurrent here -- and
11 an unspoken undercurrent here -- is the issue of scale. And
12 I really believe it has to come to the table, and I believe
13 that it has to be recognized.

14 The level of detail that we are going to here I
15 believe exceeds the kind of management that was intended by
16 the law. And the real question I think is, can it be done
17 well, and can it be done with integrity and honor the
18 systems.

19 I urge you to look beyond the scale. I urge you
20 to look to the diversity and to get beyond ruminants, but
21 into the whole thing, whether it's pigs confined in a small
22 scale or a large scale, or whether it's chickens with
23 pasture and adequate pasture and what -- I don't think -- I
24 believe that's a certifier issue.

25 I believe that access to pasture is important. I

1 raised over a hundred steers a year, and I didn't have
2 adequate pasture to have them on pasture all the time, but
3 we did chop good grass and bring it to them. The only
4 difference was that it wasn't pulled from the ground by
5 their mouths. And that's been an issue.

6 One last thing. I would urge you as a board in
7 this evolution -- in the evolution of the board and the
8 changing of the administration, the changing of the staff
9 and the unknowns of all of that to stake your territory
10 very, very carefully and to remember that we're all counting
11 on you to remain our guardians of the organic movement and
12 community.

13 Thank you.

14 MS. BRICKEY: Thank you.

15 Phil LaRocca.

16 COMMENTS BY PHIL LaROCCA

17 MR. LaROCCA: Thank you for the time to be here.
18 Thank you, Bob. That was quite eloquent. I enjoyed it.

19 My name is Phil LaRocca, and I am a certified
20 organic farmer, certified organic processor and chairman of
21 the board of the California Certified Organic Farmers. I
22 have two statements that I would like to -- or deal with two
23 issues and maybe a third if I still have some time.

24 One is dealing with the conflict of interest
25 regarding certifiers. At CCOF -- we've been around for 30

1 years. I think our reputation is excellent. I can say that
2 both on a national and international level. We've been
3 recognized as always having a lot of integrity and putting
4 our seal on what is organic.

5 After 30 years -- as a matter of fact if it
6 wasn't for a group of farmers in California about 30 years
7 ago, we probably wouldn't be in this room today quite
8 frankly. So we have been working very hard to come in
9 compliance with this conflict issue.

10 We certainly want to make sure that our 1300
11 members are going to be accredited when the rule comes in,
12 but at the same time those members also appreciate the fact
13 that we're one of the few certifying bodies that is actually
14 made up of organic farmers, and who better to know the trade
15 than organic farmers and organic processors.

16 Now, we have spent a lot of time and a lot of
17 money to try to come in compliance. What scares me a little
18 bit is that we have hired a -- what we consider to be one of
19 the most credible ag law firms in the state of California,
20 which also works out of Washington, D. C. And when they
21 tell us that they see so much fog and cloudiness in what the
22 USDA is telling them, and also inconsistencies and perhaps
23 illegalities, that does give us some concern.

24 So when we present our picture of where we're
25 going to go with this thing, that we make sure that we do

1 get accredited. But again when you have legal counsel
2 saying they're a little bit confused as to what the USDA is
3 trying to say, that does give me some concern.

4 A second issue I want to deal with is a personal
5 issue that just happened, oh, about a month ago, involving
6 this process where we are supposed to be gaining like in
7 organic recognition, organic integrity.

8 Recently, the Bureau of Alcohol, Tobacco and
9 Firearms rejected our label that had been approved for the
10 last nine years because we had the word "organically grown
11 and processed." Again, the label had been approved for nine
12 years.

13 With the advent of the new rule, they felt
14 uncomfortable with this statement. Now, we are certified in
15 the field; we are certified in our processing facility, and
16 we don't even have any issue in question here. There is
17 nothing that we use that is even on the so-called list. We
18 are totally clean all the way through.

19 We were told that our next label will be rejected
20 if we use the organic again. I know I've talked to Richard
21 on the telephone about this, but I think we really -- I've
22 got to urge us forward to make sure that government agencies
23 are in sync with what's going on.

24 Most of you know me here, and I've been involved
25 in a lot of the labeling issues with the wine program. So I

1 know exactly where I stand with this thing. And there is
2 nothing that would actually deny my label from being
3 approved.

4 We are again certified on both levels: in the
5 field and in the processing facility. So when I get told by
6 the ATF that they aren't really on the same wave length as
7 to what the USDA and the organic program is doing, that
8 really brings me some concern.

9 Instead of going forward with this program, in my
10 particular business it looks like we have actually taken a
11 step backwards. So I urge this board and I urge Richard to
12 make sure that there is some communication with the ATF so
13 they actually know what the NOP is all about and where we
14 stand on this issue.

15 Since I do have a little time left, I would just
16 also like to make the statement that as a farmer who makes
17 his sole living from agriculture, I have a lot of concern as
18 to other farmers out there trying to keep going.

19 I had to agree with Bob, that sometimes some
20 issues need to be phased out. I think that you're going to
21 have to draw a line somewhere as to where synthetics stop in
22 the organic production process.

23 Thank you.

24 Yes, Steve.

25 MR. HARPER: What was the reason that the ATF

1 gave to you for rejecting the label?

2 MR. LaROCCA: We used the word "organically grown
3 and processed" on the label. They said that they did not
4 get that directive from this rule.

5 MR. HARPER: Why did they approve it before?

6 MR. LaROCCA: Because they probably didn't -- you
7 know, we were organic, and they probably hadn't talked to
8 the other government agencies is the only thing I can
9 figure, and they were confused.

10 The only thing they're saying they're going to
11 allow now in organic wine is grown with organic grapes. We
12 spent the past ten years -- personally spent a lot of time
13 in it -- making sure that we had organic wine and made with
14 as two separate categories.

15 MR. HARPER: Was this the issue of sulfites?

16 MR. LaROCCA: No, it had nothing to do with that.

17 MR. HARPER: I mean, for them saying that they
18 were going to allow organically grown versus made with -- I
19 mean, they said they were going to allow that. That --

20 MR. LaROCCA: They see that as being allowed.
21 Right now they only have a decision on organic wine, which I
22 thought, according to the rule, we've come out -- you have
23 organic wine, which does not allow sulfur dioxide or other
24 synthetic materials in it.

25 Then you have the made with category. I thought

1 that was pretty clear, and worked on that.

2 But talking to the ATF, they are absolutely
3 uncertain as to where the organic program is going with
4 this.

5 MR. HARPER: Phil, do you have a letter from them
6 stating this in writing?

7 MR. LaROCCA: Yes, I do, and I submitted them to
8 Richard.

9 MS. BRICKEY: All right. Thank you.

10 MR. LaROCCA: Thank you.

11 MS. BRICKEY: Sissy Bowman.

12 COMMENTS BY SISSY BOWMAN

13 MS. BOWMAN: Hello, I'm Sissy Bowman. For those
14 of you who don't know me, I'm a certified organic farmer,
15 communications director for Indiana Certified Organic which
16 is a private certifier, and I am the chairman of the Indiana
17 Organic Program, which is not a certification program. I'm
18 also with the Organic Farmers Marketing Association.

19 I do have a couple of things here that I was
20 asked to give to the board by Klaus and Mary Helen Martins
21 regarding synthetic amino acids in animal feed and triple
22 supers, phosphate as a soil amendment. They are opposed to
23 both of them being on the list, and I'll just hand that to
24 you.

25 First of all, with regard to the amino acids --

1 and this, too, will basically echo a lot of the things that
2 other people have said -- there is no category in Section
3 6517 for amino acids to be placed on the National List. The
4 continual review of products that are not in the categories
5 of that section is something that's very upsetting to me as
6 a farmer, as well as a certifier and a consumer.

7 At this point in time I've been talking to a lot
8 of people who are concerned about this. I also run a food
9 co-op. We buy from other farmers in the area, and we serve
10 about 200 people over the course of a year, so I get a lot
11 of input. Basically at this time we're discussing
12 petitioning for the removal of many of these products that
13 have been placed on the National List.

14 So I urge you to develop a procedure for
15 reviewing these petitions for removal and handle them in a
16 very quick time frame.

17 I also want to echo the things that Zia and Lynn
18 said. I'm not going to go over those again, but farmers
19 need several things done. We need clearer livestock
20 standards. This is something that -- as Mark Keating has
21 said, it's somewhat of a haiku in the rule. It needs to be
22 fleshed out. No pun intended.

23 We need to work on the compost issue. I think
24 that the processed manure type thing that Zia talked about,
25 I think that's very important. The compost standards as

1 they are are very difficult for small farmers to comply
2 with.

3 That's basically all I have to say here except to
4 urge you again, read Section 6517(c)(1)(B)(i) of the rule,
5 and also -- oh, another thing. In this crops discussion on
6 the agenda to discuss the transitional label, nowhere in
7 OFPA is the transitional label discussed. I would really
8 like to see that dropped.

9 Section 6518 of the Organic Foods Production Act
10 details responsibilities of the board. I would like for you
11 all to read those and make sure that you prioritize those
12 things rather than adding things to the agenda that are not
13 in the act.

14 Thank you.

15 MS. BRICKEY: Thank you. Is there anyone who
16 wants to comment who is not on the list or who we had to
17 pass over?

18 VOICE: Pam Saunders was on the list.

19 COMMENTS BY PAM SAUNDERS

20 MS. SAUNDERS: Thanks. Sorry I was late this
21 morning.

22 I appreciate the opportunity to address you. I'm
23 Pam Saunders, meat pool coordinator for Crop Organic Valley.

24 For the last four years, certified organic farmer. Over
25 the past two years I've participated in many discussions

1 with farmers from various regions of the country about the
2 implementation of pasture requirements for ruminants.
3 That's the topic I wish to address.

4 There is no mention in OFPA of a requirement for
5 pasture for ruminants, no mention even of humane standards.

6 These issues in the final rule are part of what organic has
7 come to mean, both to the producer of organic food and to
8 the consumer.

9 They're born of an evolution within the organic
10 community, producers through their farm practices and
11 consumers through their comments on the proposed rule and
12 their buying habits that animals should be raised in
13 conditions that allow them to express their natural
14 behaviors and that maximize their health.

15 I'm pleased to be involved in this public process
16 to further define what we all mean by organic livestock
17 production. I'm here to support the standard recommended by
18 the NOSB Livestock Subcommittee. This recommended standard
19 requires access to pasture during the months when edible
20 forage is available as a significant portion of the feed
21 requirements during those months.

22 The farm plan is proposed as the tool for
23 identifying, implementing and inspecting the use of pasture
24 on a given farm. We are not in favor of a proscriptive
25 standard that would dictate stocking rates or months per

1 year that livestock must have access to pasture.

2 There is no aspect of organic production that has
3 as much regional variation for production as the management
4 of pasture for livestock, which makes the stocking rate
5 approach difficult to implement and inspect. Pasture
6 conditions range from year round, six months, winter, some
7 parts where there's productive grass for only short periods
8 of time because of -- not because of temperature but because
9 of rainfall. Conditions range from regions that can support
10 more than one animal per acre to regions that require
11 hundreds of acres per head over the grazing season. Terrain
12 and topography of the farm layout play a role as does the
13 rotation plan suited to a particular farm.

14 Therefore, we support the site specific approach.

15 The exemptions to the pasture requirement, as proposed by
16 the NOSB Livestock Subcommittee, are consistent with those
17 for outdoor access. Those are the familiar ones, conditions
18 under which health and safety or well-being of the animal
19 could be jeopardized, inclement weather and temporary
20 conditions which pose a risk to soil and water quality.

21 The proposed stage-of-production exemptions to
22 the pasture requirements are less familiar and may be
23 controversial. We are in support of the exemption for dairy
24 stock under six months of age. We recognize that dairy herd
25 replacements are likely to be grouped in several different

1 age categories with different levels of management required.

2 Unlike beef animals, dairy replacements and
3 steers are by definition not with their mothers and require
4 close handling in order to manage milk feed, competition for
5 feed and general health. For health concerns as well as the
6 practicality of managing so many different pastures, an
7 exemption for the first six months is an important
8 consideration for dairy operations reflective of current
9 practice on most organic farms, and not likely to raise
10 concerns with consumers.

11 Conversely, young beef cattle are typically with
12 their mothers for the first several months and do not
13 warrant an exemption from the pasture requirement. We do,
14 however, advocate an exemption for a finishing period of 120
15 days. Although pasture-finished beef is one kind of organic
16 beef, organic does not say that it is the only kind of beef
17 people should eat.

18 Organic consumers express their preferences in
19 the market, and there is room in that marketplace for
20 ruminants finished with significant amounts of grain in
21 their diets.

22 Those grains are often the splits and screenings
23 from grains raised for human consumption and can fit in well
24 with the rotation and farm plan. In fulfilling the organic
25 requirement that the livestock be allowed to pursue natural

1 behaviors, I would anticipate that organic farm plans will
2 include the feeding of stored forage during grain finishing
3 and in many cases will include access to pasture even during
4 grain finishing.

5 It should be noted that this proposed standard,
6 if adopted, will be far from painless. It will eliminate
7 some farmers from organic livestock or dairy production. I
8 have spoken with both dairy and beef producers, currently
9 certified organic farmers in good standing who are unwilling
10 or feel they are unable to meet this pasture standard. For
11 some it's a question of economics, the cost of fencing and
12 access to water in a particular farm. For others it has to
13 do with their particular farm plan and the difficulty of
14 working pasture rather than the making of stored forage into
15 a rotation of land that's suited for cropping.

16 For still others, it's based on a sincere belief
17 that the health, nutrition and comfort of their livestock
18 are better served by maintaining enclosed areas for feeding
19 and stored forage, either for longer periods of finishing or
20 for their milking herds. This standard challenges those
21 producers to find a way to modify their farm plans to
22 incorporate access to pasture.

23 We support this recommendation. Thank you.

24 MS. BRICKEY: Thank you. Is there anyone else?
25 Mark.

1 Force report that I think puts confinement animals in front
2 of free range, which I think is very dangerous.

3 And, finally, if we go down this path of
4 declaring that wild, free-range animals are not appropriate
5 for organic certification, this particular interpretation
6 being advocated in the report also will create a great deal
7 of trouble for other industries who rely on fish, fishmeal,
8 fish oil and other products in either feed formulations or
9 in the case of aquaculture, as a very important part of
10 their product.

11 I put a great deal of the last three years in
12 developing very, very strict standards for organic wildfish
13 certification, including sustainability requirements which I
14 think are a very important advance for us in the organic
15 industry. I feel like there has been a decision somewhere
16 along the line to try to stop wild products from being
17 certified, although in a kind of inconsistent manner.

18 And I think it will be a step backwards if we
19 don't take a much closer look at this over the next few
20 months as you consider this report.

21 Thank you.

22 MS. BRICKEY: Thank you, Mark. Anybody else?

23 COMMENTS BY FAYE JONES

24 MS. JONES: Good morning. My name is Faye Jones.

25 I've been an organic farmer for twenty years, and I'm the

1 executive director for the Midwest Organic and Sustainable
2 Education Services. We organized the Upper Midwest Organic
3 Farming Conference which was held right here in LaCrosse.
4 We had over 1300 people in March.

5 I just have a few comments that I wanted to make.

6 The compost issue you've heard over and over. The
7 application to the small farm is very difficult. From
8 someone else's comments, I realize that I myself have been
9 using a granulated, dried, heat processed compost for many
10 years, and it hadn't occurred to me that I wouldn't be able
11 to do that.

12 I think it was Zia who said comments about we
13 need to look at compost that's processed otherwise to meet
14 the pathogen needs, and I just encourage you to review that
15 whole process.

16 My other comments, you've heard over and over
17 regarding organic farmers on the boards of certification
18 committees. That's how the industry was built. Those are
19 the people that have the vested interest. It doesn't seem
20 to interfere with ISO and IFOAM, and I encourage you to look
21 at a way to continue to make that work.

22 I want to also reiterate comments around the
23 website and communication to the board. I encourage you to
24 continue to improve the website, to post information, to
25 make the website -- I mean, maybe I just missed it, but, you

1 know, I was on the website last week, Monday, calling the
2 USDA, how do I sign up for comments, and there was no way to
3 do it on the website, at least that I found. You know, I
4 repeatedly made phone calls, sent faxes, got here five
5 minutes early, didn't realize I was supposed to walk up
6 here. Maybe I missed something, but it shouldn't be that
7 hard.

8 And I think the website is a wonderful way to
9 communicate with the board.

10 My comments on transition label: Why are you
11 even thinking about it? No, no, no.

12 I think that -- it's three years. A farmer can't
13 make that transition without having a transition label. I
14 think there's something grossly wrong, and I think to look
15 at that and to put energy and time into that when we're not
16 -- we don't have the whole industry organized yet, I think
17 it's a mistake and I highly discourage it.

18 Long before we're doing something like that, we
19 need to be providing education and resources for farmers to
20 make that transition. That would be an appropriate step. I
21 know that's not necessarily the role of the board, but my
22 question to you is, whose role is it to provide education
23 and outreach?

24 Every day my phone rings, farmers, extension
25 agents. How do I use organic practices, what do I do? You

1 know, whose role is it? You call the extension agent, and
2 they tell them to call me. They don't tell them about OFPA,
3 they don't tell them about the conference, you know. And
4 that's the question I have, who is going to help with the
5 education and the transition.

6 I want to thank the board for their dedication
7 and hard work and all the many comments that were heard
8 today. I think this was very informative for me. I'm very
9 glad that I spent the morning and heard the comments and
10 just want to encourage the board to continue drawing in on
11 public input.

12 Thank you.

13 MS. BRICKEY: Thank you. Is there anyone else?

14 [No response.]

15 Let's take a 15-minute break, and then we'll
16 start again.

17 [Recess taken 10:25 a.m. to 10:50 a.m.]

18 MS. BRICKEY: Okay. Let's get started.

19 My name is Carolyn Brickey and I'm chair of the
20 NOSB. Perhaps we should go around quickly and introduce the
21 other board members, starting with Bill Welsh.

22 MR. WELSH: My name is Bill Welsh. I'm an
23 organic meat producer from about 40 miles south of here in
24 the northeast corner of Iowa where we raise chickens,
25 turkeys, beef and pork, and we market them nationwide. I've

1 been on the National Board now for almost five years. I've
2 got one meeting left, and then my sentence is over.

3 MR. LOCKERETZ: I'm Willie Lockeretz. I'm a
4 professor at the School of Nutrition Science and Policy at
5 Tufts University in Massachusetts. I've been a member of
6 this board for one year now. I'm chair of the Accreditation
7 Committee and member of the Livestock Committee.

8 MR. SIEMON: I'm George Siemon. I'm the farmer
9 rep on the board. I'm from just south of here 30 miles and
10 have a small organic egg operation and also am involved with
11 Crop Organic Valley. I'm on the Processing Committee and
12 the Livestock Committee.

13 MR. KING: I'm Mark King. I'm from Indianapolis,
14 Indiana. I'm the retail representative on the board. I've
15 been on for one year now, and I am also on the Processing
16 Committee and the Accreditation Committee.

17 MR. HARPER: I'm Steven Harper. I'm the handler
18 representative from Small Planet Foods, and I'm the chair of
19 the Processing Committee and on the Materials Committee.

20 MR. RIDDLE: I'm Jim Riddle. I'm the certifier
21 rep on the board. I serve on the Accreditation and
22 Processing Committees, and I welcome y'all to the area. I
23 live just 30 miles west of here. I really want to thank you
24 for the excellent testimony this morning and look forward to
25 more public input tomorrow afternoon.

1 MR. SIDEMAN: I'm Eric Sideman. I'm the
2 scientist on the NOSB. I come from the state of Maine. I
3 am director of Technical Services for the Maine Organic
4 Farmers and Gardeners, and I operate a part-time pick-your-
5 own strawberry business, and I'm on the Crop Committee, the
6 Materials Committee and chair of the Livestock Committee.

7 MS. BRICKEY: Let me introduce Toni Strother down
8 there on the far end of the table in the red suit with the
9 National Organic Program and one of our most important
10 points of contact with the program.

11 And on my left is Rick Mathews who is the acting
12 program director for the National Organic Program, and we'll
13 hear from Rick in a few minutes.

14 MS. CAUGHLAN: My name is Goldie Caughlan, and
15 I'm one of two consumer reps on the board. I'm from
16 Seattle, Washington. I work with Puget Consumers Co-op
17 doing business as PCC Natural Markets. In that context I've
18 had 18 years worth of working with consumers. Thank you.
19 It's a great opportunity to hear from folks here. It's
20 indeed an honor to serve on this board. And as a consumer
21 rep, I also welcome contacts from consumers -- consumer
22 groups.

23 MR. CARTER: I'm Dave Carter from Denver,
24 Colorado, one of the new folks on the board. So I'm
25 trainable. I'm one of the consumer reps on the board.

1 Actually, I'm a full-time administrator, president of an
2 organization called Rocky Mountain Farmers Union. It's
3 actually a farm organization, our mission being that safe,
4 healthy food begins with secure, profitable farm and ranch
5 families.

6 So in that context, we do a lot of work with
7 consumers. We operate a cooperative development center
8 through our foundation and are currently engaged in working
9 with folks in about twenty different cooperative development
10 projects in Colorado, Wyoming and New Mexico.

11 MS. BURTON: Kim Burton. I am the processor
12 handler representative, the other part of Steven's position.
13 I am the chair of the Materials Committee and I'm also on
14 the Processing Committee.

15 My experience is 18 years in the industry working
16 for Smucker Quality Beverages in a number of different
17 fashions.

18 MR. BANDELE: Good morning. I'm Owusu Bandele.
19 I'm a professor in the College of Agriculture Family
20 Consumer Sciences at Southern University which is in Baton
21 Rouge, Louisiana. It's a land grant university.

22 There I do quite a bit of work with small-scale
23 farmers trying to reverse the trend of the loss of land by
24 that clientele.

25 I'm also a certified organic mixed vegetable and

1 cut flower grower.

2 I'm on the Materials Committee. I'm also
3 chairing the Crops Committee, and I'm a farmer
4 representative on the Board.

5 VOICE: I should have identified that I'm on
6 Materials and Processing.

7 MS. BRICKEY: Thank you.

8 MR. RIDDLE: And Accreditation?

9 VOICE: No.

10 MS. BRICKEY: I want to thank everyone very much
11 who made public comments this morning. It was informative;
12 it was provocative, and you gave us a lot to work on and
13 think about, and we appreciate it very much.

14 I also want to thank those who have welcomed us
15 to this area. We have been just delighted with the
16 reception we've had here. We've been delighted to visit
17 some of the farms in the area, and I'm learning a lot about
18 the weather here, which is a lot like South America. You
19 have winter in the summer here, but you also have winter in
20 the winter. So it's kind of interesting for me, coming from
21 Tucson.

22 I also now understand some of those Garrison
23 Keilor jokes a little bit better than I did before, not a
24 whole lot better, but a little bit better.

25 So we're delighted to have most of our board here

1 today. We're missing a couple of members, one who couldn't
2 be here for personal business reasons and the other who
3 couldn't be here for weather reasons -- or may not join us
4 for weather reasons. So we apologize for that.

5 We know from being here that organic agriculture
6 is alive and well in this area, in this Tri-State area, so
7 we hope that whatever we do as a board will be beneficial
8 and helpful to you folks in this area.

9 Please feel free to contact us and let us know
10 when we're not helpful, as I'm sure you will.

11 As I said at our last meeting, this industry is
12 really experiencing incredible growing pains. That's going
13 to continue for a while, and let's hope that we don't stop
14 growing even though it is painful. We hope we can do
15 everything we can in this very difficult -- and dare I say
16 transitional time -- for organic agriculture as we move
17 toward completion of this rule.

18 You certainly gave us some interesting comments
19 and suggestions and advice this morning to think about in
20 our deliberations over the next few months, and we'll try to
21 keep in touch with you and let you know what we're doing,
22 what we're thinking about doing and when we're going to do
23 it.

24 If you would, while we're in this meeting, please
25 turn off your cell phones and leave your egos at the door,

1 and we'll all try to work together and get through this
2 agenda, which could be a little bit hectic.

3 The first thing we're going to do this morning is
4 we're going to turn to Jim Riddle for approval of two sets
5 of minutes. Then we're going to have an update from the
6 National Organic Program about activities that they've been
7 involved in recently and plans that they're making.

8 We're going to then move into our committee
9 agenda, and we will have discussion and presentation from
10 the Livestock Materials Committee, and if time permits
11 today, the Accreditation Committee.

12 We will have discussion and deliberation with the
13 Processing Committee on Thursday morning.

14 We will also have discussion on Thursday morning
15 about two database matrices that we've commissioned that
16 have to do with documenting past NOSB decision-making. We
17 feel like it's very important to have that information
18 available to us. That draft has been completed by Zia.

19 And we'll also review a database matrix for NOSB
20 materials decision-making that has been completed by Emily
21 Brown Rosen.

22 We will have a presentation this afternoon from
23 Janet Anderson from EPA, who we're very delighted to have
24 with us today.

25 Then we'll move into tomorrow's agenda. We will

1 not have a presentation from the Foreign Agricultural
2 Service. We just weren't able to work out the logistics for
3 a trade presentation, but Rick will present some trade
4 information to us today.

5 Then we will have some task force reports
6 tomorrow, including the task force report from Mark King and
7 his group on expert presentations to the board, establishing
8 a policy for the board, and the recommendations of the
9 Aquatic Task Force chaired by Bob Anderson.

10 I want to welcome our former board members who
11 are with us today, including Merrill Clark, Margaret
12 Wittenberg, Bob Anderson, Michael Sligh. Have I omitted
13 anybody?

14 We very much appreciate your continued
15 involvement and participation in what we're doing. Thank
16 you so much.

17 All right. Let me turn to Jim for review of the
18 minutes.

19 MR. RIDDLE: Thank you, Carolyn. Before I get
20 into the minutes from the March meeting, I want to mention
21 that the Executive Committee had a meeting on May 1st by
22 teleconference, and I took the minutes from that meeting.
23 They were circulated and reviewed and then approved by the
24 Executive Committee. Those are posted on the NOP website,
25 and they don't need formal action by the full board.

1 They've already been approved and posted.

2 From the November meeting the draft minutes were
3 distributed at the March meeting, and we didn't have time to
4 give them a full review. We did the review after that
5 meeting, circulated comments and made changes by e-mail, but
6 we haven't formally approved those.

7 All the work has been done, so I would move
8 approval of the minutes from the November meeting at this
9 time for the record.

10 MS. BRICKEY: Is there a second?

11 MR. SIDEMAN: I'll second it.

12 MS. BRICKEY: Any discussion?

13 [No response.]

14 Can we just have a show of hands for approval of
15 the minutes, please? Those in favor. Opposed. All right.
16 Do you have that, Toni?

17 All right. Jim.

18 MR. RIDDLE: Okay. Then the minutes for the
19 March meeting, if you'll turn in your wonderful packet at
20 tab three you'll find the meeting minutes from March 6/7 at
21 Buena Park, California. Those have been circulated and
22 reviewed, changes made and so this is the final draft of
23 those minutes with one change to be made at this time.

24 It has been brought to my attention that on page
25 14 of those minutes on line 608, that the word "L-cysteine"

1 is misspelled, and it should be L dash c-y-s-t-e-i-n-e.

2 So I would move with that amendment -- that
3 change to the minutes that they be adopted then as amended.

4 MS. BRICKEY: Do I hear a motion for adoption?
5 Jim, you moved the minutes?

6 MR. RIDDLE: Yes.

7 MS. BRICKEY: Do I hear a second?

8 MR. SIDEMAN: Second.

9 MS. BRICKEY: All right. All hands in favor of
10 approving the minutes. Anyone opposed. The minutes are
11 adopted.

12 MR. RIDDLE: I would just like to point out that
13 the minutes from this meeting are being taken by a court
14 reporter and will be reviewed by the board, and then any
15 changes/corrections made. And our intent is to then post
16 the draft minutes to the website and then they would be
17 formally adopted at the next meeting.

18 And the minutes from November and March that we
19 have now approved will also be posted to the website. They
20 haven't been posted yet.

21 MS. BRICKEY: Let's hope we can get L-cysteine
22 spelled correctly.

23 MR. RIDDLE: We'll try. We'll try not to
24 misspell methionine or any other amino acids.

25 MS. BRICKEY: Okay. I'd like to turn to Rick

1 Mathews at this time to give us an update from the National
2 Organic Program.

3 MR. MATHEWS: I think I'll stand up. Maybe I'll
4 project a little bit better since we don't have microphones.
5 The people in the back, if they can hear me, please raise
6 your hand. If they can hear me.

7 The first thing that I want to address is musical
8 chairs. There really are no musical chairs in NOP, and the
9 reason for that is that basically Keith Jones, who has been
10 the program manager for the last little over three years,
11 has decided for personal reasons that while he loves
12 organics and wants to continue the work on organic issues,
13 he no longer wants to deal with the administrative
14 bureaucracy of the government and all of the stress that he
15 has had to endure over the three and a half years related to
16 this program.

17 So what he has asked and what has been approved
18 is that he would step down from program manager, but he is
19 still a member of the NOP staff. I emphasize: He is still
20 a member of the NOP staff, and he is still working on
21 organic issues. So we have not lost that knowledge base.

22 In my own case, I am the acting program manager.
23 What does that mean? That means that we needed somebody to
24 do Keith's job now that Keith has decided to do a different
25 job within NOP.

1 The position announcement for the position I'm
2 currently acting in that Keith formerly held was advertised
3 yesterday. The advertisement on that job closes on July
4 2nd. I do intend to apply for that job. I do not know who
5 will be selected. It's open to all sources. And if anybody
6 in this room is interested, you are welcome to apply.

7 Are there any questions with regard to what I
8 just talked about with the changing of positions?

9 MR. LOCKERETZ: If it's open to anybody, so that
10 would mean there's a net addition of one to NOP staff,
11 because you're not leaving and Keith is not leaving? If an
12 outsider is hired, that's not -- does that or does it not
13 bump anybody else from the NOP staff?

14 MR. MATHEWS: No one will be leaving the NOP
15 staff.

16 MR. LOCKERETZ: So there could be a net addition
17 of one person?

18 MR. MATHEWS: There could be a net addition of
19 one person. If I were to get it or anyone else on the staff
20 were to get it, their positions would be filled. So it
21 looks like we are going to definitely have a net gain of one
22 person. We need far more than that, but it looks like we
23 will be getting at least one here in the short term.

24 George.

25 MR. SIEMON: It's my understanding there's no

1 head of AMS appointed yet?

2 MR. MATHEWS: That's correct.

3 MR. SIEMON: That in no way will inhibit this
4 hiring?

5 MR. MATHEWS: No. The hiring will be done by
6 Robert Robinson who is the Deputy Administrator for
7 Transportation and Marketing Programs, and we are a group
8 within that program area.

9 Any other questions on that?

10 Okay. So now I want to get into some other
11 issues. I know that Phil brought up earlier today about the
12 ATF. Where we are with ATF and the labeling of wine is
13 this. We have had two meetings with the ranking officials
14 within the branch of ATF that does the approval of labels
15 for wine.

16 We are planning a third meeting, which should be
17 held in the not too distant future; and we are also
18 currently in the process of developing a memorandum of
19 understanding between the Department of Agriculture and ATF.

20 Basically, this is to address all of the issues
21 of how organic wine will have to be labeled and what the
22 role of ATF will be in understanding the requirements of the
23 organic program versus their requirements for the labeling
24 of wine.

25 So we're working out the issues from both sides

1 of this. So it is under way. I understand Phil's
2 frustration, and Phil can tell you that -- he calls me, I
3 tell him one thing. He calls them; they tell him something
4 else. They call me; I talk to them, and then they call back
5 Phil or Phil calls them and then they do it the way we said.

6 So they are working with us. It's just a matter
7 that we need a little more time to get this memorandum of
8 understanding implemented so that everyone within that staff
9 is fully aware of what the procedures will be.

10 Another issue of concern is use of the USDA seal.

11 It's kind of distressing to point out that just this past
12 week we got notification of another violator of the USDA
13 seal.

14 Now, everyone needs to understand that the USDA
15 seal may not be used until October 21st of 2002. We do have
16 some people who have started using it. They are current
17 compliance cases, so I can't discuss any of those. But we
18 will be dealing with those problems -- we are dealing with
19 those problems.

20 Let me tell you part of the way I see this. What
21 everyone has to understand is that the seal symbolizes that
22 the product was produced by somebody who was certified by an
23 accredited certifying agent. The reason why they can't use
24 the seal yet is there's no accredited certifying agent, and
25 therefore nobody's certified by an accredited certifying

1 agent. And therefore no seal use.

2 So, please, do not start using the USDA seal.
3 Otherwise, we'll have to turn you into a compliance case as
4 well.

5 I should have stopped and asked if there are any
6 questions. Any questions on the ATF issue or the seal use
7 issue?

8 VOICE: What has your procedure been on
9 enforcement [inaudible]

10 MR. MATHEWS: That right now is in the hands of
11 the attorneys and the compliance division and would not be
12 appropriate for me to comment on at this time, other than
13 that the maximum penalty for a violation is \$10,000 per
14 violation.

15 Any other questions? Yes.

16 VOICE: ATF, you're working with FSIS, organic
17 [inaudible]

18 MR. MATHEWS: Oh, yes.

19 VOICE: Is that the 2002 date before [inaudible]

20 MR. MATHEWS: Yeah, just as we're working with
21 ATF, we are also doing the same thing with a sister agency
22 within USDA, which is the --

23 VOICE: FSIS.

24 MR. MATHEWS: Yeah, the Food Safety Inspector
25 Service. They're the ones we're dealing with with the

1 labeling of meat, and we'll be doing the same kind of thing
2 with FSIS that we are doing with ATF, coming to an
3 understanding of what labeling has to be on meat.

4 VOICE: So that's where [inaudible]

5 MR. MATHEWS: Yeah, we're working on that.

6 MR. RIDDLE: I have a question. I'm a little
7 confused by what you said about the use of the USDA seal.
8 You linked it to accredited certifiers, but yet the first
9 round of accredited certifiers could be announced -- the
10 goal target is April 2002.

11 But yet no one still could use that seal --

12 MR. MATHEWS: For another six months.

13 MR. RIDDLE: Right. Even though their certifier
14 is accredited, and that has been publicly released, because
15 the rule states that October date for use of the seal.

16 MR. MATHEWS: Yeah. The rule actually states 18
17 months after publication of the rule, which puts it at
18 October 21st of 2002. So, yes, there could be some people
19 who are certified by an accredited certifying agent for a
20 few months that still would not be able to use it.

21 But that is by regulation. What I was trying to
22 do was, you know, emphasize why we didn't come right out
23 from the very beginning and say, go ahead and use our seal,
24 which is what some people have started to do.

25 Any other questions on those issues?

1 VOICE: Just to reask Merrill's question.
2 Therefore, a full organic meat label will not be available
3 until October 21st of 2002?

4 MR. MATHEWS: No, that's partially correct. What
5 we're doing with FSIS is that from now until we announce
6 accreditations, it's business as usual, what they're doing
7 right now.

8 Come the first round of accreditations through
9 October 21st, you could see a dual system. Okay.

10 VOICE: So you could have some new organic meat
11 labeling in that window prior to October --

12 MR. MATHEWS: Yeah, that's the current
13 discussions.

14 VOICE: -- even though some people -- and that
15 would put some at possibly a disadvantage where their
16 certifier was versus others in the marketplace in that
17 narrow window of time?

18 MR. MATHEWS: Yeah, that's the discussion.

19 VOICE: I have another question. It might be for
20 the NOSB or -- but we've heard a lot about the confusion
21 over compliance time line. Are we going to discuss that in
22 the Accreditation Committee time period, this whole -- we
23 heard quite a few testimonies today about this confusion
24 between now and October 2002? Are we going to talk about
25 it?

1 VOICE: Only to be mentioned and talked about in
2 the sense of describing the situation, but there's no
3 proposal in the works --

4 VOICE: But we'll have a discussion to clarify
5 all this?

6 MR. RIDDLE: There is a proposal, but it hasn't
7 worked its way through the Accreditation Committee, and
8 possibly by tomorrow the Accreditation Committee could put
9 something on the table.

10 VOICE: I'd sure like to see us discuss it.

11 MR. HARPER: I just want to clarify George's
12 first question on the meat labeling. The earlier time date
13 is a possibility; it's not a definite.

14 MR. MATHEWS: That's correct. We're still in the
15 MOU stage. But definitely nothing changes before
16 accreditations.

17 Let's take a walk onto the conflict of interest
18 side. This is probably the most contentious issue that we
19 have faced since the rule was published. And if you took a
20 strict reading and the way we originally interpreted it was
21 that if you were a producer or handler of organic products
22 and you served on the board of a certifying agent, you
23 became a responsibly connected individual and therefore had
24 to be certified by someone other than the person you were
25 serving on the board.

1 That created a firestorm of controversy among
2 certifying agents. We have looked at a number of proposals.
3 We've tried to work through this without changes to the
4 regs.

5 The most popular proposal at this time seems to
6 be a compromise to that original position. What several
7 certifying agents have proposed is that we allow some board
8 members to be certified by their certifying agent, but a
9 majority of those members be certified by a different
10 certifying agent that -- the certifying agent that they
11 serve on the board with reaches an agreement with or even
12 the client decides to go to.

13 Bottom line is, what they're saying is, okay, if
14 we've got nine board members, rather than making all nine of
15 them be certified by somebody else, can we get five of them
16 certified by someone else, allow four of them to be
17 certified by us and then make changes to our bylaws to
18 ensure that conflicts of interest are avoided in all cases.

19 That seems to be the most popular suggestion
20 coming out of certifying agents at this time. We are
21 looking at that. That will require a change to the
22 regulations if it's adopted.

23 I see a lot of puzzled faces. So fire away.

24 VOICE: That's the first we've heard about it.

25 MR. HARPER: I don't understand sort of the

1 middle position of [unintelligible] Maybe somebody could
2 explain it.

3 MS. BRICKEY: Before you go there, can you
4 explain the rationale for the conflict of interest
5 provision? It seems like we'd kind of lost that in the
6 debate.

7 MR. MATHEWS: Well, the conflict of interest
8 provisions are to basically ensure the integrity of the
9 program, that if you've got people who are serving on a
10 board who are influencing the livelihood of staff members --
11 for example, establishing budgets, staffing levels, hirings,
12 firings, promotions, awards.

13 If those same people are the ones being inspected
14 and having their farms reviewed by staff, then you've got a
15 conflict of interest. You've got the power up here trying
16 to get certified by the little people down here.

17 And, therefore, you have the potential for undue
18 influence on the people making the decisions on
19 certification. And that's the idea that you don't allow
20 these people to be certified by the people they're basically
21 having work for them.

22 Dave.

23 MR. CARTER: Well, Steve, I don't know that you
24 had a chance to finish you -- you had started to say
25 something.

1 MR. HARPER: I'm just trying to figure out -- I
2 understand the argument here. I understand the whole
3 discussion, but I don't understand where the compromise gets
4 us any further than --

5 VOICE: Let me dovetail onto that.

6 MR. HARPER: I just don't understand.

7 VOICE: That's part of my question. And I don't
8 know that -- I have trouble with the premise, first of all,
9 because I think that one of the things is having active
10 producers on their -- I always think that the certification
11 program has been more of education and, you know, building
12 the industry rather than just enforcement.

13 But I'm wondering, though, if we're trying to cut
14 the baby in half here, if you aren't politicizing -- the
15 potential to politicize the process more because you have
16 then some people that are going to be able to do it and some
17 that aren't, and it seems to me that you're driving a wedge
18 through a lot of these boards.

19 Again, what's the rationale as far as bringing to
20 a solution [unintelligible] cut the baby in half --

21 MR. MATHEWS: The only rationale is that that is
22 a proposal that's being floated out there by several
23 certifying agents who don't like the idea of having all of
24 them certified by somebody else, but they can live with
25 having a majority of them certified by someone else.

1 Eric.

2 MR. SIDEMAN: The problem that I see right now is
3 that there are certifying agents working towards getting
4 accreditation, and some of them are going through very
5 expensive and timely reconstruction of their organizations.

6 Are you saying that they have to do that to get
7 accredited now, and then when the regs are changed they can
8 go back and go through all of that rigmarole again?

9 MR. MATHEWS: Well, that's part of the problem.
10 We really aren't there yet as to how to solve the problem.
11 My preference would be just stick with the regs as they are.
12 Certifying agents don't like that, though.

13 So we are trying to work with certifying agents
14 to find a solution to the problem, whatever that solution
15 might be.

16 And all I'm saying is that right now one of the
17 more popular solutions being surfaced by certifying agents
18 is the one that I just spoke about.

19 MS. BRICKEY: I guess I have two concerns about
20 that. One is the concern that Eric just raised. If some of
21 the boards are now going through the process of
22 restructuring to deal with the proposal, it doesn't seem
23 fair to step back and change the rules of the game again.

24 And I do think the rationale for why this
25 conflict issue is important is to restate every time we talk

1 about this issue, because there is the potential in the
2 current system for certifying yourself. That is really what
3 we're talking about.

4 And there certainly is a potential conflict of
5 interest in doing that.

6 MR. RIDDLE: Yeah. I'd like to respond to that
7 because the rule clearly allows certified operators to serve
8 on certification committees that make certification
9 decisions so long as they don't certify themselves or anyone
10 that they have a conflict of interest with, either positive
11 or negative. And that is the current practice in the
12 industry.

13 What this is is really the board not having
14 certified operators that can influence budget and hiring and
15 firing personnel decisions. And, you know, the proposal
16 that has been floated, I've been a part of the discussion --

17 VOICE: [unintelligible]

18 MR. RIDDLE: No, the less than a majority being
19 certified by that operation.

20 You also -- you talked about the five out of nine
21 would have to be certified by somebody else, but they easily
22 could be noncertified members as well. A lot of boards of
23 certifiers already have people who aren't certified
24 operators as part of the mix.

25 So it would be just to increase that mix so that

1 they wouldn't -- the certified operators wouldn't have the
2 ability to exert undue influence over budget and hiring and
3 firing.

4 You know, we share the concern about undue
5 influence, and we have a number of firewalls already, and I
6 think those will be assessed in the accreditation process,
7 the way it's structured in the rule.

8 But this just would allow some more flexibility,
9 but I'm a little disappointed that you're saying that it
10 would take a change in the rule, because that really
11 stretches it out and creates this problem of what do you
12 apply to.

13 MR. MATHEWS: Well, the option that you're
14 talking about that I've said is the number one favored.
15 There's no way of getting around a rule change, because the
16 regs basically say in 501.11(a)(i), if you're a responsibly
17 connected individual you cannot be certified by your
18 certifying agent, you have to go to somebody else.

19 And so what we're talking about is allowing some
20 of the members to be certified by the person that's going to
21 be certifying them on their board.

22 So I mean it's a definite problem. I think that,
23 quite frankly, it may be the time for the board to step in
24 and start looking at some of this as well. And we probably
25 need to start communicating all of this information that

1 we're getting into the board.

2 VOICE: I have --

3 MR. MATHEWS: Kim was next.

4 MS. BURTON: One of my concerns -- and this is
5 the first time I've heard this proposal -- is that my fear
6 is that certifiers would then just seek alternate board
7 members who are not certified by their entity and never have
8 been.

9 So it's kind of just playing the game, personally
10 -- you know, my first reaction to it. I'd like some time to
11 think -- obviously, we're going to have time to think about
12 it, but I do think the board needs to have input on this
13 proposal.

14 MR. MATHEWS: Willie.

15 MR. LOCKERETZ: A couple of things. I was going
16 to talk about this in connection with the Accreditation
17 Committee, but since it has come up already, I think now is
18 the time.

19 First, this view that this new proposal
20 represents the most popular proposal by certifiers, I wonder
21 about that because we have this document from the Campaign
22 for Sustainable Agriculture dated May 31st signed by lots
23 and lots of certification organizations -- I don't know,
24 fifteen or twenty or so -- that are putting forth their
25 proposal that's nothing like this.

1 VOICE: What is that --

2 MR. LOCKERETZ: Basically, what the "if-then"
3 document said. I'll come to that next.

4 As long as the board member is not involved in
5 the certification decision. Nothing about five out of nine
6 or anything like that. So I wonder what's the basis for
7 your saying that this new -- the dividing-the-baby proposal
8 is the most popular among certifiers.

9 MR. MATHEWS: Based on the information that I've
10 been provided.

11 MR. LOCKERETZ: Well, you've been provided this
12 information with a long list of certifiers, some of whom are
13 in this room.

14 MR. MATHEWS: I'm not sure that I've seen that
15 document, Willie.

16 VOICE: It was just handed out today. It was on
17 the e-mail.

18 MR. MATHEWS: That's a new document.

19 MR. LOCKERETZ: Actually it was addressed to
20 Keith, not to you. They didn't know. Word hadn't gotten
21 out yet.

22 The other thing is, this "if-then" document that
23 you brought up, I was going to talk about this in connection
24 with what I have heard from certifier organizations
25 concerning problems and other things.

1 As you all know, I reported to this board in
2 March that there was a widespread complaint of confusion and
3 contradictory information and unclear and it changes from
4 one person to another and one day to another.

5 This seems to be another example of that, because
6 in April one of the certifiers who had been at the Kentucky
7 meeting brought to my attention this document, "Avoiding
8 Conflict of Interest," which says that a board member who
9 has no policy or administrative oversight of the certifying
10 agent's budget or personnel may be certified by that
11 certifier, which is more or less the same position as this
12 campaign document, which seemed to be quite a substantial
13 change in a direction that many certifiers wanted.

14 This was handed out in Kentucky, and then I
15 talked to you in the Executive Committee meeting about this,
16 and you said no, this was not correct, and there was another
17 version that did have the corrections and you would send me
18 that -- or maybe send to all the board, I'm not sure --
19 which I never got.

20 And then I reminded you of this a few weeks
21 later, saying I was awaiting the correction or the
22 clarification of this which I never got. And now comes for
23 the first time to all of us this brand new proposal of the
24 five out of nine or majority.

25 And so this really corroborates the common

1 complaint of conflicting information, changing information.

2 I mean, this is an example of that. And this new proposal
3 is an example of that.

4 I think the -- it sounds to me as though the
5 problem of conflicting messages is worse than ever.

6 MR. MATHEWS: I wouldn't agree to that, and the
7 reason for that is that at the time of the Kentucky meeting,
8 we were trying to find a way to communicate to the
9 certifying agents what would and would not constitute a
10 conflict of interest under the regulations.

11 We did that. We took it out. One of the
12 emphases was that we wanted additional feedback. Brian
13 Lahey from California who was not there did provide me with
14 feedback on that.

15 And as a result of that, we went through and made
16 additional changes to that document. However, then under
17 direction from above, I was told to stop work on that
18 particular document and to start exploring the issues with
19 regard to what other certifying agents were bringing up on
20 this idea of a split board with the majority not being
21 certified.

22 So, really, what we have is two options before us
23 now. Michael, apparently, has given us something else which
24 may or may not dovetail well with one of those proposals.

25 So basically where we were is that we're getting

1 in various ideas on what will work for certifying agents, so
2 that they can continue to operate the kind of boards they've
3 operated in the past and still meet the compliance
4 requirements of the regulations.

5 And all we're trying to do is work with these
6 people before, you know, this thing is fully implemented.
7 So while one thing may go out, it's what we're working on.
8 And that document, I did not send it to you, again because
9 it has been updated. But then we stopped working on that
10 side of it and started working on another one.

11 MR. RIDDLE: I also just want to corroborate what
12 you've said. I've been to three of the certifier trainings.
13 I was at the states one. And this is actually an issue
14 that the NOP has been consistent on, and the rule is very
15 clear. You can't be on the board if you're certified.

16 They've been trying to find some solutions, but
17 the one that was presented of not being the majority was, I
18 think, presented as a way to do it without changing the
19 rule. But if we're going to change the rule, I think it's
20 going to take action originating with the Accreditation
21 Committee to draft language, to submit.

22 And then we should deal with the root of the
23 problem, not just try and put a band-aid over part of it.

24 MR. MATHEWS: Any others?

25 MR. LaROCCA: I was aware of the split board, but

1 to be honest with you [unintelligible] whole different
2 system. We feel [unintelligible] and definitely different
3 than what was proposed. I know that [unintelligible] and we
4 haven't submitted anything because I wanted to go to this
5 meeting first and get the feedback on what was going on
6 [unintelligible] and then we will submit our proposal.

7 VOICE: You've gotten some feedback.

8 MR. MATHEWS: So as you can see, it still remains
9 a contentious position.

10 Kim.

11 MS. BURTON: I'd just like to see the OCC comment
12 on this proposal.

13 Tom Hutchinson. Is OTA -- the OCC committee --
14 Organic Certifiers --

15 MR. HUTCHINSON: The steering committee of the
16 Certifiers Council requested that the OTA board accept
17 essentially a campaign [unintelligible] as a position and
18 that was done, and that is the letter that I just delivered.

19 VOICE: Right. And they're signed off on the
20 letter [unintelligible]

21 MR. MATHEWS: Eric.

22 MR. SIDEMAN: Well, I'd like to bring up the
23 importance of the timing of all of this because unlike
24 California, our board is actually made up where our farmers
25 do not make up a majority. So we would meet the requirement

1 to the new rule.

2 But we're actually spending money now to meet the
3 requirement of the present rule.

4 MR. MATHEWS: There is only one rule. Now there
5 are different options on how --

6 MR. SIDEMAN: Our board is made up in such a way
7 that it would meet the requirement of your proposal for
8 changes in the rule. So we would be spending money to make
9 those changes to meet accreditation now and then have to
10 spend money again to go back to the way we really want to
11 be.

12 MR. MATHEWS: All I can tell you is that we will
13 work on it as quickly as we can.

14 Yes.

15 MR. LaROCCA: Well, to go along with Eric, I
16 don't -- as long as there's no conflict, is there not to be
17 a set guideline? I mean, there could be several
18 alternatives, you know, perhaps half the board -- either one
19 would work as long as you can show firewalls of no conflict
20 of interest.

21 So I don't really think that some of the stuff
22 should be -- you should make a statement like you did in the
23 rule saying there shouldn't be a conflict of interest as
24 relates to budget, hiring of the ED, et cetera.

25 But I don't think you should say it has to be

1 done this way. I think you should evaluate every proposal
2 that comes in separately and see if it does meet these --

3 MR. MATHEWS: And that's basically what our
4 position has been is that if you've got an idea, send it in
5 and we'll tell you whether or not it works. That has not
6 satisfied the certifying agents.

7 The certifying agents are looking for that black-
8 and-white spellout as to exactly what they have to do.

9 And, quite frankly, they have been wanting to do
10 business as usual. But the regulations are not going to
11 allow business as usual.

12 And the best option is to abide by the regulation
13 and then submit your structure, and we'll tell you whether
14 or not it works. That would be the best solution.

15 And the "if and then" table that Willie was
16 talking about there basically did that, basically said if
17 you're this, then you're going to have a conflict of
18 interest and you're not going to be able to do this, is
19 basically what that document says.

20 Now I'll have to take a look at what Michael
21 submitted today to see how that all fits in.

22 Okay. Now on the issue of technical corrections,
23 really, the only thing I can say on that is that we
24 recognize that there is a need to get a technical
25 corrections docket out. It would be our goal to get that

1 out of our staff this summer.

2 We cannot guarantee as to when it would be
3 published because only part of the process is in our
4 control. The rest of it would be through the OGC attorneys,
5 departmental officials, and of course the OMB.

6 What I would ask is that at this meeting we have
7 gotten several proposals for technical corrections. And
8 what I would ask is that anyone else who has any ideas about
9 where we need to have technical corrections, to just go
10 ahead and send those to us.

11 And, hopefully, if you could have them to us by
12 the end of June, then we can start working to incorporate
13 those comments where we find them to be appropriate within
14 the corrections dockets.

15 We really would like to go out with this just one
16 time. It's a very time-consuming process.

17 VOICE: Could you define what a technical
18 correction is?

19 MR. MATHEWS: Something where we just clearly
20 made a mistake. For example, if we said "shall not" when it
21 should have said "shall." Or it may have had some other
22 minor wording thing that was technically incorrect.

23 But if you want to change a regulation, that's
24 not a technical correction. For example, if we said that --

25

1 MR. SIDEMAN: "Would" versus "should"?

2 MR. MATHEWS: I'm having a little trouble trying
3 to think up a flat out --

4 MS. BRICKEY: "Shall" versus "may."

5 MR. MATHEWS: Well, I can see that as maybe a
6 technical correction, too. Maybe not. No.

7 MR. RIDDLE: If this whole conflict of interest
8 was just a big mistake on your part. [laughter]

9 MR. MATHEWS: That's right. Conflict of interest
10 would definitely be a rule change.

11 VOICE: If you said [unintelligible] should also
12 apply to agivents, is that a technical correction?

13 MR. MATHEWS: The what?

14 VOICE: The statement about inerts in registered
15 pesticides also applied to agivents --

16 MR. MATHEWS: I don't know. We'd have to review
17 it. I mean, some of these things --

18 VOICE: [unintelligible] possible technical
19 correction?

20 MR. MATHEWS: Submit everything that you think is
21 a technical correction.

22 VOICE: Well, that's why I asked you to define it
23 [unintelligible]

24 MR. MATHEWS: Well, if you mistakenly submit one
25 that is a rule change, we'll let you know.

1 MS. BRICKEY: I forgot to add, Rick, that we will
2 be discussing a number of technical changes tomorrow as a
3 board. I just forgot to mention that -- as part of the
4 agenda.

5 MS. BURTON: From the materials list we submitted
6 a number of technical corrections for materials that were on
7 the original proposed rule versus the final rule, and that's
8 a good example of a technical correction where something was
9 just left out, inadvertently -- whether it was on purpose or
10 not.

11 But we are submitting those for technical
12 correction.

13 MR. MATHEWS: Carageen would be an example of
14 that, which was on the proposed rule but was accidentally
15 deleted during the editing process for the final rule.

16 MS. BURTON: My other question is: Once this
17 list of technical corrections are drafted, will the board
18 see that before it goes into --

19 MR. MATHEWS: Does the board want to see it?

20 MS. BURTON: I would like to see it.

21 MR. MATHEWS: Okay. Whatever the board wants, we
22 will try to do. I did use the "t" word, try to do.

23 Another area is in the area of the Food and Drug
24 Administration. Carolyn and I met with several officials of
25 the FDA last week. I thought it was a very productive

1 meeting. We have been able to line up some contacts within
2 FDA that will help us to better identify documents that we
3 would want to secure from FDA for materials reviews.

4 We've also lined up some contacts for individuals
5 who have experience in the livestock area that could help us
6 with livestock feed issues. It was a very, very positive
7 meeting. I for one am looking forward to working with FDA
8 on additional issues.

9 Carolyn, do you want to say anything on that
10 meeting?

11 MS. BRICKEY: Just that they were so helpful.
12 They raised a number of difficult issues that we hadn't
13 necessarily thought about that we're going to have to deal
14 with as well.

15 We haven't really had a chance to debrief on
16 that, Kim, but I'll definitely give you a list of issues
17 that they raised with us.

18 MR. MATHEWS: The next item is in the area of
19 accreditation. We are currently in the process of working
20 on a guidance document for the accreditation process, which
21 will make us compliant with ISO Guide 61 for accrediting
22 bodies.

23 And that process really needs to be completed
24 before we actually do any accreditations. So we're kind of
25 pumping some resources into getting that done right now.

1 That probably is our number one priority right now. It
2 absolutely has to be our number one priority.

3 Jim.

4 MR. RIDDLE: Would that go to the board or
5 Accreditation Committee for review? Is that possible?

6 MR. MATHEWS: Do you want to see it?

7 MR. RIDDLE: I would. I'm sick!

8 MR. SIEMON: You're sick?

9 MR. RIDDLE: No, I just actually like to read
10 those kind of things. [laughter] Yes, I would like to see
11 it.

12 MR. MATHEWS: As long as you don't delay the
13 process, Jim. We discussed his ailment last night.

14 And the final issue that I want to address really
15 comes in on the foreign agriculture side. We are getting a
16 great deal of interest from foreign countries. In fact, it
17 was just -- I guess it was going on about three weeks ago
18 now that I met with a number of representatives from the
19 Chilean government on getting recognition of their program.

20 We've had a lot of other countries coming in and
21 seeking information on our program. In fact, I believe that
22 there's supposed to be some people from New Zealand in, I
23 believe it's the week of the 18th, that we'll be meeting
24 with them.

25 The big one right now is with the Japanese and

1 the Japanese standards. We have through FAS entered into an
2 agreement with the Japanese for compliance of US organic
3 ingredients with the Japan Agriculture Standards. So that
4 is in place.

5 It will expire essentially either on March 31 of
6 2002 or upon the implementation of an equivalency agreement.

7 So there's more on that story down the road, but we're
8 about nine or ten months away from that.

9 MS. BRICKEY: Is that a realistic drop-dead date?

10 MR. MATHEWS: I don't know that it is. That's
11 what was negotiated.

12 MR. HARPER: Can you explain a little more in
13 detail what the implications of that are?

14 MR. MATHEWS: Probably not. FAS would be better
15 on that, but I'll try.

16 Essentially what it is is a measure to confirm
17 compliance of the organic ingredients with JAS regarding
18 organic processed foods. The measure, as I said, will
19 expire on March 31st of 2002, or upon equivalency agreement
20 with the United States and Japan.

21 Now, either party can terminate this thing with
22 30 days notice. We are going to have to -- in accordance
23 with the measures designated by USDA -- by USDA, we're going
24 to have to request -- we're -- in accordance with the
25 measure -- this whole proposal, we're going -- we, USDA,

1 shall do designations through the US certifying
2 organizations. Okay. So it's going to be through us and
3 the certifying organizations.

4 As a condition of approval, USDA will obtain a
5 written pledge which states that the certifier understands
6 JAS, as expressed in the documents, is capable of confirming
7 the compliance of ingredients with JAS and agrees to submit
8 documents, such as certification data when necessary upon
9 request.

10 If any question arises regarding the compliance
11 of confirmed ingredients -- and these ingredients as meeting
12 the requirements of JAS -- the USDA shall jointly
13 investigate the compliance concerns.

14 In addition, the USDA will conduct a quarterly
15 inspection of US-designated certifiers to ensure compliance.

16 Now that isn't for all of them all of the time. That is if
17 there's a complaint, a problem identified, then we would get
18 into a quarterly review of these people.

19 USDA also agrees, when it is recognized that a
20 confirmed ingredient is not in compliance with JAS, USDA
21 makes this information public to prevent further use of the
22 ingredient in organic products marketed in Japan.

23 In addition, if the USDA-designated certifier
24 cannot demonstrate the inspection on the confirmed
25 ingredients was conducted properly, USDA shall immediately

1 cancel the designation of the certifier, which issued the
2 certificate, indicating that the ingredient in question is
3 in compliance with JAS.

4 MR. HARPER: So overall your opinion is that it
5 will allow the trade that has taken place up to this point
6 [unintelligible] to sort of continue unimpeded until March
7 31st or until [unintelligible]

8 MR. MATHEWS: Until there's -- either March 31st
9 of 2002 or until we have equivalency agreement.

10 Basically, this whole thing amounts to nothing
11 more than saying that USDA confirms that the certifying
12 agents are certifying people who can meet the JAS
13 requirements, and if there's questions on that, then we get
14 involved with doing reviews of those people.

15 Jim.

16 MR. RIDDLE: Is there now an official English
17 translation of the JAS standard?

18 MR. MATHEWS: You know, I don't know. I don't
19 know.

20 MR. RIDDLE: That has been a problem.

21 VOICE: What about the JAS [unintelligible] to be
22 approved by the JAS [unintelligible] affidavit
23 [unintelligible] that we are being asked to fill out
24 [unintelligible] equivalency affidavit on file, and that
25 only gets you to [unintelligible] You have to fill out the

1 JAS equivalency affidavit or you do not?

2 MR. MATHEWS: I'm going to go by -- this is not
3 my area of expertise, I must admit.

4 MR. HARPER: Judy, is that the old --

5 VOICE: That's when --

6 MR. HARPER: That's the system before this --

7 VOICE: When we went to OTA in Austin for the QAI
8 JAS equivalency meeting [unintelligible] but in order for us
9 to ship into Japan, we have to fill out the affidavit by
10 item of what we're shipping in to Japan.

11 MR. HARPER: When was this agreement signed?

12 MR. MATHEWS: This agreement was signed May 17th.

13 MR. HARPER: So that's actually before this
14 happened, so things may have changed.

15 VOICE: Should not certifiers notify us of that
16 [unintelligible] paperwork?

17 MR. MATHEWS: Well, the problem is that I really
18 cannot answer your question.

19 VOICE: Okay.

20 MR. MATHEWS: This is really something that
21 probably should be referred to FAS because they're really
22 the ones working on this for us, to get this cooperation.

23 But let me go back to the spot where I was kind
24 of messing up. As a condition for approval, USDA shall
25 obtain a written pledge which states that the certifier well

1 understands JAS expressed in documents 1 through 4, and it
2 talks about an English language version of the JAS which
3 happens to be on the website.

4 And here's the website for the English version of
5 JAS.

6 VOICE: It's unofficial.

7 VOICE: They're referring to that, though, in
8 that document.

9 MR. MATHEWS: Yeah, they're referring to that
10 document.

11 Do you want the website?

12 VOICE: Yes.

13 MR. MATHEWS: Okay.

14 <http://worldwideweb.maff.go.jp/soskiki/skokuburt>.

15 Put it on the board.

16 MS. BRICKEY: Rick, Bob Anderson has something to
17 add.

18 MR. ANDERSON: The person at FAS now who is
19 handling the organic program, at least in this interim, is
20 Kelly Strazleki. And so Kelly probably is the source
21 authority there that's under Frank [unintelligible]. And
22 the whole organic program at this point is under the
23 horticultural and tropical products because that's just
24 where it happened to get put. That's probably your really
25 final source authority at this point.

1 MR. MATHEWS: Yes. And Kelly is the one that we
2 were hoping who would be able to be here, but because of
3 other conflicts she's not available for this meeting for us.
4 But you're right, she is the person to be contacting.

5 Any other questions I can fumble over?

6 MS. BRICKEY: Do you have any other items?

7 MR. MATHEWS: No.

8 MS. BRICKEY: I have one question for you. This
9 is something that emerged not on your watch -- okay, that's
10 a common term in Washington, but Rick knows what that means.
11 We are still very eagerly awaiting the development of our
12 staff position for the board.

13 So we're asking you prospectively if you can help
14 us get that accomplished.

15 MR. MATHEWS: I'm making no commitments, but we
16 are going to address the issue of the support that the staff
17 -- that NOP provides to the board.

18 So, basically, I think that we need to talk in
19 terms of what additional you need over and above what the
20 staff already provides.

21 MS. BRICKEY: Okay.

22 MR. MATHEWS: And part of the problem is that
23 it's still lingering over from early on is that there are
24 staffing levels that are restricted. And they also have
25 clearly told us that we can't go out for contracts to avoid

1 the staffing issues.

2 MS. BRICKEY: Internally?

3 MR. MATHEWS: Right. And so we have to work
4 through that yet.

5 But I would also like to have a little better
6 definition of what the board would be looking for over and
7 above what they've already gotten.

8 Kim.

9 MS. BURTON: Do we have a current job description
10 or do we have something that's already been proposed on the
11 staff position to the NOP?

12 MS. BRICKEY: We do, but it was for purposes of
13 contracting out. So we do have that description. I don't
14 have it with me. I don't know if you have access to it.

15 MR. MATHEWS: I don't have it. If you can resend
16 it to me.

17 MS. BRICKEY: Any other questions for Rick or
18 comments?

19 [No response.]

20 Thank you very much. At this time we're going to
21 break for lunch for an hour. We'll be back here about one
22 o'clock.

23 [Luncheon recess.]

24

25

AFTERNOON SESSION

1 [1:30 p.m.]

2 MS. BRICKEY: Let's get started. First, I would
3 like to recognize a guest of the boards and the NOP today,
4 Janet Andersen. She's going to give us a presentation and
5 update on EPA's labeling proposal that we heard about at the
6 last meeting.

7 Janet. Thank you for coming.

8 MS. ANDERSEN: Thank you. I really appreciate
9 coming today, and I found the public discussion this morning
10 was really educational for me. I wish actually some of our
11 public meetings would be actually as lively and interesting
12 as the conversation that you had today.

13 VOICE: No, you don't.

14 MS. ANDERSEN: I think it's good to hear all
15 these sides.

16 Some of the group doesn't know who I am, so I'll
17 just give a little bit of background. I'm actually a plant
18 pathologist by training. I've been at the Environmental
19 Protection Agency a little over fifteen years. My current
20 role is I'm the director of the biopesticides and pollution
21 prevention division. In that capacity, my division, which
22 was created as a pilot to help encourage the registration of
23 biological pesticides -- in that capacity we've been in
24 business since late 1994 and have brought to the agency far
25 more biological pesticide registrations than ever were there

1 in the past years.

2 But biological pesticide registrations go back to
3 1948, so we've been doing it for a considerable amount of
4 time. I have a small staff, but they're very dedicated to
5 this -- to biological pesticides and a variety of things are
6 included in that, including microorganisms as well as
7 biochemicals.

8 I think we spend most of our time here on the
9 biochemical side of it with all of your petitions and
10 things. I'm hoping that my presentation today is more of a
11 dialog than it is a presentation and a chance to really
12 interact. So if there are questions as I go through it, I
13 certainly would like to have you stop and ask those
14 questions, and we'll have plenty of time, I hope, for a
15 discussion at the end.

16 At the Office of Pesticide Programs at EPA, we
17 have been working with a number of the members of this board
18 and USDA to put in place a system which will allow us to
19 identify pesticide products that actually are approved for
20 organic production.

21 In my discussions with people today in the
22 audience, I've explained that actually biological control
23 agents -- those are insects and parasites and predators --
24 really under the law come as pesticides, too.

25 But EPA has used a part of the law to exempt them

1 from our regulations because we believe they're adequately
2 regulated by the Department of Agriculture. If they ever
3 stop doing that, unfortunately, though, under the law we
4 would have to regulate them. So we hope they keep doing it,
5 so I don't have to anyway.

6 But we think it's very important to us to be able
7 to help you, the board, to help the organic organizations
8 around the country know which are the appropriate products
9 that really will fit under the NOP.

10 This designation I think is going to be important
11 to the users of the products. They're going to be important
12 to the people who are certifying. But I see it as having an
13 extra benefit that you probably -- maybe you've thought
14 about, maybe you haven't -- but I believe that it will be
15 very important to change the way homeowners are using
16 products because when they can see products that are
17 approved for organic farming, I think they will want to use
18 those products rather than some of the more harsh products.

19 And I also think there will be commercial
20 groundskeepers and others in the environment who will be
21 choosing to use those products. So to me it's a very
22 important and exciting opportunity that we have.

23 Today I want to briefly go over the elements that
24 we have in our draft proposal and then talk about some of
25 the issues and questions that EPA has as we approach doing

1 this program and then some of the places where I hope that
2 the board can help us.

3 The PR notice itself is called a pesticide
4 registrant notice. That's how we put out new policy. It is
5 under comments, so it is officially still open for public
6 comment until June 26th. I only brought one copy so I
7 didn't have to drag gobs of paper through the airports, but
8 if you would like to see it on the EPA website for
9 pesticides, it's there. And if anybody needs to understand
10 where that is, let me know. And if somebody wants the one
11 and only copy I brought with me, I'll be glad to give it so
12 I don't have to carry it home.

13 MR. MATHEWS: We actually made copies available
14 this morning.

15 MS. ANDERSEN: Okay. So I've got it if somebody
16 wants to do that.

17 We're hoping that after this comment period
18 closes, that we would be soon able to finalize this program,
19 taking all those into account, and maybe be able to have it
20 ready as soon as this summer.

21 But one of the questions that I do have for the
22 board in looking at your implementation schedules, when is
23 the best time for us actually to really put this program in
24 place?

25 I would assume you would want products ready for

1 certification, but you may have issues associated with that
2 that we need to work out together.

3 Let me just quickly go over the elements that are
4 in this notice. It is very important that what we're saying
5 is that these products are going to abide by the National
6 Organic Standards Program. We are providing that allowing
7 them to put on their pesticide label language and some kind
8 of symbol or identification that these products meet that
9 standard.

10 We need USDA to provide EPA with the current
11 National List -- and on an annual basis is what we proposed
12 -- that they will provide us with an updated list although
13 it sounds like we're going to actually see it on the web
14 pages, which will work for us fine too.

15 We plan to put this program in place during the
16 implementation period so that it is fully ready to go when
17 the rule is fully ready to be implemented. Our procedures
18 will allow for companies who have existing products to ask
19 for an amendment to put this symbol on their label.

20 There is a process called a notification that's
21 much more simple. We don't believe that's appropriate for
22 this because we think we're going to actually have to look
23 very carefully at these products to make sure they really
24 meet the standard and that that will have to be done by
25 amendment.

1 However, if someone is coming in with a new
2 product, they can ask for it while they are applying for
3 that new product.

4 We are going to have some cases where the way the
5 rule is written and the National List is written, that there
6 are some uses that are going to be okay on the label for
7 organic production and some that are not.

8 We have told those companies that if you have
9 that situation, you're going to have to split your
10 registration, that we will allow registrations -- that it
11 has to fully meet the organic standard 100 percent or it
12 can't have that designation on it. So they'll have to have
13 two products instead, and maybe it will encourage them to do
14 the right things to make more of them be acceptable for the
15 NOP.

16 In some cases, too, the registrants are going to
17 have to reformulate their products to come in compliance
18 because they will have inactive ingredients that are not
19 acceptable. We're glad to work with them in those cases,
20 but they may actually have to submit some new data for us to
21 look at to make sure that the products are adequate under
22 our laws to do this.

23 There is a piece of the law that allows us to
24 exempt various products if they are adequately regulated by
25 another governmental agency, like insects, predators and

1 parasites, but also if the products are extremely safe.
2 This is called 25b of the law, and you'll hear people talk
3 about exempted products or 25b products.

4 There's about 32 active ingredients on that list,
5 and the regulation states that if you use one or more of
6 those active ingredients, and only inerts from the 4a list,
7 then you can be exempt from regulation. We do not look at
8 those labels. We do not look at those products. They're
9 not reviewed by us.

10 So we're not going to approve the designation of
11 organic standards on those products. However, we cannot
12 under the law preclude those companies from putting that
13 standard on their product themselves, but they're going to
14 be under fair warning from this policy that if they do that,
15 and they really don't meet the standard, they have violated
16 FIFRA -- the Federal Insecticide, Fungicide and Rhodencide
17 Act -- by making a false or misleading claim by doing it.

18 So we do have that authority to hopefully go back
19 and try and get those statements to be removed if they're
20 not appropriate.

21 Yes, Steven.

22 MR. HARPER: Just to clarify that. You're
23 indicating that there is a classification of materials that
24 could by themselves use the word organic -- identify
25 themselves as organic but not go through the registration

1 process?

2 MS. ANDERSEN: That is true. If they truly meet
3 25b, and they choose to put this information on it -- first
4 of all, we're going to have standard language that we're
5 going to say -- they can -- I can't stop them from being
6 able to put a designation on that label as long as it's
7 truthful. It's essentially a self-certification program.

8 MR. HARPER: What I'm confused about, I
9 understand the [unintelligible] list, but the 25b list, do
10 all of those materials meet the listing that we've got in
11 the organic program?

12 MS. ANDERSEN: I cannot say for certain that they
13 do, but if they don't, they should not be putting that
14 designation on their labels.

15 MR. HARPER: Emily is shaking her head.

16 VOICE: The 25b's are what we consider naturals
17 and they --

18 MS. ANDERSEN: Oh, they all are very -- they're
19 things like garlic and corn oil and --

20 VOICE: Except for the GMO.

21 MS. ANDERSEN: There are no GMOs on the 25b list.

22 VOICE: Well, we haven't resolved how we're
23 dealing with agriculturally-derived products from GMO
24 commodities.

25 MS. ANDERSEN: Oh, the corn oil. I see what

1 you're saying. The corn oil.

2 Yes.

3 MR. CARTER: I think this is the 25b list, but is
4 there any consistency -- some of those things are then
5 regulated at individual state levels, are they not?

6 MS. ANDERSEN: There are some states that are
7 continuing to regulate those products. That's correct.

8 MR. CARTER: But is there any consistency -- I
9 mean, I think there was a piece of legislation that came
10 forward in Colorado late in the session this year that would
11 have essentially given the Commissioner of Agriculture de
12 facto authority to determine whether or not what was or
13 wasn't, you know, labeled under that 25b.

14 I'm trying to remember what the bill was. It was
15 withdrawn before hearing.

16 MS. ANDERSEN: There are states that have done
17 that and have allowed their -- some states did not have a
18 similar way to exempt things that EPA had. And there
19 certainly were states that were unhappy when EPA did this a
20 few years ago, and I understand that.

21 This is not my favorite piece of the law either.
22 We just have to implement it in our office.

23 But we looked at those -- we looked at them and
24 said these are extremely safe products -- or safe compounds.
25 And some states had no way to do it. So some states have

1 enacted legislation that allowed for that same determination
2 by their top regulatory people. But let me make one thing
3 very clear. A state cannot supersede the federal law.

4 So if we have not put a product -- we haven't
5 added atracine to the list, the State of Colorado could not
6 add atracine to that list. We haven't put red pepper on it,
7 and we're not going to. That's probably a better example.

8 So the State of Colorado could not say, well, red
9 pepper is exempt because the federal agency has said it has
10 to be regulated. So you can be more conservative; you can't
11 be less.

12 Yes, it can be very hard on the eyes.

13 MR. HARPER: Just one little punctuation mark on
14 that because one of the things we were concerned about was
15 they wanted to be able to -- under these 25bs, put a label
16 on it saying these were absolutely safe -- not absolutely,
17 but safe.

18 MS. ANDERSEN: We don't let statements like
19 that --

20 MR. HARPER: Even the chemical dealers were a
21 little concerned about that.

22 MS. ANDERSEN: There are regulations about false
23 and misleading claims, et cetera, on them. It's constant
24 with many of the natural products that we deal with this.

25 Jim.

1 MR. RIDDLE: Yeah, two questions. One, this 25b
2 list, there's actually a physical list --

3 MS. ANDERSEN: Yes, there is.

4 MR. RIDDLE: We don't have that, I don't think,
5 as a board. I'd request that we get that as a board.

6 MS. ANDERSEN: Sure.

7 MR. RIDDLE: Then the other, you mentioned that
8 they could do a list for "a" inert.

9 MS. ANDERSEN: Right. They cannot list 4b, but
10 just 4a.

11 MR. RIDDLE: If they had a 4b inert, they would
12 have to be reviewed by EPA?

13 MS. ANDERSEN: They would have to be registered.

14 MR. RIDDLE: Registered?

15 MS. ANDERSEN: Reviewed and registered, correct.

16 MR. RIDDLE: So something that could be natural
17 -- our list just lists four. It doesn't distinguish between
18 4a and 4b.

19 MS. ANDERSEN: Well, there are some issues on 4b
20 that we believed needed to be looked at. As I said, we
21 considered these -- "we" being the EPA, when we did it --
22 considered these extremely safe products. In fact, most of
23 them are things that are eaten. They're predominantly, but
24 not all, foods.

25 MR. RIDDLE: 4a also were the safest inerts.

1 MS. ANDERSEN: Yeah, a lot of the things are that
2 way. So that's an important thing to do.

3 Well, back to our labeling procedure. What we
4 want this to do is be as timely as possible and as helpful
5 as we can to organic producers.

6 I will tell you that there are many biological
7 pesticide registrants who are very interested in this. And
8 there has recently been formed a Biological Pesticide
9 Industry Alliance which I have been working with quite a
10 lot. They really see this as a way to help enhance the
11 sales of their products so that they may have a better
12 marketplace than some of the more toxic chemical pesticides.

13 There are two areas that are really important for
14 us to consider as we're looking at them. They are the
15 materials in those pesticide products, both the active
16 ingredients and the inerts, and then how these components
17 are made, something like your GMO comment I think is
18 important here.

19 The active ingredients -- first of all, I want to
20 say that we recognize at EPA that our definition of a
21 biological pesticide does not match your definition of an
22 organic product under NOP -- the National Organic Program
23 rule. We don't think that's a problem, but we recognize
24 that it's different.

25 There are things that you have included in there

1 that we do not take as biological pesticides, and there are
2 a number of things that we take as biological pesticides
3 that are not on the rule. That's okay. This isn't a show
4 stopper for us at all.

5 MR. LOCKERETZ: Excuse me. On this point am I
6 correct in thinking that BT genetically modified crops are
7 counted as biological pesticides?

8 MS. ANDERSEN: They are counted as biological
9 pesticides within our division, and certainly that's not
10 there. But so are the genetically engineered BTs
11 themselves, the microorganisms. And we recognize that those
12 aren't.

13 But we do not consider rotenone or pyratheums as
14 biological pesticides because these act as a toxic --

15 MR. LOCKERETZ: I just wanted to clarify the
16 status of BT crops in particular.

17 MS. ANDERSEN: Right. I recognize that you're
18 not going to be interested in GMOs for organic production.

19 MR. LOCKERETZ: Just for information that's all.
20 It wasn't a profound question, just clarifying.

21 MS. ANDERSEN: We can take those, too. We want
22 to make it clear.

23 So what we need when you're working with this is
24 that we need from USDA -- and I think they're relying on you
25 a lot -- we're going to need a very exact list of what the

1 acceptable actives are. We have provided to USDA already a
2 list of the compounds that we think are potential on your
3 actually acceptable active ingredients for you.

4 We need them to clarify for us which ones are and
5 are not on that list. That's going to be critical for us
6 before this program can go forward, before we can implement
7 anything.

8 Also, we are working on inerts. Of course, we
9 are very aware that there have been people who have
10 requested for us to look at several of the compounds. OMRI
11 has been in and talked to our agency about it. There are a
12 number of things on what we call the List 3 inerts. And if
13 you don't know, List 3 means we still need to know a lot
14 more about them before we decide whether they belong on the
15 more toxic list or the less toxic list.

16 And, unfortunately, there are more on that List 3
17 than there are on any of the other lists.

18 So there have been presented to EPA a number of
19 these inerts that you are interested in having moved off the
20 List 3 list onto List 4, which would be acceptable under the
21 rule. We are reviewing those. We hope to do it in a very
22 timely manner.

23 I have talked to Jim Jones very recently about
24 this because he has the lead in his group with the
25 registration division looking at this, though I do have a

1 staff person or two who is also working actively on this
2 program.

3 We are likely to move some of these to List 4,
4 hopefully fairly soon. We are also likely to have some of
5 these that we are not going to be able to move, because we
6 either need more information in order to make the decision
7 or we're going to determine that they aren't going to
8 actually meet that standard.

9 Eric.

10 MR. SIDEMAN: Do you see the narrow range oils
11 that are on List 3, do you see them moving quickly to List
12 4?

13 MS. ANDERSEN: I can't speak to specifics for
14 which ones are likely to move and which are not.

15 MR. SIDEMAN: The reason I ask is some of the
16 narrow range oils are permitted as permitted materials, and
17 we still haven't determined whether those that are permitted
18 materials can be used as inerts in other formulations.

19 MS. ANDERSEN: Tell me what you call a narrow
20 range oil.

21 MR. SIDEMAN: Well, like dormant oil or summer
22 weight oil.

23 MS. ANDERSEN: Uh-huh. Okay.

24 MS. BRICKEY: Were those in our request to EPA to
25 review?

1 VOICE: I don't know.

2 MS. BRICKEY: You need to check.

3 VOICE: No.

4 MS. BRICKEY: No. Okay.

5 VOICE: [inaudible] We have almost [inaudible]

6 VOICE: They were on the list of things that the
7 NOSB still needs to work on for policy which Jim Jones in
8 Buena Park said he agreed that the NOSB needs to clarify
9 policy before their office could work further on it.

10 MR. SIDEMAN: So that's something that should go
11 to the Materials Committee to be worked on pretty quickly.
12 It looks kind of odd that we allow them to be used as an
13 active, but not as an inert.

14 VOICE: Most of them are List 3.

15 MS. ANDERSEN: They may be odd, but also you're
16 sort of making a different determination when something is
17 an inert and when it is an active and recognizing --

18 MR. SIDEMAN: I think that we just haven't made
19 the determination.

20 MS. ANDERSEN: Yes, I understand. But an inert
21 sort of does imply it isn't biologically active, at least to
22 me.

23 MS. BRICKEY: A couple of questions, Janet.

24 MS. ANDERSEN: Sure.

25 MS. BRICKEY: In reviewing the inerts, how is

1 Jim's shop looking at the question of 4a versus 4b? These
2 are the inerts that we've requested information about.

3 MS. ANDERSEN: Well, I think the way that it is
4 predominantly working is that they're going to make the
5 determination of whether or not they're -- the easier
6 determination is are they 4 rather than 2. And then I think
7 it will be a combination of my scientific staff and the
8 health effects division who will predominantly make the
9 decision of whether they're 4a or 4b.

10 And it's true. EPA hasn't done much with this
11 list in a very long time, and it's really time we do it. We
12 are taking on the inerts as an important activity overall
13 for all pesticides right now.

14 So it's timely that we're also looking at these,
15 but I don't think we have a policy yet actually in place to
16 say which is going where.

17 MS. BRICKEY: Another question. Will the
18 registrants of those products know that you're looking at
19 the inerts question for the inerts that we've requested that
20 you look at?

21 MS. ANDERSEN: So if you're saying does the
22 registrant who has one of those in there, are they notified
23 that we're looking at it? No, they're not.

24 MS. BRICKEY: The reason I was wondering is if
25 for those you can't make a decision about because you need

1 some additional piece of information, if it wouldn't be
2 helpful to notify them and ask them for it.

3 I mean, it may be that they don't want to give
4 it. I realize that. But it also might be that this
5 labeling might be an incentive for them to provide that
6 information.

7 MS. ANDERSEN: I think that it will be an
8 incentive, and as this become more a program and people know
9 more about it, they'll do more of that. But it's an
10 interesting kind of -- we have registrants and then we have
11 manufacturers of inerts. And sometimes they are not very
12 aware of their role in pesticides whatsoever and data that
13 we might need, et cetera.

14 And they may look at this -- hey, look at this
15 tiny little market. And they say, well, that's not worth
16 it, I'm not going to go do those toxicology tests. And
17 we've had some trouble with that.

18 It's not actually the -- you know, it isn't
19 Valent making BT. It isn't somebody like Valent Biosciences
20 who's actually making that determination. They're just
21 buying the compound from whatever -- Acme Chemical Company.

22 And Acme doesn't want to pay the money to do it because
23 it's a tiny little part.

24 So we often have those issues to work through.
25 And it's a place -- as I was thinking about this talk, it's

1 a place where we may actually in a sense turn to IR4
2 programs sometime to see what they can do to help us. They
3 have a larger and larger role in biological pesticides.
4 They're very interested in this area. They're increasing
5 their grants into the program, and they may be interested in
6 helping us resolve some of these issues where companies just
7 aren't willing to put the information in.

8 MS. BRICKEY: Isn't most of what they do
9 tolerance related?

10 MS. ANDERSEN: It has been, and it has really
11 been that way. But with the biological pesticides, they're
12 helping them a little bit more than they were with the
13 others.

14 MS. BRICKEY: For the benefit of the board
15 members who don't deal with pesticides -- you lucky people
16 -- the IR4 program was a government-sponsored program that
17 basically steps in and does certain types of testing for
18 registrants of products that tend to have a small niche in
19 the marketplace.

20 MS. ANDERSEN: Minor crops.

21 MS. BRICKEY: Minor crops is what it usually is
22 referred to.

23 Let's say you had a crop grouping that had
24 rutabaga in it. There might not be much of a market for
25 that, but you might want to get certain tests done in order

1 to establish a food pesticide tolerance for rutabagas.

2 So IR4 has been actually doing this for what?

3 Twenty years?

4 MS. ANDERSEN: Oh, at least.

5 MS. BRICKEY: But their budget has been stepped
6 up over the last five years, so they're able to do a lot
7 higher volume. So Janet's suggesting that maybe IR4 could
8 step in and do some of these very specific tests that would
9 be required to make a determination about some of these
10 inert ingredients.

11 MS. ANDERSEN: I also think another alternative
12 that we ought to look at is, if we've got a set that we're
13 concerned about of these inerts that we ought to look at, we
14 ought to go to somebody like the Biopesticide Industry
15 Alliance who's the most likely to gain from it and say, can
16 you as a task force, as an industry generate some of the
17 data for it. And they may be willing to do it.

18 These are -- a lot of those companies are really
19 fragile. I deal with companies all the time that are in
20 very -- biological pesticide companies tend to be extremely
21 tight on their margins.

22 But they may be willing to do it, and they're
23 really looking to do positive things for biological
24 pesticides. So they're a group we need to look to for
25 creative solutions.

1 MS. BRICKEY: Maybe we should initiate an
2 overture from the board to that group.

3 MS. ANDERSEN: Sure. Actually, if you're going
4 to be -- I think your October meeting is in Washington,
5 D.C., and you may have a chance to do that, and at least
6 talk to some of the people that I can point out at that
7 time.

8 We also are intending to do -- we are doing a
9 workshop in November to help these registrants understand
10 how to get their products registered. We haven't done one
11 of these in about five or six years, so we're having a
12 program about that.

13 It might be that somebody from the board would
14 like to come and make a short presentation to them, too,
15 because I'm looking at some other sort of sources for these
16 people as -- you know, where are their markets. So it's
17 something to think about.

18 Finally, the last area that I think we need some
19 help in is I think we really would like to work with the
20 Materials Committee or whoever it is that's going to look at
21 these issues of the process by which these products are
22 made.

23 Certainly, the GMO and the corn oil is a good
24 one, but there also are another where -- what's the
25 extraction process that's actually used and what's

1 acceptable and what's not to organic production. We think
2 that's very important, and we don't want to approve
3 something and then find out that that's a system that is not
4 acceptable to you.

5 So the three questions I have that I would like
6 help from the board with -- you thought this was my
7 presentation; it's really my request for help -- is we would
8 like to know what kind of timing would be best for you in
9 the implementation of this program. We would like to have
10 that good list of active ingredients, and we'd be glad to
11 work with anybody who wanted to do it. We've provided the
12 list already to USDA, and we can do it again. And how do we
13 work together on the manufacturing processes.

14 We do get a lot of this information as
15 confidential business information, so on a product-by-
16 product situation we can't easily disclose it, but we could
17 certainly talk generically enough to really get some help
18 and advice from you so that we're doing what is really
19 something you want us to do.

20 We see this as a service to the organic
21 community. We're very excited about this opportunity, but
22 it's really something where you work with us, and we will be
23 delighted to work with you.

24 MS. BRICKEY: Any other questions or comments
25 from the board?

1 [No response.]

2 Janet, thank you very much.

3 MS. ANDERSEN: Thank you.

4 MS. BRICKEY: And we will be back in touch about
5 your requests.

6 Okay. I've been asked to go over some of the
7 changes in the agenda again to make sure people in the
8 audience understand what we're doing. I apologize for the
9 changes we've had to make in our agenda, but a couple of
10 things have just been unfortunate occurrences, and we also
11 have to formulate our agenda way ahead of the meeting.

12 So if we could sit down the week before and just
13 put our agenda together, it would be very easy to have it
14 completely accurate. But when you're publishing your agenda
15 in the record several months ahead of time, it's difficult
16 to make sure that everything goes exactly as you planned.

17 Our next item we're going to turn to will be our
18 committee reports and our committee action. We will be
19 delaying our deliberations from the Processing Committee
20 till tomorrow morning.

21 But we hope to get through the other committee
22 reports today. The last one we will do will be
23 Accreditation, so that one may slip over till Thursday if we
24 don't finish all those items.

25 We also are going to look at two matrices

1 tomorrow morning, the first being a chart that details
2 materials decisions that the NOSB has made in the past.
3 That chart was prepared by Emily Brown Rosen. We'll look at
4 that in the morning.

5 And we have another chart that was prepared by
6 Zia, which will go into nonmaterials decisions the board has
7 made in the past. What we're trying to do is complete a
8 good, solid, usable record of actions and decisions the
9 board has made in the past so that we hopefully will know
10 what we're doing in the future.

11 And a number of you have told us you thought this
12 would be useful and necessary, so we've been working this
13 over the past six months. What we hope to do is adopt final
14 documents tomorrow.

15 However, these are our internal documents for our
16 use, and if people find mistakes in the future or
17 corrections that need to be made, we can easily take a look
18 at those and make any necessary corrections.

19 Okay. Also tomorrow we are going to review a
20 document that Jim Riddle has prepared which is a suggested
21 list of technical corrections that we can recommend to NOP.

22 Based on our discussion this morning, it seems to be very
23 timely for us to do that.

24 I don't know if we've completely finalized our
25 list. This is something we'll need to clarify. But we have

1 a list of probably about ten items to look at --

2 MR. RIDDLE: Thirteen.

3 MS. BRICKEY: Thirteen, okay.

4 Let's see. What else for tomorrow? Am I missing
5 anything? George?

6 MR. SIEMON: Yeah. It had been our real hope to
7 provide some organic meals here at this conference, and we
8 weren't quite able to do that. So tomorrow the LaCrosse
9 Food Co-op and several other people are hosting a picnic
10 down at Copeland Park for everybody here with sandwiches and
11 all.

12 So, hopefully, all of us can carpool together.
13 The park is not very far; we could actually walk except for
14 the construction.

15 I think you can go along the river --

16 MS. BRICKEY: George, if we had met in Minnesota,
17 would we have had that problem with all this weather and
18 construction?

19 MR. SIEMON: I don't know what the time schedule
20 is, but I just want to make sure everybody knows that before
21 they make lunch plans.

22 MR. RIDDLE: That's everybody?

23 MR. SIEMON: Everybody's invited. But we would
24 like to have a donation to help cover some of the costs.
25 But everybody is invited to that. Thanks to Jim. Jim

1 Riddle was a big part of that, too.

2 MR. RIDDLE: So that may take longer than one
3 hour.

4 MS. BRICKEY: All right. We'll allocate the
5 agenda accordingly. Okay. Anything else about the agenda
6 from anyone? All right.

7 Let's move to committee reports. Our first
8 report will be from the Livestock Committee.

9 MR. SIDEMAN: The biggest issue that the
10 Livestock Committee has been working on since the last
11 meeting has been the issue of pasture. The way the rule has
12 been written, the term "access to pasture" is in the rule;
13 and the Livestock Committee feels that this needs some
14 clarification, so certifiers can actually know what they
15 have to regulate, and growers need some idea of what they
16 have to do.

17 In March the Livestock Committee presented a
18 statement on what we felt that "access to pasture" means,
19 and that was hopefully put up on the web. But my
20 understanding is it did not get up on the web in a timely
21 fashion.

22 And since that meeting we've actually been
23 working on it. And I really have to thank my committee.
24 We've got a lot of good input from my committee, and I want
25 to thank the people from the general public who have

1 submitted comments, too.

2 We have incorporated a lot of those comments and
3 added a lot of supporting language to the statement we made
4 in March and also made some slight changes in that
5 statement.

6 Has that statement been -- it's in the book for
7 the board members. Has it been given out to the public at
8 all?

9 VOICE: [inaudible] this morning.

10 MR. SIDEMAN: Okay. There were copies put in the
11 back. It's a relatively long document, and I'm not going to
12 read the whole thing to you now.

13 I guess the first thing to point out is that we
14 are now looking at this as what we consider to be our final
15 draft. We're going to put it up onto the website in the
16 form we have it today. >From the time it gets up onto the
17 website -- and hopefully that's really soon -- 30 days from
18 then we're going to close comments on it.

19 So if any of you outside in the audience want to
20 make comments on this, keep your eye on the NOP website 30
21 days from when it first gets up there, and I assume it'll go
22 up there with the date the comment period will be closed.
23 Then the Livestock Committee will finalize the document to
24 be presented to the NOSB for a vote in our October meeting.

25 There's no way that I'm going to read this whole

1 thing to you, but to highlight some of what we put in here,
2 some of the supporting information that we put in with our
3 statement includes the benefits of pasture, such benefits as
4 herd health, environmental benefits from pasturing, and then
5 consumer expectations. We discussed consumer expectation.

6 I can read to you -- for those of you who didn't
7 get a copy, I'll read to you with the chairman's
8 permission --

9 MS. BRICKEY: Please.

10 MR. SIDEMAN: -- the actual statement. It's NOSB
11 Livestock Committee recommended standard, access to pasture
12 for ruminants. Number one, ruminant livestock must have
13 access to graze pasture during the months of the year when
14 pasture can provide edible forage. And the graze feed must
15 provide a significant portion of the total feed
16 requirements.

17 The farm plan must illustrate how the producer
18 will maximize the pasture component of the total feed used
19 in the farm system.

20 For those of you who are keeping track of the
21 development of this paper, what you see has changed is that
22 we removed a specific percentage of the feed requirement
23 being made from pasture and added to this that the farm plan
24 is actually guiding certifiers into how pastures should be
25 incorporated into the farming system.

1 And I really think that this was a good way for
2 us to move, and we're looking forward to your comments on
3 that

4 VOICE: How do we make comments?

5 MR. SIDEMAN: I assume you mail them to the NOP
6 office and put Livestock Committee. Does that sound good,
7 Rick?

8 MR. MATHEWS: They can do that, or they can use
9 the Livestock Committee e-mail address and send it in
10 electronically.

11 MR. SIDEMAN: And does that get forwarded to the
12 Livestock Committee?

13 MR. MATHEWS: We will make sure it does. What we
14 can do is we'll post it, we'll give a 30-day notice for
15 comment. The posting will include the Livestock Committee
16 e-mail address, and we will then forward those e-mails onto
17 the Livestock Committee.

18 VOICE: Do you have an idea of when the 30 days
19 [inaudible]

20 MR. MATHEWS: I'm hoping by the end of next week.
21 Okay. It will depend on our ability to get it up. We've
22 had -- like you, we've had some technical problems with the
23 system.

24 VOICE: I understand.

25 MR. SIDEMAN: Any other questions on the first

1 part of the statement?

2 The second part goes on, "The producer of
3 ruminant livestock may be allowed temporary exemption to
4 pasture because of:

5 (a) Conditions under which the health, safety or
6 well-being of the animal could be jeopardized;

7 (b) Inclement weather, and

8 (c) Temporary conditions which pose a risk to
9 soil and water quality."

10 Any questions on that section?

11 MR. LOCKERETZ: Eric, I think the word "or" was
12 supposed to appear in all of those. In other words, any one
13 of those conditions should justify an exception.

14 MR. SIDEMAN: Right. After (a) and after (b)
15 should be the word "or."

16 Number three, the production of bovine livestock
17 may be allowed exemption to pasture during the following
18 stages of production. And then in parentheses, note,
19 "Recommendation for the other ruminant livestock are being
20 developed." And that was a change, too.

21 We specified this to bovine and are looking for
22 comments on any exemptions we should offer to other
23 livestock, (a) dairy stock under six months of age and (b)
24 beef animals during the final stage of finishing for no more
25 than 120 days.

1 And that essentially is our statement. The rest
2 of the document goes on and talks about how it's going to be
3 implemented and how we feel that our statement is supported
4 within the rule and within OFPA.

5 Any discussion or comments or questions?

6 VOICE: [inaudible] really hot summer [inaudible]
7 how do you gauge how long these exemptions can last on some
8 of these particular conditions?

9 MR. SIDEMAN: Well, I'd have to answer for
10 myself, and any of the other Livestock Committee members can
11 jump in. I think that's a certifier decision. This is a
12 guideline to the certifiers, and if somebody is trying to
13 get by the intent of the rule by calling it too hot for the
14 animals to go out when it's really not too hot, it's just a
15 normal summer, then I think that would be a certifier's
16 decision to give warning.

17 Any other comments from -- yeah.

18 VOICE: I just have a question on the 120 days on
19 finishing. Where did that come from?

20 MR. SIDEMAN: It came from within the Livestock
21 Committee from the people who have some expertise in beef
22 production. It's somewhat less than what is standard in
23 conventional agriculture, and we felt that's supported
24 because the consumer's expectation is much less a feedlot
25 use and more natural farm produced feed.

1 MS. BRICKEY: Have you had much feedback from
2 individual certifiers yet about what they think about
3 developing farm plans along these lines?

4 MR. SIDEMAN: I've had a fair amount of feedback
5 from people in the Northeast that I know, but not a lot --
6 and some from scattered people around the country, but not a
7 whole lot. Not as much as I'd like to get.

8 I know that OTA is going -- and, Tom, you were
9 just about to raise your hand.

10 OTA has a survey out on what practices are
11 occurring on the farms now, and I'm assuming that we're
12 going to get a lot of comment from their growers, their
13 producers when the results are in.

14 MS. BRICKEY: So, Tom, your survey will
15 specifically address geographic diversity in terms of -- it
16 says in practices?

17 VOICE: Well, the survey is going out to
18 particular producers, so we'd have to look at where they
19 were to match that up. It wasn't designed to do that so
20 much as to say what are the particular practices that you as
21 an individual producer are using.

22 MS. BRICKEY: But I presume geography would have
23 quite a bit to do with that, would it not?

24 VOICE: I'm sorry?

25 MS. BRICKEY: Wouldn't geography have quite a bit

1 to do with that?

2 VOICE: Yes, it will. But we didn't originally
3 include identifying the response by geography because
4 they're all anonymous, to begin with.

5 MR. SIDEMAN: So, on the survey there's no
6 question about the location. I have a copy of the survey at
7 home, but I don't remember.

8 Kelly.

9 VOICE: There's not a question per se about
10 location on the producer's survey. We're also doing a
11 survey of all the certifiers. And I think that that is just
12 beginning now, so we could actually e-mail you a copy of the
13 questions that are being asked of the certifiers, and they
14 address access to pasture and access to outdoors.

15 We could specifically add questions about
16 geography if you want to share a good way to phrase it.

17 MR. SIDEMAN: Well, I think what Carolyn and I
18 are concerned about is that people do have problems with
19 what we're proposing. We'd like to know where those
20 problems are originating. And if it's geography we'd like
21 to hear that, or if it's some other aspect of their farming
22 operation not specific to them.

23 VOICE: Right. So we could ask the certifier
24 something like, do you take into account regional
25 variability issues in your --

1 MS. BRICKEY: I think you'd probably want to be
2 more specific than that, but we could work on giving you
3 some feedback on that.

4 VOICE: Okay. Do you want me to e-mail you and
5 Eric copies of the surveys that [inaudible]

6 MS. BRICKEY: Please.

7 MR. SIDEMAN: Yeah. And I'll forward it to the
8 rest of the Livestock Committee.

9 VOICE: Okay. Great.

10 MR. SIDEMAN: Any other comments on pasture?

11 [No response.]

12 Then I only have one other item that I want to
13 discuss right now with livestock. We'll come back to a
14 bunch of other items that we're working on that aren't ready
15 to be discussed yet in this kind of atmosphere. We'll come
16 back to that at the end of the NOSB meeting.

17 MS. BRICKEY: I thought this atmosphere was good.
18 I feel comfortable --

19 MR. SIDEMAN: Maybe it's just too good to discuss
20 things like that. We don't want to destroy it.

21 The item I want to bring up is another
22 contentious one, and that is the issue of honey. The
23 Livestock Committee over the past couple of months has kept
24 getting handed this idea of honey, and we've come to the
25 conclusion at this point that we'd like to set up a task

1 force to look at the question of developing standards for
2 honey, and include some people from outside the NOSB on that
3 task force.

4 So I propose that we develop a task force, and I
5 also nominate Jim Riddle to head that task force. He's not
6 surprised. We've talked about this before.

7 Does this have to go as a motion?

8 MS. BRICKEY: I don't think we need to vote on
9 it.

10 MR. SIDEMAN: Okay. So that's essentially --

11 MS. BRICKEY: Unless someone objects. But if you
12 object, we'll make you the head of the task force.

13 MR. SIDEMAN: Emily, did you put your hand down
14 so you don't become head?

15 VOICE: I just had a question.

16 MR. SIDEMAN: Sure, go ahead.

17 VOICE: I just wondered if you had been informed
18 of any progress on NOP standards on --

19 MR. SIDEMAN: Yes, we have been. We're in
20 contact with them, and they're going to give us as a
21 starting point the document that they have right now. We
22 have not seen it yet, but we actually have been warned in
23 advance that it's not ready to be voted on. And that's when
24 we made the decision to have a task force.

25 MR. RIDDLE: If I can just give a little bit more

1 on this. What our plans are also -- just so I'm not sitting
2 out here alone -- Dave and Kim have also agreed to serve on
3 this task force. And what we envision is the three NOSB
4 members, and then four non-NOSB members specifically drawing
5 expertise from the beekeeping sector. But also probably one
6 other person with expertise in honey standards as well.

7 So that's the composition that we envision. And,
8 yes, working from the NOP draft, but we've been informed
9 that that draft only goes as far as the hive. It doesn't
10 have anything to do with extraction and honey processing.

11 And so we'll be looking at other industry
12 standards, other certifier standards. AOS and also Codex
13 has moved forward the honey section of the Codex guidelines,
14 so we'll be looking at all of those in these deliberations.

15 And the goal is to have a draft recommendation together by
16 October, by the next meeting, that would then -- this is the
17 ideal world -- would then be published in the Federal
18 Register for official public comment, coming out of the
19 October meeting, with the goal of catching it up to the rest
20 of the rule so we don't lose all of the honey that currently
21 is certified as an ingredient, so that -- you know,
22 processors and manufacturers can continue to sell and use
23 organic honey, because if it doesn't catch up with the rule,
24 then we don't have organic honey come October 21st, 2002.

25 So that's the very tight timeline that we'd be

1 working under. That's the plan.

2 MR. LOCKERETZ: You're talking about an NOSB
3 recommendation? You're not talking about an NOP document?
4 Two different entities are at work on this, so --

5 MR. RIDDLE: Well, we're wanting to be one.
6 We're taking the NOP starting point and then turning it into
7 an NOSB recommendation. And once we approve it, then it
8 would become an NOP proposed rule in the Federal Register
9 notice.

10 MR. LOCKERETZ: And then by when can there be a
11 final in force definite language approved by everybody and
12 going through the whole process?

13 MR. RIDDLE: Well, it would have to be published
14 in the Federal Register and get comments because it would be
15 a new addition to the rule.

16 MR. LOCKERETZ: When does it become the real
17 thing once and for all?

18 MR. MATHEWS: When it's published final.

19 MR. LOCKERETZ: Which would be how much later?

20 MR. MATHEWS: That's unpredictable. Your
21 recommendation will come into us. We'll have to make sure
22 that it's in regulatory language. We'll have to write the
23 preamble. Hopefully, you'll have plenty of preamble
24 information provided to us so that we can quickly get it
25 into the clearance processes.

1 You have to figure up to 90 days in OMB. We'll
2 have to allow at least a minimum of 30 days to comment, and
3 we may want more.

4 And then we would have to then write the final
5 rule, which again goes through the entire whole process
6 again. So getting it done by October will be very
7 difficult. But we can commit to trying. I just can't give
8 you a firm date.

9 MR. RIDDLE: If we don't make this October with
10 the NOSB's staff, there's just no way that it's going to
11 make next October with all those others.

12 MR. LOCKERETZ: But as you pointed out, October
13 of 2002 that's not good enough because products to be sold
14 the day after that may use honey grown a lot earlier than
15 that. So there'll be this period in which honey is grown
16 for eventual sale in a product after October 21, 2002, where
17 the standards under which that honey is produced are not
18 necessarily the standards that will eventually be adopted.

19 So will such honey be considered acceptable in a
20 fully organic product?

21 MR. RIDDLE: I think so. I don't see that as
22 being different than other things.

23 MR. LOCKERETZ: Well, there's a long lead time,
24 and the fact that other things are more advanced in the
25 development of standards.

1 MR. RIDDLE: Yeah, but a lot of manufacturers are
2 using grain that was produced the year prior, and that's
3 going to be the same case come October 2002.

4 MS. BRICKEY: It seems to me that this is our
5 good old generic pipeline issue that we talked about, and
6 we're going to have to work on. It's the same for all these
7 issues.

8 MR. SIDEMAN: Willie, you bring up a really good
9 point. Is it going to be the same for beef, too, that are
10 fed grain that has been stored in silos or stored in bins
11 and so on? I think, Jim, you should probably address that
12 issue when the task force comes up with a recommendation,
13 make a suggestion of how that whole thing should be handled,
14 whether we suggest that it be permitted or suggest that
15 product using [unintelligible] not be certified.

16 MR. RIDDLE: Okay.

17 MS. BURTON: The comment that I had was that
18 honey standards have been worked on in this industry for
19 quite a while, so we've got a good start. I think that
20 we'll have a good foundation to propose some pretty good
21 standards.

22 And most people that are currently certified have
23 certified honey, and they've been going to AOS -- they've
24 been going against the AOS standards or what have you. So,
25 hopefully, there won't be that much difference in what we

1 propose.

2 MR. RIDDLE: And we had people step forward at
3 the March meeting offering -- you know, from the industry,
4 to work on this issue as well.

5 VOICE: So the document you have prepared so far
6 is available where? On the web?

7 VOICE: It's not available yet.

8 MR. MATHEWS: It's not. It's a very, very early,
9 rough draft of some standards which to this date only
10 address apiary, but those standards will need to also
11 address the handling side of the honey industry. So it's
12 very small, very limited in scope. So we're just going to
13 pass on what we have, and they'll take it from there.

14 MR. RIDDLE: I want to make one more point before
15 I stop, and that is, that the pasture recommendation that's
16 going to be on the web, it's going to be there for 30 days
17 to accept comments. We're going to take those comments and
18 then draft a document that we're going to vote on in
19 October.

20 MR. BANDELE: Do folks envision including some of
21 the byproducts of honey as part of the standards?

22 MR. RIDDLE: I envision it being apiculture,
23 which includes other products: beeswax, royal jelly, yes.
24 AOS does that already.

25 MS. BRICKEY: Okay. Is that it?

1 MR. SIDEMAN: That's it.

2 MS. BRICKEY: Thank you, Eric.

3 Materials Committee.

4 MS. BURTON: Okay. The Materials Committee
5 obviously has been very busy over the last several months
6 with petitions coming in. We've been working close hand
7 with OMRI, working on trying to help that process get
8 clarified.

9 We've been working with NOP getting the letters
10 out, if there is an issue with the petition.

11 Overall, I've got a number of handouts out there.

12 I'm going to use the overheads that I'd like everybody to
13 go with me. But we have three materials this session that
14 are scheduled for review. We've the methionine, monocalcium
15 phosphate or triple super phosphate, and the potassium
16 hydroxide.

17 All of those materials, as you know, are very
18 contentious in the industry, and they've been materials that
19 we have not been able to agree upon for a number of years
20 from certifier to certifier, that sort of thing.

21 I kid you not when I tell you the TAP reviews for
22 each material were at least an inch or two thick, plus all
23 the material that we've gotten from comments and that sort
24 of thing. The will of this board is to defer all of those
25 materials until the October meeting so that we have enough

1 time to collate all of that and make a nice rational
2 decision.

3 So for those of you who are here to hear us vote
4 and talk about those, that will not be happening in this
5 meeting. I know that's unfortunate, but I also think that
6 the board feels that we want to make the most logical
7 decision, and we have to take all of that information into
8 account.

9 Okay. So that's a statement.

10 I'm going to do some overheads, so if you don't
11 have my packets back there, you might want to grab them so
12 you can follow along.

13 They're all gone? If you want copies, if you
14 have a business card give it to me and I'll make sure that
15 you get copies. That's why I brought overheads.

16 VOICE: Can we still give comments then on the
17 three items that would have been reviewed today?

18 MS. BURTON: Yes. We're in a deliberation period
19 -- not deliberation -- but we're actually taking comments
20 and we're reviewing the material. It's just like the
21 materials that we're going to be reviewing at the October
22 meeting.

23 VOICE: Is there a deadline that you need these
24 comments by?

25 MS. BURTON: Prior to the meeting. We'll be

1 accepting comments up to that point.

2 VOICE: We're trying to make a decision earlier
3 than later.

4 MS. BURTON: Yes. We deferred some materials at
5 the last meeting and they were the boiler compounds, because
6 we had a number of issues that we still needed to get
7 clarified from the different committees, so that's what we
8 will be doing with these materials also.

9 Okay. This is the National List material review
10 process. This document or this page here has been in
11 evolution. Every board meeting I've had the same type of
12 flow chart up, and we keep refining it and refining it.

13 What I've done with this version is put some
14 application deadlines on there. You'll see that for the
15 October 15th meeting, the deadline for applications for
16 material review will be July 13th.

17 So what that's telling us is that in order for
18 your material to be reviewed for the October meeting, we
19 have to have it by July 13th. That is considered day one in
20 this flow chart.

21 Okay. The petitions are received at the NOP
22 office. They go through them. They FedEx a copy to me.
23 We've got 14 days at that point to determine whether or not
24 that petition qualifies for inclusion on the National List.

25 What I do is I work hand in hand with OMRI to

1 make those determinations, whether or not they follow up
2 OFPA criteria, whether or not the petition is complete. If
3 it's a brand name petition, it would go back for separation,
4 if it's material and that sort of thing. We have a whole
5 number of list of things that we go through.

6 If for some reason the material does not pass
7 through this stage, it actually goes back and a letter is
8 sent to the petitioner detailing what needs to be improved
9 in the petition. Up until a few days ago, we never had a
10 timeline by NOP on this process, and we determined that they
11 should be able to get back to the petitioner within 45 days.

12 You did hear from some people this morning that
13 they had submitted some petitions in December. And,
14 unfortunately, again this has been an evolutionary process,
15 and we've just now got the system down we hope. So we
16 should be able to get back to people within 45 days to tell
17 them what needs to be clarified.

18 VOICE: [inaudible] to confirm that?

19 MS. BURTON: Yes. And it should have a date of
20 when that would be reviewed by the board.

21 Okay. That's days 14 through 21.

22 Within 90 days of the NOSB meeting -- and that's
23 where we're here -- the shirt kind of splits because there
24 could be a month in between this process or it could be
25 three months. It just depends on when the petition comes

1 in.

2 But 90 days prior to an NOSB meeting, the
3 contractor for the TAP reviews must have the go-ahead to
4 complete a TAP review. It takes 90 days to compile the
5 information, to do the research for the process. Okay. So
6 that's 90 days.

7 After that point, they do their work. The
8 petition is kind of in this hold period. Fifteen days prior
9 to a board meeting, the board receives the packets which
10 will include the TAP reviews, petitions, any comments that
11 have come in from industry or consumers, and the NOSB
12 actually receives the whole packet of information for
13 review.

14 This is when it also gets published on the
15 website, the TAP reviews. Okay.

16 This is also the time period when you can comment
17 -- do public comment on the TAP reviews and the whole
18 process in itself.

19 MR. RIDDLE: Excuse me, Kim. You say that's when
20 it gets published on the website. That's the NOP website or
21 the OMRI website?

22 MS. BURTON: Right now it's being published on
23 the OMRI website, and I don't believe that -- the NOP might
24 reference it, but they might just say that it's on the OMRI
25 website.

1 MR. RIDDLE: I think we had it all on ours this
2 time.

3 MS. BURTON: But it's out there. The whole
4 industry knows at that point that the TAP reviews are
5 available. Okay.

6 Yes. Michael.

7 VOICE: How would the public know that it was on
8 the website?

9 MS. BURTON: As soon as the petitions are
10 received, there's an ongoing list of petitions received, and
11 there's a status of where they're at. And that is on the
12 NOP website. It's under the National List section. And
13 that's being kept pretty current.

14 MR. MATHEWS: The only thing I can recommend is
15 just frequently look to see what's new.

16 MS. BURTON: Yeah. And for those petitioners, I
17 would encourage you to keep checking that website also.
18 Okay. Any other questions?

19 Kathleen.

20 VOICE: [inaudible]

21 MS. BURTON: Okay. All right.

22 Sissy?

23 VOICE: Did you want to change that date then?
24 Is that what you mean? The [unintelligible] in October is
25 now July 1st?

1 MS. BURTON: July 1st.

2 VOICE: Would it be possible [inaudible]

3 MS. BURTON: It's the entire TAP review, but it's
4 not the entire TAP packet, right.

5 Anybody else? Okay.

6 VOICE: [inaudible] new information [inaudible]

7 MS. BURTON: I'm not sure whether the previous
8 TAP reviews are available. I doubt it. I know that part of
9 what we're trying to do with these matrices -- Carolyn's
10 word -- is to actually be able to have some reference from
11 past decisions and past annotations and past votes, that
12 sort of thing.

13 VOICE: [inaudible]

14 MS. BURTON: I don't know. I don't know.

15 VOICE: We have a lot of them on file, and the
16 NOP does have a lot of them on file [inaudible]

17 VOICE: I have almost all of them from when I was
18 doing the work --

19 MS. BURTON: They're available.

20 VOICE: [inaudible] seems to have lost large
21 chunks of it, and I've had to forward stuff from my files
22 back to the department. So I don't know exactly what the
23 department has, and I don't know whether what I have is
24 considered official enough or not.

25 So it exists, but whether you can come to my

1 house and look at it -- it's just the department has to
2 [inaudible]

3 VOICE: [inaudible]

4 MS. BURTON: We've not had that request, but if
5 you do have that request, why don't you just contact me and
6 we'll see what we can provide to you. That's, I guess, my
7 best answer for you -- or for anybody else.

8 VOICE: [inaudible]

9 MS. BURTON: Right. No. In fact, I was going to
10 cover that. The Materials Committee at our next meeting in
11 October will have a policy that we're going -- a draft
12 recommendation on removing materials from the National List.
13 We understand that there is that five-year time period, and
14 if we don't start reviewing them now, we're going to get in
15 trouble.

16 So we will actually -- just like we developed
17 criteria for -- you know, prioritizing petitions, we're
18 going to actually develop criteria for reviewing materials
19 that are currently on the National List.

20 We will have a proposal at the next meeting.

21 MR. HARPER: What I think Mary is referring to is
22 something different [inaudible] within five years.

23 MS. BURTON: It is the same process. It is the
24 same petition to remove it. Your justification statement
25 would be that.

1 VOICE: [inaudible]

2 MS. BURTON: Okay. The same process.

3 This is a similar spreadsheet to what you would
4 find on the NOP website, although it is Kim's version so I
5 can try to keep track of what the heck is going on with
6 materials. You'll see that we've got the name of the
7 material, the category that it falls under, the date that
8 the NOP has received the petition, the date in the flow
9 chart if it passes through and that we recommend it for the
10 committee to determine whether or not they want to advise
11 for a TAP review, that's the date that it gets sent to the
12 NOSB committee.

13 They then in turn would request a TAP review.
14 That's the date on that. Then we set a meeting date,
15 determining when it falls in that flow chart. And then the
16 status of course is if we voted on it and how we determined
17 it to be the status of it.

18 So you see, the last meeting that we had in March
19 we voted on four materials. And that's the status there.
20 We had the three for this meeting that we will be deferring
21 until our October meeting.

22 October's going to be busy. You'll see here that
23 we have deferred five of the boiler compounds for the
24 October meeting so that we have more information. We've got
25 -- this one here is a new one, that that was forwarded for a

1 TAP review although OMRI had requested that be deferred so
2 that we could get more information from the petitioner.

3 So the deferring can go either way. If we need
4 more information -- if the TAP -- if the NOSB needs more
5 information or if OMRI does, we can defer the process.

6 And then we've got three new ones there: calcium
7 chloride and one for dimethlynaphthalene, and then sodium
8 phosphates. The sodium phosphates were forwarded for a TAP
9 review, last week I believe I forwarded that.

10 MR. SIDEMAN: Kim, can I make a comment?

11 MS. BURTON: Uh-huh.

12 MR. HARPER: I just want to make the comment that
13 even the boiler water additives that are listed have been
14 deferred until October 1st. If you have additional
15 information that you want to supply, especially
16 [unintelligible] the Materials or the Processing Committee,
17 we certainly look forward to that.

18 That's all I wanted to say. We're looking for
19 more information, if you have additional information.

20 VOICE: These are compounds that would actually
21 contact or not contact?

22 MR. HARPER: Those are ones that actually --
23 potentially come in contact with the product.

24 MS. BURTON: This is a list of petitions that
25 were returned for one reason or another. Letters have been

1 sent to the petitioners as of yesterday, I was told. So I
2 share this letter with you.

3 We've got a number of them for brand name, and we
4 realize that there is some confusion out there with what
5 exactly needs to be petitioned. I would encourage anybody
6 to -- if you are confused over the process, just call me or
7 OMRI. They can certainly help you clarify your questions.
8 Okay.

9 MR. SIDEMAN: Kim, will that list of returned
10 petitions go on the website, too?

11 MS. BURTON: A number of them are already on the
12 website. Their status is -- under board review I believe is
13 how they're put on this website.

14 So you can see we've had a lot of activity with
15 materials even though we anticipated a lot more, and I'm
16 sure that we will see more and more coming up in the next
17 couple of months for the October meeting.

18 MS. BRICKEY: Kim, we're still concerned that
19 there are all these potential materials out there that we
20 haven't heard about?

21 MS. BURTON: Right. Rosie's here!

22 Yeah, we are concerned that there's quite a
23 number of materials out there. And as you've heard over the
24 last day -- or we've heard over the last few days that
25 there's a great concern out there that people are using

1 current materials and that the certifiers are not letting
2 them use them because they're not on the National List. So
3 they're actually trying to conform to the NOP standards,
4 even though we're not having to do that yet, according to
5 the rule.

6 Questions. Phil.

7 VOICE: Would that go for like -- I was thinking
8 a food source [inaudible]

9 MS. BURTON: Yes. That one in particular is a
10 technical correction, and that will be put back on the list.

11 VOICE: It will be?

12 MS. BURTON: Yes.

13 VOICE: [inaudible]

14 MS. BURTON: The committee will help determine
15 that. And you'll see in some of Steve's presentation, we're
16 trying to identify those areas and we're trying to clean up
17 some of the language so that it's less confusing.

18 MR. RIDDLE: Kim, you just mentioned about the
19 technical correction on one item, and other times you've
20 mentioned something about the Materials Committee putting
21 together technical corrections. Is that something that
22 we'll be able to act on at this meeting?

23 MS. BURTON: Yeah. I've already actually sent
24 them through the NOP, but I can bring them up.

25 MR. RIDDLE: Because my list that we're going to

1 work from tomorrow only has like two items that are
2 materials, so I think you've got a few --

3 MS. BURTON: Three.

4 MR. RIDDLE: Three. Okay.

5 MS. BURTON: Ron.

6 VOICE: The three items [inaudible] more time to
7 read about it?

8 MS. BURTON: The board needs more time to get
9 more information about them. Just like the boiler
10 compounds, we did not feel confident that we had enough
11 information to make a decision, so we're deferring those.

12 VOICE: How do you get more information? Do you
13 get it from OMRI [inaudible]

14 MS. BURTON: It depends on what it is. I mean,
15 in the case of the boiler compounds we felt like we needed
16 some additional information that wasn't provided in the TAP
17 based on some economic information or residue information.

18 You know, there's certain things that are not
19 required to be reported in a TAP review, but as a committee
20 we feel it's essential in making a decision.

21 MR. HARPER: For instance, on the boiler water
22 additives there has actually been a request put into FDA --

23 MS. BURTON: For a FOIA.

24 MR. HARPER: -- to get information on the
25 original approval of those materials in food processing to

1 see if we can find out more information on residue levels
2 and that sort of thing.

3 MS. BURTON: Jim.

4 MR. RIDDLE: Right. But on the three materials
5 now, we got the TAP reviews approximately two weeks ago
6 which had a lot of supporting documents there. It was about
7 like that, the total stack. And then last Friday I received
8 some more supporting documents, about this much.

9 And in order to perform due diligence and really
10 make informed recommendations, it's just too much in too
11 short a time to really consider even all the information we
12 already have.

13 VOICE: [inaudible]

14 MR. HARPER: Yeah, I'm just speaking for myself.

15 MS. BRICKEY: I think it's the same story.

16 MR. HARPER: To perform due diligence, we want to
17 make informed decisions.

18 VOICE: [inaudible]

19 MS. BURTON: We will be asking for more
20 information on the three materials for this that were
21 scheduled for today.

22 VOICE: [inaudible]

23 MS. BURTON: Not necessarily. The committee has
24 a number of things that we need to address in the TAP
25 reviews.

1 VOICE: My question is how [inaudible]

2 MS. BURTON: It depends on the nature of the
3 information that is needed. I don't mean to be running
4 around in a circle with you. But it's specific information
5 that's needed.

6 Like in the boiler compounds, we did go back to
7 OMRI and ask for information and we also went out to -- and
8 requested FOIAs for other information. And some were doing
9 some surveys to get other information. It just depends.

10 MR. HARPER: Sometimes we do go back to the
11 processors of those type of products and say -- well, for
12 example, this was listed as an alternative way of doing it,
13 what do you know about this, and is there other information
14 on alternative ways. Sometimes it's the processor.
15 Sometimes it's literature; sometimes it's other.

16 MS. BURTON: As the material chair and as a
17 member of this industry for a long time, I would much rather
18 have the process be a confident process and one that the
19 board feels like we had had the time to review everything
20 and the time to have the information presented to us before
21 we make a hasty decision.

22 And these materials -- all the materials that
23 have been deferred have been contentious materials, to be
24 quite frank with you. So I don't see a problem deferring
25 decisions. I think it's actually something that's good for

1 this board to do.

2 VOICE: [inaudible] simply what is the source of
3 [inaudible]

4 MS. BURTON: All right. That's it. I've got a
5 couple of others, but they're very small, so I'm going to
6 put the overheads up but I will discuss them.

7 Put the lights back on.

8 There's two other actions from the Materials
9 Committee. One is a recommendation -- amending the
10 procedures on the National List. And what that is, in OFPA
11 there are procedures on amending the National List, but
12 there are no timelines associated with it.

13 So what the Materials Committee has done is
14 basically taken the OFPA language and written some proposals
15 on timelines. I'll just go ahead and read these, and then
16 we will act on these tomorrow.

17 As per OFPA, Section 2118(d)(1), the National
18 List established by the Secretary shall be based upon a
19 proposed National List or proposed amendments to the
20 National List developed by the NOSB. We are going to
21 recommend that within 30 days of a conclusion of the NOSB
22 meeting, that the Materials Committee will determine if a
23 proposal to amend the National List will be submitted to the
24 Secretary.

25 Basically, what we don't want to see is this

1 onslaught of materials that have been recommended, but not
2 amended to the National List. Therefore, there's nothing
3 that we can do -- well, the National List would not be
4 amended basically.

5 So we're going to go through that. After every
6 meeting the Materials Committee will go within 30 days and
7 actually determine whether or not we want to propose to the
8 Secretary to amend the National List.

9 If there's one or two materials that have been
10 voted upon for inclusion on the National List or removal
11 from the National List, we probably will wait until another
12 NOSB meeting to see if we have a larger list of materials so
13 that we don't have to go through and do a public input and
14 posting on the Federal Register and that sort of thing.

15 As per OFPA the proposed amendments to the
16 National List are published in the Federal Register to seek
17 public comments. The Secretary shall include in such notice
18 any changes to the proposed list or amendments recommended
19 by the Secretary.

20 The board is going to recommend that a 45-day
21 public comment period be allowed on these amendments to the
22 National List. Currently the OFPA does not have any
23 timelines, again like I said.

24 Publication of the National List. After
25 evaluating all comments received concerning the proposed

1 National List or proposed amendments to the National List,
2 the Secretary shall publish a final National List in the
3 Federal Register, along with a discussion of comments
4 received.

5 Again, the National Organic Standards Board will
6 be recommending a 45-day public comment period on the
7 publication of a final National List.

8 And then the last one was that the NOP shall just
9 maintain a current list of all the amendments. This was an
10 addition that we thought was essential so that we have a
11 record and a documentation of what was proposed.

12 Questions. Emily.

13 VOICE: [inaudible]

14 MS. BRICKEY: It's not a final rule. The
15 Secretary hasn't acted on it. It's an amendment of the
16 list.

17 VOICE: [inaudible] you said two 45-day time
18 periods; right? You said first that it would be published
19 in the Federal Register and you were recommending a 45-day
20 time period.

21 MS. BURTON: Yes.

22 VOICE: And then when those comments are
23 addressed and the final amendment is published, another 45
24 days.

25 MS. BURTON: Oh, I did say that. You're right.

1 It's just the first public comment period. Okay.

2 And then the last action item for the committee
3 is just -- we felt in the March meeting that we needed to
4 develop a strategy for educating and communicating industry
5 knowledge about the materials petition process, materials
6 review and actually how to get things added on the National
7 List or removed from the National List.

8 So Goldie and I are going to be working on a
9 questionnaire and pretty much working on a strategy to
10 develop one-on-one contact with the industry, to try to get
11 more petitions received, so that we can get this National
12 List cleaned up.

13 Jim.

14 MR. RIDDLE: I'm sorry to step back, but I was
15 just trying to understand the first action item, within 30
16 days of the meeting that the Materials Committee will
17 determine -- I guess I don't quite understand. This would
18 be something that we have already voted on and approved?

19 MS. BURTON: Right.

20 MR. RIDDLE: Then it's just a formality? I mean,
21 you're not really determining anything?

22 MS. BURTON: No. Basically what we're trying to
23 do is keep the NOP moving along with getting the National
24 List published in the Federal Register and getting the
25 process moving.

1 But if there's one material that has been
2 approved in a meeting, we're not going to push the process
3 along because they actually have to go through the motion of
4 publishing it in the Federal Register and that sort of
5 thing.

6 So that was what we had discussed with NOP. This
7 was the way they felt it would be best managed. In other
8 words, every time we have a meeting they're not going to go
9 out and publish a new National List. They're going to wait
10 until there's a substantial amount of information so that
11 they can go through with it.

12 MS. BRICKEY: So the legal question to be
13 answered is what is the status of those materials prior to
14 the Secretary putting them on the status. They have no
15 status.

16 MS. BURTON: They have no status.

17 MS. BRICKEY: So it's not clear to me from this
18 proposal how that happens. How do we -- the Materials
19 Committee says, okay, now we have six materials that we're
20 going to recommend that the NOP use to update the list.
21 Where in here is the Secretary's determination that he's
22 going to put those materials on the list? That's the
23 question, I think.

24 MS. BURTON: I don't have an answer for you. We
25 just make the recommendations to the Secretary.

1 MS. BRICKEY: So we need that from your side,
2 Rick. Not tomorrow morning, but soon, about how our process
3 then goes in sync with yours so that the Secretary makes a
4 determination because it could sit in limbo for some period
5 of time as we know, if we don't have that process in place.

6 MR. RIDDLE: It seems like it could sit in limbo
7 twice. One is before even getting published in the Federal
8 Register for comment, and then after the comments come back
9 in before the Secretary actually makes the final
10 determination and places it on the list.

11 I mean, there's two opportunities for limbo, for
12 things to just sit. Right?

13 MS. BRICKEY: Once the list is published for
14 comment you're saying, then what happens.

15 MR. RIDDLE: Yeah, once they come back in,
16 there's another -- you know, kind of a holding pen that
17 things can get lost in.

18 MS. BRICKEY: So we need some timeline for both
19 of those pieces of the process.

20 MR. RIDDLE: I think people think that once we've
21 approved something, it's okay to use. And, no, that's just
22 a very important first step in the process.

23 MS. BURTON: The Materials Committee was asked to
24 put this together so that we could give our comments on the
25 timing of -- once it is published, the comment period on the

1 Federal Register and also so that we could prompt them to
2 get the National List updated.

3 Now whether or not that happens twice a year,
4 three times a year, I don't know. That's something that the
5 NOP is going to have to determine also.

6 MS. BRICKEY: So is this something we could get
7 feedback from you by our next meeting?

8 MR. MATHEWS: Yeah. I can tell you that we've
9 got one that'll go out this summer. I mean, it's -- Bob and
10 Arthur have a draft for the materials that have been
11 approved over the last three meetings. And essentially
12 they've requested permission to hold it until the end of
13 this meeting so that we could add in anything that came out
14 of this meeting.

15 But now it looks like nothing is going to come
16 out of this meeting, so we're just going to go ahead and
17 release that one. So we can put -- you know, we can get
18 that one moving again on Monday.

19 MR. RIDDLE: Would the Federal Register notice --
20 if it contained like three materials, but then maybe, you
21 know, something else, like a change in conflict of interest
22 or other issues as well, or would you want to focus it just
23 on the materials?

24 MR. MATHEWS: Right now we're going to just focus
25 on the materials because that is the one that is already

1 drafted and so we want to move it.

2 MR. RIDDLE: I understand. I'm talking more in
3 theory.

4 MR. MATHEWS: In theory? In the future?

5 MR. RIDDLE: Yeah. It could be a mix --

6 MR. MATHEWS: Yeah, it can be a mix of things.
7 It doesn't matter.

8 MS. BRICKEY: Kim, anything else?

9 MS. BURTON: No.

10 MS. BRICKEY: Okay. Question, quickly.

11 VOICE: I understand [inaudible] but in the case
12 of new information that would without a doubt knock
13 something off the list or if the Secretary himself decides
14 to take something off the list, it seems to me that
15 shouldn't sit on a waiting list. That should be an
16 immediate action.

17 MR. MATHEWS: Well, you need to petition. Put in
18 a petition.

19 VOICE: With a petition. But after that petition
20 has gone through the process, it shouldn't sit on a list and
21 wait for removal when that material has obviously been
22 misreviewed in the first place or maybe even a broad
23 conflict of interest on something in the original reviews,
24 or if the board itself decides in a five-year review that
25 something was inappropriate for the list, that shouldn't go

1 onto a waiting list, that should be an immediate -- that
2 would be part of due diligence.

3 The whole idea of the organic standards is that,
4 you know, if there's any doubt, throw it out. You use the
5 precautionary rule. You don't give things a bill of rights
6 for materials.

7 MS. BRICKEY: Thank you, Mr. Clark. We need to
8 move on to our next committee report.

9 MR. MATHEWS: Basically, if I hear what you're
10 saying is that after the board has made its recommendation,
11 you would like the Department to immediately initiate the
12 process --

13 VOICE: For removal, yes; for additions, that
14 part of due diligence would be a waiting list while more
15 information might be forthcoming from public comment or
16 whatever.

17 I like the idea of due diligence, but it seems to
18 me the negative part should be due diligence -- that part of
19 due diligence on removal should be an immediate removal.

20 MS. BRICKEY: Thank you --

21 MR. MATHEWS: It has to go through the rulemaking
22 process before we can remove.

23 VOICE: Or go onto a list -- this has been
24 removed or for further review.

25 MR. MATHEWS: No. You can't have an immediate

1 removal of a substance any more than you can have immediate
2 approval of a substance. Both approval and removal must go
3 through the rulemaking process.

4 VOICE: That's not due diligence.

5 MS. BRICKEY: Thank you. We need to move on
6 here.

7 VOICE: There's another question in the back.

8 MS. BRICKEY: I know, but we need to move on.

9 I would like to get a report from the Crops
10 Committee, and then I would like to finish for the day.
11 Does the board feel the need for a break or do you want to
12 work straight through?

13 We have got to move on or we won't finish our
14 agenda for today. I will be happy to talk with you offline
15 if you have a procedural question.

16 Owusu.

17 MR. BANDELE: I'm passing down two documents from
18 the Crops Committee. The first is the draft that we
19 received from NOP concerning the greenhouse and mushroom
20 standard. I think Mark Keating, by and large, drafted this.

21 Our committee did review it, and we set up two
22 subcommittees. I handled the greenhouse production
23 comments, and Eric will be reporting on the mushroom
24 standards.

25 As you look at the two documents, I think that

1 there were several areas that we felt were important that
2 were not included in the draft that we received from NOP.
3 So what I did, I referred back to the original greenhouse
4 recommendations made in, I think, 1995, drew out some of
5 that information and added and changed the two other items
6 in that.

7 We'll look through -- I'll just try to walk you
8 through quickly. The first -- well, there are some
9 definitions in Mark's draft which I did not repeat in our
10 response. But the first item had to deal with the in-ground
11 permanent structure -- in other words, the case in which the
12 grower would be growing directly in the ground under a
13 covered structure.

14 And in that case, by and large, we would have to
15 follow the procedures as outlined in general crop
16 production; that is, it had to be out of production for
17 three years, there had to be soil building and crop rotation
18 strategies, et cetera.

19 So I don't think that that was much different
20 from growing in a regular outdoor situation.

21 In terms of the bench system, there were several
22 items that I think were pretty straightforward, first of
23 all, that the greenhouse operator should establish and
24 maintain a production environment which prevents contact
25 between organically produced crops and prohibited

1 substances.

2 I also made note of the fact that prohibited
3 substances should not be allowed in potting mixes; producers
4 could use artificial light. Plant and soil should not be in
5 direct contact with wood treated with prohibited materials
6 that is used for greenhouse structures or frames. That was
7 not in the draft that we received from NOP, but it was
8 included in the original recommendations and I think that
9 was important.

10 The part that I think really needed some further
11 definition had to do with mixed operations, because as most
12 of you know in a situation where we're doing regular
13 production in the field, there would be a buffer zone
14 between organically grown and conventionally grown products.

15 And I think the extent of that buffer zone would be defined
16 by the certifying agent.

17 But in the case of a greenhouse situation, the
18 crops are a lot closer together. So, therefore, we had to
19 be careful in terms of drift problems and that kind of
20 thing. In the original recommendation it was stated that
21 you could have a mixed system between organic and
22 conventional in the greenhouse.

23 However, there were stipulations made -- and I
24 could see, for example, in a case whereby a grower would be
25 growing both conventional and organic, but not applying

1 synthetic pesticides, where the only difference would be
2 fertility, then that would be more easily achieved in the
3 same structure.

4 But if you're dealing with a structure in which
5 there's a spraying of synthetic substances, that's going to
6 be a problem. So how the original -- and none of this was
7 mentioned in the current NOP recommendations. But in the
8 original one that I pulled that back out, it had to do with
9 the fact that a -- that there had to be a separation by an
10 impermeable wall between conventional and organically
11 produced crops.

12 This to me may not be necessary in the first
13 scenario that I mentioned, when the only difference is the
14 fertility. But it would certainly be a minimal
15 recommendation if in fact synthetic pesticides are being
16 applied.

17 And the second part of that would be that the
18 ventilation system must insure the prohibited materials do
19 not drift to the organic production area. What I did before
20 that -- I probably should have mentioned that first -- that
21 in our recommendation -- the committee's recommendation, we
22 said that if a producer is growing both organic and
23 nonorganic greenhouse crops using a bench system, we still
24 recommended separate structures.

25 However, the same structure would be permitted if

1 the impermeable wall and the ventilation system would be
2 taken into account.

3 We added also a little more information in terms
4 of making sure that substances did not come in contact. We
5 brought back -- like the soil-mixing machines and other
6 equipment used for nonorganic production should be washed
7 thoroughly.

8 We also added in that except that pesticide
9 sprayers used in conventional production cannot be used for
10 organic production. I thought that was an important point.

11 Finally, adequate physical facilities as
12 determined by the certifying agent should separate organic
13 and nonorganic crops in storage or holding areas for
14 shipping, and also that production areas on farms which
15 contain both organic and nonorganic crops should be
16 conspicuously labeled.

17 That was in the original standards, and we still
18 thought that was important to avoid confusion in mixed
19 operations.

20 And that in a nutshell were the recommendations
21 that we have relevant to the greenhouse situation. A lot of
22 the other comments that I think Mark made would probably be
23 in the preamble and we could address those later. But we
24 primarily addressed the rule itself.

25 Are there any questions on the greenhouse

1 standards before Eric handles the mushroom?

2 MR. RIDDLE: Yeah, two questions. I guess first
3 is just what is the plan here? This would come out of the
4 committee and then be posted for both NOSB comment and
5 public comment; is that the plan?

6 MR. BANDELE: I thought the original plan was for
7 the NOSB itself to come up with the posting.

8 MR. RIDDLE: A draft recommendation?

9 MR. BANDELE: Yes, draft recommendation. So
10 we're presenting to the general board and -- as I understood
11 it, then the board itself -- we would place it as the board
12 for comment.

13 MR. RIDDLE: But still a draft that then the
14 public could have input on in the next three months?

15 MR. BANDELE: Exactly.

16 MR. RIDDLE: Okay. I just wanted to make sure.
17 And then I have one substantive comment, and that is, under
18 the (g), the split operation, there's another common concern
19 that's not addressed and that is irrigation water. A
20 conventional greenhouse typically injects synthetic
21 fertilizers, and I think that that should be somehow
22 addressed, that if the operation uses synthetic fertilizers,
23 there has to be a separate watering system for the organic
24 portion of the greenhouse, something along those lines.

25 MS. BRICKEY: Other comments and questions from

1 the board?

2 MR. SIDEMAN: I have a bigger issue, Owusu, with
3 this. I think this is all right for the production of
4 seedlings, but I have a concern when somebody is using this
5 kind of system for the production of food, because I don't
6 think it really meets the basic principles of organic
7 production, if the system is based upon buying inputs from
8 the marketplace and creating wastes that have to be shipped
9 out someplace.

10 I would like to see something brought into these
11 standards that say a greenhouse production system has to tie
12 into a whole farm system that can meet general principles of
13 organic production.

14 MR. BANDELE: Yeah, I think that's stated for the
15 first type, the non-bench type, I think we did state that
16 specific.

17 MR. SIDEMAN: That's right. If it's growing in
18 the soil, then I think it's just a garden covered with
19 plastic and that can fit into a system, and certifiers can
20 use the same standards that we have.

21 But if we're talking a permanent greenhouse where
22 items are being grown in a sterile media and fertilizers
23 bought in a bag and waste is going out someplace else,
24 there's no restriction on that. I'd hate to see that kind
25 of production system called organic.

1 VOICE: Rosie.

2 VOICE: You know, I understand Eric's comment.
3 But I guess to me one of the -- I guess principles also of
4 organic production is to be able -- for growers to make a
5 living. There's certainly areas in the country where people
6 could extend their system.

7 I don't want the rule to limit that innovation of
8 growers. I think there's ways to do it where you can
9 accommodate what you're saying, Eric. But I don't want
10 people to think just because people are growing within a
11 greenhouse that it can't be done.

12 MR. SIDEMAN: No, I'm not saying that. I'm not
13 saying that would prohibit growing in a greenhouse. What
14 I'm saying is that we have to incorporate the source of the
15 nutrients and where the wastes end up into the standards,
16 that the nutrients can't be coming from natural salts, for
17 example.

18 I would rather see them come from a recycled
19 waste product or from compost that's being produced on a
20 farm, or waste from an aquaculture system. That would be a
21 good source of nutrients.

22 And the wastewater coming out of the greenhouse
23 rather than just being dumped into the groundwater system or
24 even the septic system of a town, I would like to see it
25 incorporated into the farm plan and being required that that

1 wastewater be handled properly and be recycled and used
2 again someplace else within the farm system. That's what
3 I'm saying.

4 MS. BRICKEY: And what do you think about that,
5 Rosie?

6 VOICE: Well, I just -- it sounds to me like
7 you're -- you know, maybe I'm putting a presumption in there
8 that you're not -- in other words, something like a
9 hydroponic system, you don't have -- you know,
10 philosophically agree with. Is that basically what you're
11 saying?

12 MR. SIDEMAN: That's right. I think unless the
13 hydroponic system is fit into a broader system, if the
14 hydroponic system is essentially producing food that is
15 based upon inputs being brought into the farm, which have
16 their environmental cost and wastes coming off the farm that
17 have their environmental cost, I don't see what's organic
18 about it.

19 It could be called no spray, but I don't see
20 what's organic about it.

21 VOICE: I just think that you have to be --
22 there's growers that are doing innovative -- they're not --
23 they're kind of a hybrid between a hydroponic -- they may be
24 using liquid types of nutrients and maybe not soil within
25 the greenhouse, but they may be using organic amendments or

1 -- what I'm saying is I had rather not label something
2 because in my mind to me what you were describing was
3 hydroponics, and I think --

4 MR. SIDEMAN: And that's why I didn't use the
5 word "hydroponic," because I don't want to prohibit
6 hydroponic, but if hydroponic is essentially what's
7 happening, then somehow it has to be tied to a bigger
8 system.

9 For example, instead of using glass wool or
10 vermiculite as your medium, I would see raising them in
11 compost and supplementing with fish emulsion.

12 VOICE: The only problem is prohibiting -- if we
13 have certain materials that are allowed in crop production,
14 it would be hard to limit them in one area of production and
15 allow them in another.

16 MR. SIDEMAN: But they're only allowed in crop
17 production when they're tied into a farm plan that includes
18 crop rotation and so on. In this greenhouse system, they're
19 not tied into a farm plan and that's what bothers me.

20 VOICE: Do you read hydroponic as
21 [unintelligible]? Do you see hydroponic?

22 MR. SIDEMAN: What I'm concerned about is a
23 certain kind of hydroponic. I don't want to prohibit
24 hydroponic; I want to prohibit a certain kind of hydroponic
25 production, just like I don't want to prohibit this farming

1 -- I want to prohibit a certain kind of farming being called
2 organic, and there are certain kinds of hydroponic that I
3 don't think deserve the label organic, even if they're using
4 only permitted materials.

5 MS. BRICKEY: Jim.

6 MR. RIDDLE: How about the labeling of such
7 products or products from such systems as hydroponic organic
8 or greenhouse grown organic so it's clear to consumers -- I
9 mean, this is just an idea off the top of my head.

10 I'm not proposing that as an amendment to this at
11 all, but just something else to talk about.

12 MR. RIDDLE: It seems to me that a lot of those
13 points, though, would be in the judgment of the certifier,
14 and it would be difficult really to put a handle on it, so
15 to speak, when you consider that different organic growers
16 would be at a different level of production.

17 Someone starting in new would probably have to
18 purchase more off-farm materials, but be building towards
19 using inputs within the farm.

20 MR. HARPER: My question is, wouldn't
21 [unintelligible] but doesn't that fit under the general crop
22 -- wouldn't this fit under general crop standards so that
23 you've still got a [unintelligible] plan or a farm plan, and
24 the other parts of the organic regulations that fit with
25 this system would just be a very specialized part of crop

1 and livestock production that's [unintelligible]

2 MR. RIDDLE: Like the seed requirements still
3 apply.

4 MR. HARPER: Right. All these other
5 requirements --

6 MS. BRICKEY: That's how I read it.

7 MR. HARPER: -- still apply to this. These are
8 not stand-alone standards.

9 MR. SIDEMAN: I'd have to read more carefully to
10 see if that would limit the kind of production that I feel
11 just shouldn't be labeled organic.

12 MR. BANDELE: I myself have one question. That
13 had to do with the practicality of the part about the
14 impermeable wall and the ventilation system. Is that in
15 fact a realistic expectation? And I'm not really that
16 knowledgeable about greenhouses to determine that, you know.
17 I left it in at this point, but I do have some question
18 about is that really practical.

19 MS. BRICKEY: What's the alternative if it's not?

20 MR. BANDELE: Separate houses.

21 VOICE: Separate houses. Some standards do
22 require that. They just don't allow split operations for
23 greenhouses.

24 MS. BRICKEY: Well, I read impermeable,
25 impermeable. I mean, I just assume a common wall, but

1 effectively it's two structures, if you want to look it that
2 way.

3 MR. BANDELE: Right. But then you'd still have
4 maybe windows that could be opened on both sides of that
5 wall. I mean, there would be some other concerns there I
6 would think.

7 VOICE: The other problem: Is that a permanent
8 impermeable wall or do you take it down after you've done
9 spraying? Then you have to worry about volatilization of
10 pesticides that are sitting in the house.

11 MR. BANDELE: So would we in fact be better off
12 requiring separate facilities when synthetic pesticides are
13 applied.

14 VOICE: I would feel more comfortable with that.

15 MS. BRICKEY: Willie.

16 MR. LOCKERETZ: These discussions of mixing
17 between organic and nonorganic and so forth of materials are
18 really small compared to the point Eric raised. Eric raised
19 a very important point concerning fundamental principles.

20 Now, it was said by somebody -- and I'm sorry, I
21 don't remember who -- that aren't these just additional
22 specifications on the general organic principles for crop
23 production, and I think not, because, for example, in the
24 USDA draft it says, producers using bench systems are not
25 required to comply with the organic crop production

1 provisions designed to have a cumulative effect on soil
2 quality, such as the three-year prohibition on prohibited
3 substances, and the implementation of crop rotations,
4 including cover crops.

5 That exemption from having to comply with a very
6 important organic principle says we're talking about a
7 fundamental difference here. We're not simply talking about
8 adding on a few additional specifications that apply just to
9 greenhouse bench systems.

10 So I think Eric's point deserves very serious
11 consideration. It comes down to is this compatible with
12 fundamental organic principles.

13 VOICE: I don't see them in here.

14 MR. LOCKERETZ: No, I'm reading from the USDA
15 draft material.

16 VOICE: We have two drafts here. We have one
17 that was handed to us and then one Owusu made. Owusu
18 dropped that line. Now I'm hoping when this comes out, the
19 dropping of that first paragraph there means that this does
20 have to meet organic principles.

21 And then I think that we have to say, just
22 looking at it on paper doesn't meet it. I don't think it
23 does, and we're going to talk about what those principles
24 are fairly soon -- tomorrow I guess.

25 And I don't think it meets those principles. I

1 certainly will not support it if it has a paragraph in the
2 beginning saying it doesn't have to.

3 MS. BRICKEY: Doesn't have to what?

4 MR. LOCKERETZ: Meet the fundamental principle of
5 building up soil fertility because if you dispose of the
6 soil or the medium --

7 VOICE: Yes. And I'm not saying you can't.
8 That's right, Goldie. You can design the system that could
9 be called hydroponic that could meet organic principles.

10 VOICE: You catch and you reincorporate.

11 VOICE: So I'm not banning hydroponic, but I am
12 banning a hydroponic system that doesn't fit the organic
13 principles being called organic.

14 VOICE: I have a hard time envisioning a
15 hydroponic system that's going to meet those organic
16 principles. When you're raising plants without soil, you're
17 not doing much to build up the soil.

18 VOICE: No, unless it's tied in someplace else.

19 VOICE: Like aquaponics, is that what you're
20 referring to?

21 VOICE: Yeah. You would use the waste from an
22 aquaculture system, and the waste that comes out of the
23 greenhouse is fertilizing your crops out in the field.
24 You're tying a whole farm system together.

25 Owusu, Emily had her hand up.

1 VOICE: Well, I just had to give an example that
2 might clarify your other concern about -- because the bench
3 system, people do grow crops in bench systems. I've seen a
4 lot of certified growers [unintelligible] in trays or -- not
5 dirt, in shallow beds. But they're making compost or buying
6 -- you could buy completely [unintelligible] off the shelf,
7 and I think your concern is you don't want to be buying that
8 potting mix off the shelf and saying approved potting mix,
9 using it, throwing it out, buying more [unintelligible]. It
10 could be on a farm that actually has no cropland or all and
11 be recycled.

12 MS. BRICKEY: Be on a potting mix treadmill, is
13 that what you're getting at?

14 Mr. Chairman, what is your pleasure for this
15 draft today? We need to complete final recommendations for
16 NOP by October, so do you have -- is there agreement to
17 putting a draft out for comment or how do you want to handle
18 this?

19 MR. BANDELE: Well, I guess we have to clarify
20 some of the questions that board members have, which we
21 haven't really resolved at this point.

22 VOICE: Well, what I would want to see is a
23 paragraph instead of the one that says you don't have to
24 meet organic principles, the opening paragraph would say
25 that you do have to meet basic organic principles of

1 nutrient cycling and crop rotation and so on.

2 MR. BANDELE: We could add something in there to
3 the effect -- for example, using the potting mixture and
4 putting that in a compost situation. We could have some --

5 VOICE: I don't think we need to give examples
6 per se, as long as we're saying we're going to have a
7 document that says what the organic principles are. If the
8 opening paragraph says you have to meet those organic
9 principles, then I'm comfortable with leaving it up to the
10 certifier to determine whether they're being met or not.

11 MR. BANDELE: We could work that in and I think
12 we could still get it out. My other question was what about
13 the impermeable wall situation? Should we take that out
14 altogether?

15 VOICE: I would say we have separate housing.

16 VOICE: It makes a lot more sense. Remove any --

17 VOICE: Zia has her hand up.

18 MR. BANDELE: I'm sorry, Zia.

19 VOICE: I inspect greenhouses all the time. An
20 impermeable wall can work, but that's the purpose of your
21 inspection, is that you make sure the wall is impermeable
22 enough and that it has a separate ventilation system and a
23 separate irrigation system to that portion of
24 [unintelligible] And you have to realize that not
25 everyone's greenhouse is just like plastic stretched over

1 hoops in your backyard. We have some greenhouses that cover
2 an acre or more. They're long and skinny, and you're making
3 someone have a big commitment to do a whole house
4 conversion, when they can build a permanent wall in the
5 middle of it.

6 And as long as, you know, you maintain your
7 organic integrity through ventilation, irrigation, et
8 cetera, it will work. I feel like you should leave that
9 determination up to certifiers in the organic plant system
10 as well as --

11 MR. BANDELE: Are they separate ventilation
12 systems or how is that done?

13 VOICE: Well, there'll be a fan that wouldn't
14 blow from conventional to organic, that either blows in from
15 outside or hits the organic first before the conventional
16 side of the house.

17 VOICE: Owusu, I support what Zia is saying. I
18 think the key point you made there, that this is a permanent
19 impermeable wall. It's not hanging a sheet of plastic while
20 they spray and then taking it away.

21 VOICE: Right.

22 MS. BRICKEY: That wouldn't meet the concept of
23 impermeable.

24 MR. BANDELE: What is the pleasure? Do we amend
25 as Eric recommended and submit now or --

1 MS. BRICKEY: Well, I think it's up to the
2 committee how you want to proceed. If you've got an
3 agreement of what your draft is going to be, let's get a
4 final done and let us see it in the morning.

5 VOICE: Well, we're not going to vote on this --
6 do we have to do that, or can the Crop Committee work on it
7 some more over the next week and then get it put on the web?
8 Do we have to do it by tomorrow, in other words?

9 MS. BRICKEY: Well, it depends on whether you
10 want the rest of the board to see it and comment on it
11 before you put it on your web.

12 VOICE: What's your desire? Do you want the rest
13 of the board to see it before we put it on the web?

14 VOICE: I want to see it.

15 VOICE: I would like to see it.

16 MS. BRICKEY: I've got board members that want to
17 see it, Eric.

18 MR. SIDEMAN: So it sounds like we have to do it
19 tonight.

20 MS. BRICKEY: Can you get the changes made so we
21 can have a final draft tomorrow?

22 MR. BANDELE: Yeah, we can do that. But Eric
23 needs to present the mushroom part of that as well.

24 MS. BRICKEY: Yes, I understand.

25 MR. SIDEMAN: And that's going to be harder to

1 get done by tonight because I have a Macintosh computer
2 that's incompatible. So I don't have a document that you
3 can look at. What I have is the document that we were
4 handed from NOP.

5 I can go through that with you, and then add on
6 my suggested changes and hopefully get some more suggestions
7 from you folks. I'm not going to read it, I'm going to
8 summarize it.

9 Basically, the items that are in here that are
10 issues for growing organic mushrooms is, number one, prevent
11 contact of the organic and inorganic production system. In
12 other words, the integrity of the organic mushrooms have to
13 be protected. That's obvious.

14 Number two is the use of treated lumber. Treated
15 lumber cannot come in contact with organic mushroom
16 systems.

17 Number three that's addressed is the use of
18 organically produced spawn, except that nonorganically
19 produced spawn that have not been treated with prohibited
20 substances may be used when organically produced are not
21 commercially available.

22 Next is that the agricultural materials that may
23 be used as a substrate as a growing of the mushrooms be
24 organically produced. And I'll insert -- which was left out
25 of the NOP draft -- was the use of compost. There are many

1 mushroom systems that use compost, and I feel that that
2 compost has to be restricted to compost that's made
3 according to the standards.

4 The next one is that sawdust or other materials
5 derived from wood that are used as a growth substrate must
6 not have been treated with prohibited materials. And here
7 again I'd like to add something that I recognize is a bit
8 controversial, that not only the sawdust not be treated, but
9 that the sawdust comes from trees that are harvested from
10 land that has met the standards for the previous three
11 years.

12 MS. BRICKEY: The crowd says boo, Eric.

13 VOICE: I mean, that's not the real world.

14 VOICE: I'd say no GMO trees.

15 MS. BRICKEY: So, Eric, you're a real crowd
16 pleaser today.

17 Let me observe one thing based on the draft you
18 just read. This can be typed up very quickly and
19 distributed to the board tomorrow. I don't think that's a
20 problem. It's short.

21 MR. SIDEMAN: That's right. I can even type it
22 up and e-mail it to somebody.

23 MS. BRICKEY: So the question is procedurally how
24 do you want to handle this draft?

25 MR. SIDEMAN: Well, I need comments from the

1 committee for, one, are the issues that were brought up by
2 the NOP draft acceptable; two, are my additions acceptable,
3 which I have a feeling they're not; and, number three, are
4 there any other additions?

5 So open for comments. Jim.

6 MR. RIDDLE: Are there any types of spawn which
7 would be prohibited?

8 MR. SIDEMAN: I don't know. Does anyone know?
9 Mushroom experts?

10 VOICE: What?

11 MR. SIDEMAN: Any kind of spawn that would be
12 prohibited since we're doing spawn commercially available.
13 You're required to use organic spawn unless it's not
14 available. Is there some other restriction?

15 VOICE: I don't believe there's organic spawn
16 available for all of the exotic mushrooms.

17 MR. SIDEMAN: Right, where there's the
18 commercially available. But my question was: Are there any
19 types which should be prohibited explicitly?

20 VOICE: [inaudible]

21 MR. SIDEMAN: Not species, but the way that
22 they've been produced. I'm no mushroom expert obviously,
23 but I recall some standards used to prohibit cryogenic
24 preserved spawn -- I forget the phrase --

25 VOICE: [inaudible]

1 MR. SIDEMAN: I'm just asking if --

2 VOICE: [inaudible] GMO.

3 MR. SIDEMAN: All right. Something to -- and
4 then the GMO issue is not spelled out.

5 VOICE: That's right. The GMO is not spelled out
6 except that the substrate has to be produced organically, so
7 that substrate will be --

8 VOICE: A spawn substrate [inaudible]

9 VOICE: This is for the mushrooms. But the spawn
10 substrate could be a GMO substrate.

11 VOICE: [inaudible]

12 VOICE: And do we want to prohibit that?

13 VOICE: Yes.

14 VOICE: Yes.

15 VOICE: [inaudible] nonavailable spawn, that
16 [inaudible]

17 VOICE: That's right. So if we allow
18 conventionally raised spawn, it would have to be raised in a
19 non-GMO substrate.

20 VOICE: That should be stated [inaudible]

21 MR. SIDEMAN: Sissy, can you wait just one
22 second?

23 Okay. Sissy.

24 VOICE: The question I was asked -- and I don't
25 know a lot of about mushroom [inaudible], but apparently

1 [inaudible] for something else [inaudible]

2 MS. BRICKEY: Can you stand up, please?

3 VOICE: Normally they're made from paraffin, and
4 I was asked about whether or not that could be used or
5 whether it would have to be from beeswax or organic beeswax.
6 I think it's [inaudible]

7 MR. SIDEMAN: Yeah, to seal the plugs.

8 VOICE: They were asking about the wax, whether
9 paraffin would be allowed or whether it would have to be
10 beeswax [inaudible]

11 MR. SIDEMAN: I have not seen that in standards.
12 Have you seen that --

13 VOICE: No. It was a question I couldn't answer
14 because I couldn't find it.

15 MR. SIDEMAN: Well, we're not going to get that
16 finished by tonight.

17 VOICE: No, we're not.

18 VOICE: [inaudible] natural materials that
19 [inaudible]

20 MS. BRICKEY: You might -- when we publish this
21 draft, you might want -- if we do --

22 VOICE: Yes.

23 MS. BRICKEY: Yes. You might want to ask a
24 question about it rather than make an assertion.

25 MR. SIDEMAN: No, I'm going to give an

1 assignment. When we publish the draft, Sissy, can you make
2 that comment?

3 MS. BRICKEY: No, no, I'm saying -- you might ask
4 more broadly for comments on this question, Eric, since we
5 don't seem to know a heck of a lot about it.

6 MR. SIDEMAN: Okay. I think we should be
7 soliciting input from mushroom growers, experts and
8 certifiers that have standards on mushrooms.

9 MR. MATHEWS: I'd be careful asking too many
10 questions. You might get 275,000 comments.

11 MR. HARPER: I have a question for the Livestock
12 Committee. Did you talk to any mushroom processors before
13 this came out [inaudible]

14 MR. SIDEMAN: This wasn't under the Livestock
15 Committee.

16 MR. HARPER: I realize -- I'm sorry. Crop
17 Committee. Did you talk to any mushroom producers about
18 this before you came here?

19 MR. SIDEMAN: This was handed to us by NOP for
20 our comments, and we based our comments on mushroom
21 standards that are existing in the industry now.

22 MR. HARPER: I guess what I'm asking --

23 MR. SIDEMAN: We did not have time.

24 MR. HARPER: You just recently got this?

25 MR. SIDEMAN: We just recently got it.

1 MR. HARPER: That's fine.

2 VOICE: But the version that the NOSB adopted is
3 '95 [inaudible]

4 MR. SIDEMAN: And this was built upon that, I
5 assume.

6 MS. BRICKEY: That's good to know.

7 MR. LOCKERETZ: Clarification. As of tomorrow
8 this will be a committee recommendation or an NOSB
9 recommendation?

10 MS. BRICKEY: It will be a committee
11 recommendation I believe. We want to get comments on it
12 before the board acts on it.

13 VOICE: But we want to see it as a board.

14 MS. BRICKEY: Yes. Rose.

15 VOICE: I would just state in there, just to
16 cover yourself -- and people have mentioned it -- is just
17 apply the same standards as far as propagation of crops to
18 mushrooms, you know, in terms of how they can be propagated
19 in non-GMO, so that in the future, even if they're not being
20 done that way presently -- because they would cover -- I
21 mean, there are some sexually producing and a lot of them
22 asexually producing.

23 MR. RIDDLE: Here's the past recommendation from
24 1995. It was split out between house mushrooms and log-
25 grown mushrooms for one thing and addresses sanitizers and

1 disinfectants commonly used in mushroom production, and then
2 the whole thing about split operations as well, just like we
3 were talking about for greenhouses, can occur with
4 mushroom production. So I do think we need to work from
5 this page.

6 MS. BRICKEY: Okay.

7 VOICE: Another thing [inaudible]

8 VOICE: You wouldn't expect that to be handled
9 under the processing section?

10 VOICE: [inaudible] washed in a chlorine solution
11 [inaudible]

12 VOICE: And if I could add one more thing just to
13 reassure you, Eric. It's not the first time that someone
14 has said that logs are to be inoculated, shall be
15 organically produced or sourced from a site that has not
16 been treated with prohibited materials for a minimum of
17 three years.

18 MR. SIDEMAN: Are you saying I plagiarized?

19 VOICE: No. Just that you're not alone in your
20 idea.

21 MR. SIDEMAN: No, I know I'm not. We wrote our
22 own mushroom standards, and we require it.

23 MR. BANDELE: We'll have a draft on that
24 tomorrow.

25 MS. BRICKEY: All right. Next item.

1 MR. BANDELE: Compost tea and vermiculture, don't
2 have a lot to report on that right now. We divided up into
3 two subcommittees on that. Rosie has agreed to deal with
4 the vermiculture.

5 After lengthy discussion, though, there are a lot
6 of issues involving not only compost tea but the whole area
7 of compost, as many of you know and many of the concerns
8 you've had.

9 So our idea on this then is to really reexamine
10 the compost issue even beyond, but including, the compost
11 tea. Eric has agreed to take the lead on that, and by the
12 October meeting we will have a draft dealing with some of
13 the questions that you had about composting, as well as the
14 compost tea issue.

15 MS. BRICKEY: Well, I was just going to ask you
16 where the committee is in terms of dealing with some of the
17 questions that have come up even on this trip about the
18 compost standards and the rules. Do we plan on making any
19 further recommendations about that?

20 MR. SIDEMAN: That's what he was saying. I'm
21 going to take the lead on that and we will have at least
22 draft recommendations on suggested revision to compost
23 standards and also the use of composting.

24 And included in that we will also look at
25 using process manure and having it be equivalent to

1 compost.

2 MS. BRICKEY: All right. Anything else?

3 MR. BANDELE: The final area is probably
4 contentious as well. That's the transitional labeling. I
5 heard and appreciated the comments this morning. However,
6 when we talk about geographic differences, et cetera, to me
7 it's a very crucial area, particularly in my geographic area
8 in the south, where the number of certified organic growers
9 is very small, and where we have in fact in place
10 transitional labeling, to at least let some of the new
11 farmers -- new in terms of organic -- reap some benefit from
12 adopting these practices.

13 I understand and know we all realize that these
14 growers will be dealing with everything that the certified
15 organic grower would be dealing with except the three-year
16 limitation on pesticides application and synthetic
17 fertilizers.

18 So this is an area that we intend to deal with.
19 Recently, several other members of the board outside the
20 Crops Committee, including Dave and Jim, have also expressed
21 interest. So we will have a draft ready at the October
22 meeting relative to transitional labeling.

23 I'd like to point out that this is not a new
24 undertaking by the board. I think it was in '94 or '95, ten
25 members of the board in fact -- I don't know how many were

1 present at that time, but I'm sure there was a majority --
2 voted in favor of transitional labeling.

3 And not only that, but the NOP, according to the
4 green book, had agreed to look at that. So I know there's a
5 lot on the table, I know we have a lot of priorities. But
6 to me this is also an essential part of this whole process,
7 so we will have a draft on this.

8 MS. BRICKEY: So it would be the committee's
9 intention to adopt a draft well prior to our next meeting?
10 I'm getting close to deadlines, as you can tell here. So
11 30 days we'd be able to post it on the web before the
12 meeting?

13 MR. BANDELE: Okay. I can do that.

14 MS. BRICKEY: Anything else from the Crops
15 Committee?

16 MR. BANDELE: I think that's all. Do any other
17 members have something to add?

18 VOICE: Are you looking at the transitional label
19 would include inspection?

20 MR. BANDELE: Yes.

21 VOICE: [inaudible]

22 MS. BRICKEY: We will begin with the Processing
23 Committee discussion in the morning. Then we'll move to
24 Accreditation.

25 We're going to adjourn early today so that we can

1 get some committee work done and get these drafts done. Is
2 there anything else anybody wants to say?

3 George?

4 MR. SIEMON: Yeah, I've just got to announce
5 about the boat ride tonight. Most of you are aware -- I
6 didn't know how many seats would be available -- but we're
7 going on a boat ride on the Mississippi River. There are
8 some available seats yet, so if anybody wants to go, it's
9 \$42. Should be there by a quarter to six. It's not the
10 park -- it's the park downtown. We're going to have several
11 vans here going down there starting at 5:15 or so. We
12 really should try to get there by a quarter of six for
13 sure.

14 MS. BRICKEY: And that includes dinner?

15 MR. SIEMON: Yeah, that's a dinner cruise from 6
16 to 9.

17 VOICE: Give us directions.

18 MR. SIEMON: You just go straight down this road
19 until you get to downtown and you take a right and you'll
20 end up on the river.

21 VOICE: Does the park have a name?

22 MR. SIEMON: Riverside Park. It's just right of
23 downtown. There's a park there, and it's to the right-hand
24 side of the park, the far end of it.

25 VOICE: It's called the Julia Swain.

1 MR. SIEMON: The Julia Swain. It's a paddle
2 wheeler. It was hard to guess how many people might want
3 it, but there's definitely some room available.

4 MS. BRICKEY: I just for the public record want
5 to note that the National Organic Program is not paying for
6 the board members to go on this ride. We are paying for it
7 ourselves.

8 Anything else?

9 [No response.]

10 Without objection, we stand adjourned until
11 tomorrow morning.

12 [Whereupon, at 3:45 p.m., the meeting was
13 adjourned.]

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

IN RE: National Organic Standards Board
Public Meeting
DATE: June 6, 2001
LOCATION: LaCrosse, Wisconsin

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the United States Department of Agriculture.

Date: June 25, 2001

Carolyn Dawley
Official Reporter
Heritage Reporting Corporation
1220 L Street, N.W.
Washington, D.C. 20005

UNITED STATES DEPARTMENT OF AGRICULTURE

In the Matter of:

PUBLIC MEETING IN LaCROSSE, WISCONSIN
NATIONAL ORGANIC STANDARDS BOARD

Pages: 239 through 526

Place: LaCrosse, Wisconsin

Date: June 7, 2001

HERITAGE REPORTING CORPORATION

Official Reporters

1220 L Street, N.W., Suite 600

Washington, D.C. 20005-4018

(202) 628-4888

hrc@concentric.net

BEFORE THE
UNITED STATES DEPARTMENT OF AGRICULTURE

In the Matter of:
PUBLIC MEETING IN LaCROSSE, WISCONSIN
NATIONAL ORGANIC STANDARDS BOARD

Wisconsin Room
Best Western Motel
LaCrosse, Wisconsin

Thursday,
June 7, 2001

The above-entitled matter came on for hearing,
pursuant to adjournment, at 8:00 a.m.

APPEARANCES:

CAROLYN BRICKEY, Chairman
TONI STROTHER
WILLIAM WELSH
WILLIAM LOCKERETZ
GEORGE SIEMON
ROSALIE KOENIG
MARK KING
STEVEN HARPER
REBECCA GOLDBURG
JAMES RIDDLE
ERIC SIDEMAN
RICHARD MATHEWS
GOLDIE CAUGHLAN
DAVID CARTER
KIM M. BURTON
OWUSU A. BANDELE

I N D E X

	PAGE
Discussion of Matrices	243
Report of Processing Committee	318
Report of Accreditation Committee	334
Task Force Report on Board Policy for Expert Presentations	415
Task Force Report on Outreach to Producers	432
Aquatic Task Force Working Group Report	444
PUBLIC COMMENTS BY	
Fran Ulmer, State of Alaska	494
Deborah Brister, ISEES	504
Dennis Phelan, Pacific Seafood Processors Association	509
Tony Dryak, poultry industry	514
Diane Joy Goodman, consultant	517
Loni Kemp, Minnesota Project	520
Tom Hutchenson, OTA	524

1 P R O C E E D I N G S

2 MS. BRICKEY: I want to welcome everyone to day
3 two of the National Organic Standards Board meeting. I want
4 to welcome our noisiest member, Becky Goldberg. We're glad
5 that you're with us today, Becky.

6 I'm going to pass around this list to board
7 members of action items that we need to act on today. Could
8 you look at the list to make sure we're not missing
9 anything. We'll start down here at the end with Owusu.
10 Fill in whatever's not there, and if we need to talk about
11 it at the break, we can do that.

12 I want to start this morning, Kim, with reviewing
13 the two matrices.

14 VOICE: I can't hear anything.

15 MS. BRICKEY: I want to start this morning with
16 reviewing the two matrices from Emily and Zia. Let's start
17 first with Zia.

18 Our crowd is smaller today. I guess we weren't
19 as fun and interesting yesterday as we should have been, so
20 I apologize for that.

21 The origin of this document is that we asked Zia
22 to put together a document that would capsulize and
23 encapture decisions that the board -- decisions on policies
24 that the board agreed to in the past that were not based on
25 materials decisions.

1 So we've got a -- what is this? About an 8-page
2 document, 10-page document here?

3 VOICE: I apologize for not numbering all the
4 pages, but it's probably about 12.

5 MS. BRICKEY: We've got an index; we've got a
6 description or a summary from each set of minutes about
7 specific actions that were taken at those meetings. Then we
8 have this chart at the back that's a 3-page chart.

9 VOICE: Is that in the --

10 VOICE: She handed it out yesterday and added two
11 pages to it this morning.

12 VOICE: In the copy [inaudible] it's
13 chronological. There's a two-page index, and then the
14 minute pages are chronological. So if you just look at the
15 dates.

16 I'm also perfectly happy to e-mail this to
17 anybody. I don't think I have everyone's e-mail address.

18 VOICE: Starting in '98?

19 VOICE: It starts in '98.

20 VOICE: So you have decisions way back --

21 VOICE: Yeah [inaudible]

22 MS. BRICKEY: Does everybody have a copy? Is
23 that a yes?

24 VOICE: We're all trying to find things.

25 MS. BRICKEY: Okay. Now are we ready?

1 Okay, Zia, take it away.

2 What is that roar?

3 VOICE: Something with gas out there.

4 VOICE: The way this is organized, because of
5 course most of -- presenting you with a cross-reference
6 matrix is the organization factor of it. And as requested
7 by the board at the last meeting, I prepared an index.
8 That's the first two pages.

9 And I've chosen to alphabetize it in the same way
10 that it was organized by the initial NOSB committees so the
11 key documents are under Accreditation, Crops, Handling and
12 Processing.

13 And then I've cross-referenced the subject matter
14 so the italicized things on the index are cross-referenced
15 to the main document. It'll say, "See Handling" or see
16 whatever.

17 So, for instance, if you wanted to look up access
18 to pasture, which is a livestock document, it says, "See
19 livestock living conditions." I tried to standardize the
20 terminologies because sometimes it's called living
21 conditions, sometimes it's called confinement, sometimes
22 it's called access to pasture. So I picked a few
23 standardized terms to try and make it more uniform
24 throughout.

25 Okay. So the index here is the key document to

1 the rest of the papers. The index either gives you a date,
2 and if that date is '96 or earlier, it refers to the page
3 number in the green book because, as we discussed at the
4 last meeting, the green book is not in electronic form so I
5 couldn't retype it and cut and paste it.

6 And hopefully, Michael -- he said he was going to
7 send a green book to everyone who asked for it last time.
8 He didn't?

9 George, you don't have a green book?

10 VOICE: I don't have one either.

11 VOICE: All right. Well, when Michael comes in
12 the room -- because right after last meeting I did ask him
13 to send it out.

14 But, anyway, you should all eventually have a
15 green book that the page number refers to. Then the chart
16 -- the three-page chart at the end, if you don't have a
17 green book, it at least gives you at least a one- or two-
18 sentence description of what that document does contain in
19 the green book.

20 And it is alphabetized in the same way as the
21 main reference here on the index. So Accreditation
22 documents are the first ones on the chart. Okay. And then
23 it goes through pretty much alphabetically for the rest:
24 certification things, Crops, then Handling, then Livestock
25 and -- it does end in "P" because all the things after "P"

1 were cross-references in the index.

2 VOICE: [inaudible]

3 VOICE: Oh, these guys were saying on the chart
4 at page three, the very last thing is promoting organic,
5 which is a "P."

6 MS. BRICKEY: The "G" is greenhouse?

7 VOICE: No, if you look at the key down below,
8 "G" is general. I just sort of grouped them so you can sort
9 them.

10 VOICE: You're talking about under title;
11 correct?

12 VOICE: What?

13 VOICE: You're saying under the title category,
14 it ends in a "P"?

15 VOICE: Yes, the title category is what's
16 alphabetized. The other category is the key word -- the
17 title line.

18 Okay. So, I mean, maybe there's another way to
19 do this better, but this is -- after thinking of all
20 different things, because many things are just duplicated
21 over and over again. And so it seemed best to group them
22 the way they were presented originally and then put
23 amendments.

24 Okay. So back to the index for a second. If it
25 was in the green book, then it has a page number in the

1 green book to the original documents. If it is -- and that
2 ends in '96.

3 Then there was no meetings in '97, and then we
4 started up again in '98. So the rest of the text pages are
5 a summary of all the relevant recommendations that were made
6 between '98 and up through March of this past year. I
7 didn't have March 2001 minutes, so it went through 2000.

8 So that's why these pages are a summary of NOSB
9 meetings March -- well, you know, I didn't put a title on
10 it.

11 All right. Well, anyway, they're 1998 through
12 2000.

13 And I pulled out of those minutes -- these are
14 actual wording from minutes. These are actual quotes with
15 the exception of the headings where I picked a heading to be
16 more uniform with the index.

17 Okay. So if anyone needs to refer to old
18 motions, this is how they are. I did pull some out of the
19 comments in response to the proposed rule, for instance,
20 because there were some things sort of embedded in those
21 comments.

22 And I did the best I could to track everything
23 down. Okay. Now --

24 VOICE: I just had one question. After the
25 index, the first page I have, it starts with origin of

1 livestock.

2 VOICE: Right. And, see, it's out of order.

3 VOICE: It's out of order.

4 VOICE: The first page you have should start with
5 NOSB draft minutes of meeting March '98.

6 All right. The first page starts with March '98.

7 The second page starts with number two, appropriate clean
8 and dry bedding.

9 You might want to write numbers on these like I
10 did. And I'm sorry about this. I didn't page number them,
11 and then they got mixed up in copying.

12 All right. Page two is appropriate clean and dry
13 bedding. Okay. Page three starts with January 1st, 2002,
14 as a text date not a heading. And it refers to inert
15 ingredients.

16 VOICE: Is this a test?

17 VOICE: Yeah, there'll be a test after it.

18 Okay. January 1st, 2002. Is everyone there?

19 The next page starts with the number three, that
20 if the certified operation. It's not my grammar in these,
21 but these are direct quotes. You can blame it on the
22 minutes.

23 The next page starts with the heading, "Criteria
24 for National Organic Standards Board."

25 The next page starts with "Transitional Feed

1 During the First Nine Months."

2 MS. BRICKEY: Wait a minute. Was that five?
3 Criteria was five?

4 VOICE: Yeah. Transitional was six.

5 VOICE: "Transitional Feed During the First Nine
6 Months" would be six.

7 The next page starts with the heading, "Origin of
8 Livestock."

9 And then the last page, "three, Appeal of
10 Inspection Results."

11 Okay. I do want to say to the audience that this
12 will be available hopefully on the website or you can e-mail
13 me for it. I wanted to get the board's okay first.

14 Now -- all right. So all those things in the
15 index are -- from '98 on are in these documents here. There
16 are a couple of odd things that either aren't in the green
17 book all the way -- like there's a few things missing pages
18 -- or there's things that weren't in the minutes as a
19 motion, but were talked about and that you need to know, one
20 of which I want to point out to you in particular, and this
21 is relevant to Emily's matrix, too.

22 But this is a list of natural materials reviewed
23 and allowed. And these were reviewed and allowed by the
24 NOSB, but it wasn't taken as a formal vote, so the minutes
25 only say this document was considered. It doesn't say voted

1 on, but I heard rumblings that people wanted an allowed
2 list, and here it is from '95.

3 VOICE: We don't have that.

4 VOICE: No, I didn't pass this out. This is one
5 of the reference documents, but it's not in the green book.

6 It took us a long time to find it because the department
7 doesn't have it. And I only have the version -- see, this
8 went through a TAP process actually.

9 We sent it out to all the TAP members at the time
10 -- this list. In fact, I have the version that we sent to
11 the TAP members, and it says, "Please identify any that you
12 don't think are really natural and should be taken off."

13 So then we brought it in Orlando, the TAP members
14 recommend taking three of these for TAP review. And so they
15 took off gibberellic acid, humic acid derivatives and -- oh,
16 boy. There was one more. Oh, potassium chloride.

17 And did TAP reviews of those three and then just
18 de facto approved the rest, but no vote. But, anyway, this
19 document exists now and I will make copies and have them
20 available. I also haven't found the electronic version
21 because I had a computer crash last year.

22 MS. BRICKEY: This is a list of --

23 VOICE: Natural allowed, and they don't have to
24 be on the National List.

25 MS. BRICKEY: -- that the board blessed after a

1 group of experts looked at them and said, yes, these are
2 natural?

3 VOICE: Right. And I actually have the original
4 -- the TAP reviews, when they sent these questionnaires back
5 to me, I have the original source documents for it. So, you
6 know, I know it happened, but the minutes --

7 MS. BRICKEY: So should we choose to adopt and
8 use that list, we could use that to tell a petitioner that
9 you don't need to have your material reviewed; is that the
10 idea?

11 VOICE: Yeah, that's one use for it.

12 MR. SIEMON: But Emily's -- I'm a little confused
13 because there's another document that I can't quite put my
14 hands on that talks about the materials --

15 VOICE: Emily will --

16 MR. SIEMON: Okay. I just haven't --

17 VOICE: She'll --

18 MR. SIEMON: Is that in there, that list
19 reflected in there?

20 VOICE: No.

21 VOICE: I didn't know that was formally approved.

22 VOICE: Well, see, it wasn't formally approved,
23 but she only has the things from the National List. These
24 things were all presumed natural.

25 VOICE: This is a big question we all have. What

1 don't we have to do that has already been decided that's
2 natural that doesn't have to be done. We need to know.

3 MS. BURTON: Zia, could you just forward that to
4 me and let our committee look at it and figure out how we
5 want to handle it?

6 VOICE: I think -- doesn't one committee already
7 have it?

8 VOICE: [inaudible]

9 VOICE: We sent a copy of this to Mark Keating --
10 Emily did.

11 MR. BANDELE: Well, I don't know whether he sent
12 that, but he did sent a list. Maybe it was based on -- I'm
13 not sure whether it was that particular list or was it based
14 on a review of that list.

15 VOICE: Well, I mean, we can make some copies of
16 this right now if you want to.

17 VOICE: This is just for Crops --

18 VOICE: It's only Crops. It's not --

19 MR. SIEMON: At Orlando they did a livestock one,
20 too. I was there.

21 VOICE: That really never got into any minutes or
22 any list. What I have from the Livestock Committee is a
23 list of everything that was a potential candidate for a TAP
24 review, some of which got done and some of which didn't get
25 done. But it's not what I'd call a material list.

1 It had things on it like feed supplements -- okay
2 -- but that's an awfully broad category. It's not like an
3 item for a list, you know.

4 MR. SIEMON: What about homeopathic?

5 VOICE: Right, exactly. But homeopathics is
6 dozens --

7 VOICE: I really feel like we dealt [inaudible]

8 VOICE: It certainly was discussed a lot. It was
9 certainly discussed a lot, but I have all those old minutes
10 -- Orlando, Indianapolis and Austin.

11 MR. BANDELE: You see, I was a little confused
12 about your explanation in terms of the voting on that list.
13 Could you go over that once again, please?

14 VOICE: Of that natural list?

15 MR. BANDELE: Yes.

16 VOICE: Okay. The list that we took from OFPAN
17 or OTA's, you know, first list, the natural things were
18 assembled into that document, and then we sent them out to
19 all the Crops TAP reviewers we had at the time and said --
20 when we copy it, you'll see there's a little paragraph on
21 the top and it says, "Please circle any that you think are
22 not natural and should have a TAP review of it."

23 MR. BANDELE: I follow that part. But you said
24 in terms of the voting -- the actual voting on those.

25 VOICE: I'll read you the minutes. I have the

1 minutes here.

2 MS. BRICKEY: I want to recognize Steve while
3 you're getting that. Go ahead.

4 MR. HARPER: I wonder if it's appropriate that
5 this does go to the Materials Committee, just because of the
6 way the regulation is written and the way this potentially
7 fits into the regulation, that we can actually look at it
8 and understand that, instead of just sending it out and
9 saying, "This is gospel" --

10 MS. BRICKEY: It should come through us and let
11 us at least be the clearinghouse.

12 MR. HARPER: It seems appropriate that we deal
13 with it in Materials and not -- I have no objection to the
14 Crops Committee having it, but I think we need to take a
15 look at it.

16 VOICE: Okay. This is the very end of the
17 Orlando minutes on line 1064. "Sonnabend reported on
18 preparations for the next meeting noting that sludge and
19 chlorine beach would be hotly debated. She summarized her
20 survey that attempted to confirm the nonsynthetic status of
21 the materials on the Crops Committee allowed naturals list.
22 Several materials were identified as also occurring in
23 synthetic form, and this will be added to the synthetic
24 materials to be reviewed by the TAP."

25 But, notice, it doesn't identify those.

1 "Richer informed everyone that Sonnabend and
2 Brown will remain as TAP coordinators."

3 Anyway, that's all it says. It says, "Several
4 materials were identified." It's tacit approval, but it is
5 not a vote.

6 Okay. So, anyway, it's yours to do what you want
7 with. I'll find the electronic form. I just have to hook
8 up my old Cyquest drive, and it's on there somewhere, but I
9 haven't used it in a few years.

10 All right. In any event, there are still --
11 there are a couple of other things from the green book that
12 are also incomplete documents that I'm going to try and
13 track down. There's a long one that has to do with a
14 preamble to the National List. You know, there's quite --
15 there's a few missing loose ends.

16 Anyway, another thing that was asked of me at the
17 last meeting was to identify where holes are in the previous
18 recommendations for the board to work on. And what I found
19 in going over it is that you're aware already of most of the
20 holes because they're the things like the hydroponic
21 standards and finalizing the mushrooms document.

22 The only hole that is really a hole still is
23 working more on the definition of things like extracting and
24 -- well, although there are pages and pages about synthetic,
25 there are some definitional holes relating to materials

1 processes that need to be worked on, and then inerts policy
2 is -- you know, was somewhat unfinished from the previous --
3 from the past.

4 MS. BRICKEY: Okay. Can you just do that list
5 quickly again?

6 VOICE: Okay. It's only the things that you're
7 aware of already, like hydroponics and mushroom standards,
8 the inerts policy and then more detail on certain
9 definitions, particular extracting, what constitutes a
10 synthetic extractant and how much of an extractant is
11 acceptable.

12 I have a few -- in those days there were task
13 forces like Michael Sligh and I and a few other people were
14 on an inerts task force. I have minutes from task force
15 conference calls where we talk about the issue, but then it
16 wasn't ready enough to come up to the board, so it never
17 came up to the board and it's not really official anyway.

18 And then the other thing that's loose ends
19 that's, you know, really all messed up, but I imagine you're
20 going to choose to ignore, is all the timelines. There's
21 always statements about, "We'll do this within 18 months of
22 implementation," only sometimes it'll say 18 months of
23 accreditation.

24 You know, there's -- if you read the chart, in
25 particular I tried to indicate places in that. There's a

1 lot of discrepancies and confusion and stuff like that.

2 So that is an area that the board really needs to
3 work on, like when do you start re-reviewing materials. The
4 first up would be botanicals which were passed with a two-
5 year re-review period instead of a five-year re-review
6 period.

7 But there's a lot of other things about phasing
8 in the other recommendations too, or phasing out things; and
9 you might want to look at those.

10 MS. BRICKEY: I'm just curious about what the
11 rationale was for a two-year --

12 VOICE: It was extremely controversial that they
13 were all passed, and the TAP reviews were presented in a way
14 -- they were the very first TAP reviews and they weren't
15 presented in the way TAP reviews are now where there's an
16 actual summary. They were mostly presented as all the raw
17 data.

18 So the board got notebooks this thick of
19 scientific papers about rotenone with not really a summary,
20 you know, from an organic point of view. I agree, there
21 were holes -- you know, there were problems with the review.

22 And so they all passed, you know, they all got
23 accepted.

24 MS. BRICKEY: Did they pass as a group?

25 VOICE: No, they were voted individually except

1 PBO, which is a synergist that's added. That one did not
2 pass. But the other natural ones all passed with the
3 stipulation that they be re-reviewed in two years. But it's
4 two years from when? I mean, they were passed in '94, so
5 two years is a long time ago.

6 VOICE: Is that documented somewhere [inaudible]

7 VOICE: The botanicals policy is in the green
8 book, and it's referred to in my chart, and it does say the
9 two-year re-review. I have the raw notebook with all the
10 papers at home if anyone wants it. I haven't even read it
11 all. John Brown got most of them together and not me.

12 MS. BRICKEY: Is there a list in your documents
13 with those botanicals on it that are on the two-year time
14 frame?

15 VOICE: Yeah, it's in the green book. I didn't
16 put it in the chart -- the names of all of them, but it's in
17 the green book, the names of all of them.

18 VOICE: [inaudible]

19 VOICE: Emily probably has it, which is a good
20 lead-in to Emily.

21 So did this get passed out now, Harriet?

22 VOICE: Yes.

23 VOICE: Okay. So like I said, from this natural,
24 three things were removed. I know it's gib and humic acid
25 derivatives --

1 VOICE: What?

2 VOICE: Three things were removed. Number 38 --

3 VOICE: Read the names [inaudible]

4 VOICE: Gibberellic acid. There was a TAP review

5 done of that. Number 47, humic acid derivatives. And

6 number 70, potassium chloride.

7 Okay. Any more questions?

8 VOICE: I just had a question. So this

9 basically, though, is a list similar to what OMRI is using

10 now to guide them on naturals?

11 VOICE: Yes, OMRI and everyone else.

12 VOICE: So it's not like it's just a list that

13 came and got lost --

14 VOICE: No.

15 VOICE: -- so I mean it's kind of -- I mean, I

16 think people are sort of like panicky, thinking it never got

17 in the minutes --

18 VOICE: No.

19 VOICE: -- so I think it's not -- it's something

20 that we just need to look over and probably approve.

21 VOICE: Uh-huh. Now it's not exhaustive. I

22 mean, you could -- it says "leaves," but you could put on

23 stems. It doesn't have every single possible plant

24 material. But it has certainly most of the main things that

25 we're aware of as far as that goes.

1 MR. HARPER: Can you -- for board members that
2 are not aware, can you explain why there actually is a list
3 like this?

4 VOICE: Well, certification groups from the very
5 beginning made their list just of all the things you could
6 use, and it included some natural and some synthetic. But
7 because of the way the language for the National List is,
8 only synthetics went on the list.

9 The first step that the NOSB had to do was sort
10 out the naturals and synthetics to determine what it was
11 that had to go on the list. So that's where this came from,
12 this sorting out process of the naturals and synthetics.

13 MR. SIEMON: And that's an ongoing question mark
14 that everybody has, what needs to be reviewed and what
15 doesn't.

16 VOICE: Yeah, absolutely, what needs to be
17 reviewed and what doesn't.

18 MR. BANDELE: I think [unintelligible] would
19 eventually maybe put it in the program manual as a guide to
20 certifier.

21 MR. SIEMON: I think that would be fine to
22 maintain a list.

23 VOICE: Right.

24 VOICE: Well, I think the original intent --
25 everything was going to be -- a lot of this stuff was

1 actually going to be in a list in the regulations
2 originally --

3 VOICE: Well, no, the department said from the
4 very beginning that they had no intention of putting the
5 naturals in the regulation. It's not in OFPA, but you still
6 had to sort them to be able to tell what you needed TAP
7 reviews for.

8 Okay. There's just one more thing, and that was
9 at the last meeting I was asked to estimate what it would
10 take to get totally comprehensive about the project, meaning
11 get everything in electronic form from the green book that's
12 relevant, and then actually incorporate all the amendments
13 into each additional recommendation, so we have the first
14 antibiotics recommendation, then we have like 14 amendments
15 or so, you know, and it has been changed.

16 So there is still that body of work that was
17 beyond the scope of the contract. And it's really hard to
18 predict how long that would take, but I'd estimate roughly
19 another contract of about the same length, because it's
20 probably about that much work.

21 If we ever get the first one through, we can
22 consider another one I suppose. But I haven't pursued -- I
23 think little bits of the green book are in electronic form,
24 like I think Gene Conn still has the Crops paper. And I
25 think Merrill Clark probably has the Accreditation stuff.

1 But I don't know. I haven't tried to pursue it. Okay.

2 MR. RIDDLE: Yeah. I just wanted to say as
3 current secretary, I mean, this is excellent work, but is
4 this built so that all our current decisions can just keep
5 getting added in --

6 VOICE: Uh-huh.

7 MR. RIDDLE: I just want to make sure that --

8 VOICE: You can take the electronic form and just
9 paste the relevant motion into the motions thing. If any
10 topics come, put them in the index. Yeah, totally.

11 MR. RIDDLE: Great.

12 VOICE: And like I said, I don't have everyone's
13 e-mail address, but I'm happy to e-mail it to anyone who
14 wants it, or maybe one of you who has everyone's -- Jim -- I
15 can e-mail it to him. He can -- he already has it. He can
16 send it out to everybody.

17 And I also do feel it should be accessible to the
18 public because a lot of the public wants to know what the
19 previous decisions were. So if it ended up on the website,
20 that would be good or --

21 MS. BRICKEY: Right. And if anybody has
22 corrections that they want to offer --

23 VOICE: If anyone has corrections. And people
24 who have my e-mail, just contact me by e-mail and I'll send
25 you a copy also.

1 Thank you.

2 VOICE: Put your e-mail up on the board for us.

3 VOICE: I will.

4 What we'd like to do, with this document and also
5 with Emily's, is accept these as working documents for the
6 board.

7 MS. BRICKEY: Does anybody have an objection to
8 that?

9 [No response.]

10 MS. KOENIG: I just had one comment or question
11 -- I guess a comment. And I guess it stems from the -- kind
12 of this task force on communication and information. I'm
13 wondering if -- and we'll be discussing that on the agenda a
14 little bit more as to the directives of what the board
15 really thinks should be our proposal, but I guess I want to
16 put this in the minds of each of the board members, is that
17 perhaps this is something that the board feels is important
18 for grow -- I mean, it's really -- do growers need to know
19 this information? Is it a priority?

20 Do we feel that this would give growers more
21 clarity, who are approaching -- either involved in organic
22 production or approaching organic production? Is this
23 important information?

24 And if it is, there might be partners that this
25 information could be into a form -- you know, a form that

1 would be more grower friendly.

2 VOICE: Well, OMRI does have it. The OMRI list
3 has the full NOSB annotations in it.

4 MS. KOENIG: Right. I'm not saying that
5 everything has to be recreated. But are the growers -- my
6 concern is there's all these pieces of the pie and where are
7 growers going to get that information. It may not come into
8 their mind that OMRI is a source for that information.

9 So it's just something to think about.

10 VOICE: I wouldn't have any trouble with
11 materials. But if I was someone wanting to know what the
12 antibiotics policy was, for instance, I'd have a lot of
13 trouble. However [unintelligible] to read it in the rule,
14 and the rule is basically it.

15 But if you wanted to find out what was discussed
16 before, then it's not all in one place.

17 MS. BRICKEY: I guess I thought maybe this
18 document was more for the board's use, just because we're --
19 you know, we're so -- it's all about us; right? I mean,
20 we're just so involved in what we're doing.

21 But the problem that we were having is that we'd
22 get in these debates and we'd be in a quandary about what
23 the board did in 1996, you know. That's what we're trying
24 to get past, is we can look at a document and say, "That's
25 what we did in 1996."

1 So that's really the genesis of this document is
2 to help us better deliberate and work with each other and
3 figure out what our unfinished business is and what we need
4 to do.

5 VOICE: Now, I also have here -- I brought them
6 in particular because of the expert witness testimony coming
7 up -- but pages and pages of conference call notes of how to
8 run the materials review process from previous NOSB meetings
9 from '95.

10 And, you know, very, very precise and rigid
11 guidelines were set to get through so many materials as they
12 got through in each meeting.

13 MS. BRICKEY: We should have that to look at.

14 MR. MATHEWS: I need to interrupt a second. Zia,
15 could you continue to speak at the microphone, please.

16 VOICE: Oh, I'm sorry.

17 MR. MATHEWS: And the reason for that is the mike
18 on the podium is the only one that picks up for the
19 audience. So you won't be a part of this transcript if
20 you're not standing there.

21 VOICE: I don't know if that's good or bad.

22 I didn't even bring my whole file on this, but I
23 have pages of conference call notes. There was what was
24 called a materials oversight working group -- task force
25 that was to discuss how to run the voting and the materials

1 review process.

2 And there were numerous conference calls, and a
3 whole procedure was worked out for how the previous
4 materials votes were handled. So documents like this, you
5 know, are more or less lost to posterity. And it's the same
6 problem.

7 Certain things are written down, but there were
8 certain things that didn't end up written down, but that
9 were in effect policy on procedures and such.

10 MS. BURTON: Well, if you could copy those for
11 me, then I can summarize them. That would be good for all
12 the board to know since we're all so new.

13 VOICE: A couple of them are summary pages.

14 MR. SIEMON: What we need here is to have an NOSB
15 policy manual, so these kind of things don't get lost. Even
16 if you don't follow them, at least there's something for
17 members, you know. I don't know how that ever happened. It
18 doesn't have to be that complex, but some of these things we
19 should at least have a -- when we come on the board have
20 some history.

21 VOICE: Yes.

22 MR. SIEMON: Dave has got a comment.

23 MR. CLARK: Well, you know, you made the comment
24 that a lot of this is inside baseball and it's stuff that is
25 useful for the board, but I think having it in one central

1 spot on the web is helpful, I mean, not only for growers to
2 go in and track through and kind of get a sense, but anybody
3 that's wanting to just develop information and research or
4 whatever.

5 So while I think it's most useful for the board,
6 I think there's other folks that would find it very useful
7 as well.

8 MS. BRICKEY: Okay. Are we ready for Emily?

9 VOICE: Kelly has a question.

10 VOICE: Do you possibly envision this list of
11 allowed naturals for crops being expanded to include
12 processing and livestock and being available on the NOP
13 website for people who are trying to decide about whether or
14 not to petition an item?

15 MS. BRICKEY: I think that's a possibility.

16 VOICE: Yeah. Processing is continuously working
17 on how to clarify that --

18 VOICE: But there's no need for a list for
19 naturals for [unintelligible] because everything has to be
20 on the National List. I mean, that was determined early on,
21 that everything has to be reviewed, so --

22 VOICE: That's 205 [unintelligible]

23 VOICE: I have a contrary opinion about that, the
24 way the regulation is written, that everything has to be
25 reviewed that goes on that list -- the way the regulation is

1 written, you know, that list includes any naturals -- and
2 there is a listing of a few that were on the synthetic list.

3 MS. BRICKEY: Very few.

4 VOICE: Right. That were moved off that
5 synthetic list over to that natural list, that the wording
6 in the regulation -- that's not the way the wording in the
7 regulation is presently -- is that -- well --

8 VOICE: Processing you're talking about.

9 VOICE: I'm talking about processing.

10 VOICE: Only.

11 VOICE: Only processing.

12 MS. BRICKEY: Okay. That might be something you
13 want to discuss in your committee. I don't think --

14 VOICE: Because the audience is here, I think --
15 I mean, there's different information going around.

16 VOICE: Okay. There is in your chart a reference
17 to a document called "Processing Materials." Okay. In your
18 chart under "Handling," there's one called "Handling
19 Materials document" -- I forget the page reference. And in
20 it the NOSB voted that everything that's not organically
21 produced needs to be on the National List.

22 So regardless of how you read the regulation, the
23 NOSB decided it in the past and consciously then did not
24 make a list of naturals that didn't have to be reviewed
25 because there were no naturals that didn't have to be

1 reviewed except if they're organically grown.

2 VOICE: I guess my response is that 205.606, the
3 way the regulation is written at the present time, is any
4 nonorganically produced agricultural product may be used in
5 accordance with restrictions specified in this section, when
6 the product is not commercially available in organic form.

7 And that basically allows all natural -- natural
8 ingredients on that list. And so -- I mean, to say that
9 everything has to be reviewed to me is a misstatement, and
10 that's why I'm -- I think it's misinformation.

11 VOICE: It's not a misstatement from the past.
12 That regulation was not promulgated until recently.

13 VOICE: Right. I'm not talking about the past.
14 I'm talking about the present situation. The way the
15 regulation is written right now -- Rick, can I ask for a
16 clarification?

17 MR. SIEMON: But either way, to get to Kelly's
18 point, once we settle this -- once a material is looked at
19 and is said, this is natural, it would be nice if we have a
20 list that we know that one time the board looked at it and
21 said this was natural, so that people in the future -- like
22 some certifiers and processors get in a wrestling match --
23 they can say, no, no, NOSB determined this was natural, you
24 know, because there's going to be a lot of questions out
25 there, what's synthetic, what's natural in the field when

1 you're certifying.

2 MR. HARPER: I mean, you know, there can be a
3 debate whether everything needs to be reviewed or not. What
4 I'm saying is the regulation right now the way it's written
5 is that -- it says the following nonorganically-produced
6 agriculturals may be used.

7 And then the next paragraph --

8 VOICE: From agricultural products, right. For
9 nonagricultural it has to be [inaudible]

10 MR. HARPER: Right. I'm talking about -- I'm not
11 talking about -- and let me clarify, I'm sorry.

12 I'm talking about -- I'm sorry. I'm talking
13 about agricultural nonorganic. I'm not talking about the
14 other types of natural materials. I'm sorry, I apologize.

15 VOICE: Like the other natural would be gums
16 or --

17 VOICE: Those are agricultural.

18 VOICE: Those are agricultural. Well, you've
19 still got to determine that those aren't synthetic, though.
20 You've still got to decide they're not synthetic. Even if
21 they're agricultural, they could have been processed in a
22 way to --

23 MR. HARPER: The question is more what is the
24 division between a nonagricultural and an agricultural.
25 That's the question here.

1 So I apologize, Zia. I'm not talking about the
2 naturals on 605. I'm talking about the 606 list.

3 MS. KOENIG: I don't know -- and I'm not sure if
4 it takes a board vote or what have you -- but as a new
5 member -- and I think -- I don't think the situation is
6 going to get any better in terms of organizing things for
7 people, but I really think it's important that all this
8 information somehow be compiled in a form that can be given
9 to new members, and also for the department to have because
10 we're seeing that, you know, people are not going to be
11 around forever in those positions.

12 And to have all information kind of -- I mean,
13 there's just a lot of documentation. And some of it
14 certainly is not as important and may not be needed. But --
15 and I'm not sure -- it's a huge task and I know it, and some
16 people may question whether it's even worth the time.

17 But if you don't have -- you know, it's like you
18 don't have institutional memory. And what happens is you
19 end up spending a lot of time maybe going over a lot of
20 things that --

21 MS. BRICKEY: This is the first attempt that
22 we've really made since the green book to capture what we've
23 done in the past. Are there additional things that you
24 would like to see us do?

25 MS. KOENIG: I think again it's just -- I think

1 you need to actually compile a document, you know, with the
2 green book included, you know, sort of like Zia was saying,
3 the second phase of a project because even with this
4 information, if it's not compiled in one central place that
5 you can hand to a new member with that green book or the
6 green book included, you end up with all these different
7 pieces of paper, and it just gets lost.

8 So I just think that the board -- you know,
9 somebody has got to take on the project. I think it's
10 important for the NOSB. To be an effective board, you have
11 to give new members information that they can reference and
12 read.

13 As a new member coming on, we didn't get that.
14 So you're just -- you can't be effective in your first year
15 almost unless you've been aware of the whole movement -- or
16 a lot of people have, but with the way you have terms, after
17 a certain amount of time you're going to have individuals
18 that don't know that history over time. And you need
19 institutional memory.

20 MS. BRICKEY: So you're just recommending that we
21 move ahead with consolidating this project with the green
22 book?

23 MS. KOENIG: Yeah, and I do like the idea of
24 having somebody like Zia or somebody that has that
25 historical perspective working on it because I think it's a

1 task that could be contracted out that members don't have --
2 you know, I'm not sure if a board member needs to head that
3 up.

4 But I like the idea of having it --

5 MS. BRICKEY: Okay. Mike.

6 MR. SLIGH: One thing that we did was we had what
7 we called a starter kit which was kind of a compilation of a
8 number of those key documents that we compiled and gave to
9 each board member along with a briefing period and oriented
10 them.

11 And I would also urge that part of that landscape
12 should include back to the Senate language that was the
13 intent of Congress that is kind of the background to the law
14 itself, because that was a lot of contour that we went back
15 to in looking at what our mandate was.

16 I think that's a very important piece that I
17 don't see in this good work that Zia has done. It's kind of
18 going back even to that part so that it kind of sets the
19 intent of Congress, because in many cases that was a hotly
20 debated item and a part of, I think, the historical record.

21 So I would urge that you kind of add that
22 component, and that you put it all together into kind of a
23 starter kit, if you will, so that new members have this.

24 And it's also done in a formal way, which I
25 understand you have done some of that. I'm not sure if

1 every board has done that, but I really encourage that
2 formal kind of orientation period after they've gotten these
3 documents and kind of a Q-and-A with board members.

4 And I also urge as board members go off the board
5 for them to make any kind of statements that they want to
6 say about what, you know, that experience was like, because
7 that's another part of this record that we need to think
8 about is that, you know, the lessons learned during your
9 tenure on the board, so to speak, would be a very good kind
10 of information to be passed on that probably currently would
11 just be in the oral history department. It probably would
12 be better if it got documented a little bit.

13 MS. BRICKEY: Okay. Thank you. Let's move to
14 Emily. Merrill, real quick.

15 MS. CLARK: I did want to reflect a little bit
16 back, reiterate, too, again what Michael said. Do look at
17 the law.

18 Also, as I remember the review at Roaner Park on
19 the natural materials, botanicals and so forth, I thought it
20 was very cursory, and I think for the most part there should
21 be some re-review of whatever it is you're talking about
22 here with respect to that because I think there was a
23 problem with what are the inerts, are we voting on the total
24 product, are we talking on just the natural product, and the
25 inert ingredients was pretty well sort of sketched out at

1 the time.

2 But additional work -- and I also have the whole
3 body of information that we had, I didn't throw anything
4 away, so there's a lot of stuff that I can share as well.

5 MS. BURTON: This is under tab number 5 in your
6 book.

7 MS. BROWN-ROSEN: I guess almost everyone knows
8 who I am, Emily Brown-Rosen, with OMRI.

9 The board asked me to do this project last year,
10 I guess. The idea was to compile all the decisions on
11 materials that the board has made from the beginning to
12 date.

13 And so what this is is a compilation of all
14 materials decisions, so it's bigger than the National List
15 because it includes many items that were considered and
16 rejected. It includes many items that were considered and
17 determined to be natural and therefore not in the scope of
18 the National List and not on the National List.

19 So these are, you know, the things outside aren't
20 on the list but are important to know historically, so, you
21 know, if they keep coming up again, or if this question
22 about natural keeps coming up, we can look and say, Oh, did
23 we ever look at that before, and it should be in here.

24 I based this document on written actual minutes
25 and -- that's basically it. All the NOSB official minutes,

1 so there's some kind of written backup on all these
2 statements here.

3 I'm not guaranteeing it's a hundred percent
4 accurate, but I did trace it back to original documents.
5 There may be -- you know, it was -- there's a lot of
6 information in here, and I welcome you to look over it
7 carefully, especially you or anyone else who was around a
8 while ago and has a different recollection and different
9 evidence to back it up. There may need to be adjustments.

10 There always can be little mistakes when you're
11 dealing with that many details. So it certainly needs more
12 eyes to look at it and confirm what I've put in here.

13 It's done -- the document is in a spreadsheet
14 format. It's an Excel-2000 version of -- electronically.
15 And what you see here is -- actually, I printed it out on
16 legal-size paper, and I guess they shrunk it down for you
17 onto 8 1/2 by 11, so that's why it's different.

18 There's also -- you see the columns across the
19 top go A through P, and you can see that columns B through G
20 are not printed out. Those are hidden right now, and if you
21 go to the electronic document, you can access those.

22 But basically those missing columns -- I took
23 them out just for sake of space right now, but they include
24 other names, like chemical names, CAS numbers, various other
25 identification numbers. So that's all buried in there if

1 you look at the electronic version.

2 It's not something you'd readily need, but
3 occasionally materials will have more than one name, and
4 that gets confusing. And so if you look in those columns,
5 you can see all the other names that are commonly used.

6 MS. BRICKEY: What's in the other columns besides
7 the other names?

8 MS. BROWN-ROSEN: That's basically it.

9 MS. BRICKEY: Okay.

10 MS. BROWN-ROSEN: There's -- I'd have to look at
11 my computer, but it's mostly just sort of miscellaneous
12 reference material.

13 MS. BRICKEY: Okay.

14 MS. BROWN-ROSEN: And that all came off the
15 original TAP reviews. See, when we originally started this,
16 we pulled this -- we have a database at OMRI with the TAP
17 information so we just pulled that all into this spreadsheet
18 and then we went through and compared it with all the
19 National List and all the recommendations.

20 So I'd draw your attention -- it's in three basic
21 sections when you open it electronically, and you can see in
22 your document there's a -- we separated it by crops,
23 livestock and processing.

24 So when you're looking at it in Excel, you have
25 to click on the little tabs on the bottom and it shows you

1 that section of it at a time.

2 But basically the important columns -- well, I'll
3 go through the top and describe what's in here. Column A is
4 -- oh, I can even use the pointer which I'm sure no one can
5 really read.

6 Over here on the left we have -- the first column
7 is the name, and this is the name that the NOSB used when
8 they voted on the item basically. Sometimes I did change it
9 to say -- like, for instance, instead of listing it as
10 hydrated lime, I listed it as lime - hydrated because that
11 makes more sense. That's what in the final rule, too -- I
12 mean, to have the actual compound name rather than the
13 adjective starting it.

14 Then there's a column to indicate whether or not
15 there was a TAP review done, the date that the material was
16 voted on in an NOSB meeting. So those dates are your clue
17 to -- if you want to check what was actually said or if you
18 want to know more, you can check the date of those minutes
19 to read about that material.

20 And I do have electronic copies which I think
21 should be available to the board, which I had gotten from
22 NOP staff for some of these earlier meetings that are not on
23 the website now. So we have electronic versions of the
24 Austin meeting in '95, the Indianapolis meeting which was
25 '96, and Orlando we only have in hard copy. So if somebody

1 has an electronic version of that.

2 VOICE: I probably have.

3 VOICE: I have Roaner Park.

4 MS. BROWN-ROSEN: I have Roaner Park also. And
5 those were the meetings where a lot of these materials were
6 reviewed, so we have a fairly good access to the original
7 minutes on that.

8 Then the third column, Column I on this list, is
9 -- I listed the vote on synthetics. So, for instance, the
10 first one I list here is ethanol alcohol -- well, actually
11 the one I have on the screen here is page 2 -- wait -- of
12 10. Why doesn't that look like what I've got here?

13 Oh, okay. Yours printed out with different page
14 numbers. Okay.

15 This one starts with [unintelligible] That one
16 says that the vote synthetic was 13 to 0. So that means 13
17 board members voted that it was synthetic; zero voted that
18 it was not synthetic.

19 And then the next column I list what was the vote
20 to list this item. The vote is listed in terms of -- yeah,
21 this is page 2 of crops.

22 VOICE: The page numbers are different.

23 MS. BROWN-ROSEN: Okay. So when there's three
24 numbers in the vote, like 3-6-4, it means 3 in favor, 6
25 opposed and 4 abstaining. In that case that material did

1 not pass and is listed as not allowed therefore. And then
2 the next column shows you its status as a synthetic.

3 So rather than saying prohibited here, we said
4 not allowed because some other things are listed as
5 prohibited -- were listed as prohibited naturals, so that
6 the categories here were allowed, not allowed -- it was
7 voted as a synthetic and not allowed or prohibited. It was
8 voted to be a natural and also to be listed as a prohibited
9 natural.

10 VOICE: Say it again.

11 MS. BROWN-ROSEN: Okay. In the crops you have --
12 the listings are for allowed synthetics and prohibited
13 naturals. So when the board votes, you're actually voting
14 to list an allowed synthetic or to list a prohibited
15 natural.

16 So when you're voting on a synthetic material, it
17 was either allowed -- to make that distinction, I list it
18 here as not allowed. It was not allowed to be -- it was not
19 listed.

20 If it was voted to be prohibited, it's just
21 listed as prohibited. And you can tell because if you look
22 in the same column it'll say natural or nonsynthetic.
23 Excuse me. I can't say that word.

24 So that's why it doesn't say a lot of prohibited.
25 It says allowed, not allowed and prohibited. That's the

1 distinction for crops and livestock, but it's -- and when we
2 get to processing, we just say allowed and prohibited
3 because there's -- the naturals have to be listed too.
4 There is no prohibited natural list in processing.

5 Got that? Maybe I said it too fast. Go ahead.

6 MR. BANDELE: I did notice a change in policy
7 [unintelligible] I notice that the entire board voted not to
8 [unintelligible] whereas now I think the committees deal
9 with that. Is that --

10 MS. BROWN-ROSEN: Right. There was a group of
11 materials that were recorded in the minutes, like benolate,
12 Thyrim, I think Roundup, a few -- you know, there had
13 actually been petitions for treated seed, and there was also
14 a Roundup -- you know, a glyphosphate petition.

15 And the board just rejected it. As a --

16 VOICE: I understand that [inaudible]

17 MS. BROWN-ROSEN: As a group, right now, no. I
18 was going with what was in the minutes. Apparently it
19 happened in a group fashion. They were all just sort of
20 summarily dismissed as not appropriate for -- not compatible
21 with the act.

22 That is useful to know, that people did apply for
23 those things and they were considered at one point. So
24 that's a good thing to point out on this page here.

25 Okay. I'll give an example of -- another

1 question.

2 MR. SIEMON: On Column O -- were you getting
3 there?

4 MS. BROWN-ROSEN: Yes.

5 MR. SIEMON: This says annotation in 205, but
6 these aren't actually listed in the proposed rules, or are
7 they?

8 MS. BROWN-ROSEN: Okay. This is -- after the --
9 you know, I did a once-through on this project last fall,
10 and then after the final rule came out, I thought it would
11 be very valuable to add the column for the actual listing in
12 the final rule.

13 So Column N is where it's listed in the final
14 rule, if it is listed in the final rule. That's the actual
15 reference number.

16 And Column O is the actual annotation that's in
17 the final rule.

18 MR. SIEMON: I just went to number 19 -- and
19 maybe I did it too quick -- but I couldn't find that
20 annotation. I might have done it too quick, but I was just
21 there.

22 MS. BROWN-ROSEN: If you look at the listing for
23 601, I believe that's a listing under micronutrients, which
24 is where the -- I'd have to check. I don't have it right on
25 me.

1 MR. SIEMON: That's actually the wording out of
2 the proposed rule.

3 MS. BROWN-ROSEN: Yeah, that's out of the rule,
4 the final rule.

5 MR. SIEMON: I must just have not seen it.

6 MS. BROWN-ROSEN: Okay. And then a very
7 important column I'd like to point out is P, because that's
8 the notes column. And where there is a discrepancy between
9 the NOSB vote and the final rule, it will be noted in Column
10 P there.

11 Basically, I also put in most -- the NOSB actual
12 annotations are generally listed in Column P, so you can
13 compare the actual annotation in the final rule with the
14 annotation as reported in the NOSB minutes. So it's a very
15 useful way to run through and see if something changed in a
16 way that may not be good.

17 MS. BURTON: A comment. What we would like is
18 for each committee to take these back with them and actually
19 compare Column O and Column P and if you have -- this is
20 where you would find some technical corrections or where
21 annotations might be different in the final rule versus what
22 the NOSB recommended. We'd like each committee to identify
23 those as part of this project and bring that back with you
24 to the October meeting.

25 MS. BROWN-ROSEN: I did go through that last

1 night and draw up a list. There are a significant number --
2 which I can e-mail to the Materials Committee or to the
3 whole board actually probably would be the best thing.

4 MR. SIDEMAN: Would you be able to divide them up
5 and e-mail them to --

6 MS. BROWN-ROSEN: Categories?

7 MR. SIDEMAN: -- Crop Committee chair, Livestock
8 Committee chair and so on?

9 MS. BROWN-ROSEN: Uh-huh.

10 MR. SIDEMAN: That would be great.

11 MR. RIDDLE: But Kim's point, if they might lead
12 to a suggested technical correction, that can't wait till
13 October.

14 MS. BURTON: You're right.

15 MR. RIDDLE: That should happen by the end of
16 June as we --

17 MS. BROWN-ROSEN: Yeah. I didn't know if we had
18 set a deadline on that time yet.

19 MR. RIDDLE: I just wanted to clarify that.

20 MS. BROWN-ROSEN: I'll give you the first draft
21 and you can see -- because a lot of them when I looked
22 through it, it really is the annotation. It's a wording
23 issue. And on a few of them I think it's significant. But
24 the committees should look and make that determination also,
25 if it's worth, you know, changing.

1 MS. BRICKEY: How far does this list go? Does it
2 go up to the last material we reviewed?

3 MS. BROWN-ROSEN: It goes through March.

4 MS. BRICKEY: Okay. So one question is whether
5 the committee chairs can take the responsibility for
6 completing the updates whenever new materials are approved
7 or disapproved.

8 MS. BURTON: Well, I'd be willing to take that
9 responsibility, to not get into the spreadsheets and
10 actually modify them unless you have the password, not that
11 I -- but I think that should be the job of one person so
12 that they can do it after every meeting. And I'd be willing
13 to do it.

14 MS. BRICKEY: Okay. Great.

15 MS. BROWN-ROSEN: Okay. Let me just put an
16 example of the livestock and processing ones, so -- this is
17 the livestock sheet that starts with vermitican, which is --

18 MS. BRICKEY: Page 3.

19 MS. BROWN-ROSEN: Yes, page 3 of 5.

20 So here vermitican, you can see how long the
21 annotation is in the final rule, and that's pretty close to
22 how long it was originally. One thing I have highlighted in
23 my version was the amendment made in -- I guess it was
24 November '99, was this low-release formulations are
25 prohibited. Now that's not in the final rule.

1 That, hopefully, will go in with the Federal
2 Register notice when they're adding the updates. But if it
3 doesn't, it would be a technical correction. So you can see
4 -- you know, if we keep track of it carefully, we'll be able
5 to see those things.

6 Another thing I notice here that's not correct,
7 if you go down to lime - hydrated, in the final rule, the
8 annotation they put Bordeaux mix in parentheses, which is
9 like not relevant to livestock. It was reviewed by NOSB.
10 You can see the NOSB annotation was not permitted for soil
11 application or to cauterize -- you know, they looked at it
12 -- there was a special TAP review on livestock for hydrated
13 lime, and there was a separate one for Bordeaux mix. And
14 somehow that got confused there, so the Bordeaux mix part
15 should just come out basically.

16 So, you know, I find this very useful to find
17 those little mistakes.

18 Any other questions on livestock here or issues?
19 The livestock list is not as long.

20 There's one real interesting thing. If you turn
21 to the very end on vitamins, the last thing of the
22 livestock, I did come across something in the minutes, which
23 there has been a lot of question I know in general as to --
24 the annotation in the federal rule says it's the same for
25 vitamins and minerals. Used for enrichment or fortification

1 when FDA approved.

2 And when I dug up the minutes there, it says --
3 it refers you to the document there. So this may overlap
4 with some of Zia's work, because here -- in this case it was
5 an addendum on vitamins. So I give the number of the
6 addendum. Review of synthetic vitamins and minerals.

7 And then there was -- at that meeting there was a
8 discussion of what is approved by FDA. And it was a note
9 that a list of these supplements which are to be used in the
10 program are published in the Federal Register and are all
11 generally recognized as safe by the FDA.

12 So that was the thinking behind what the
13 reference was for approved vitamins and minerals, and it
14 actually was in the minutes.

15 MR. SIMEON: But wasn't that -- maybe I don't
16 understand. Was that a categorical approval of all those
17 that are on there or not?

18 MS. BROWN-ROSEN: It was -- yeah, it was an
19 attempt to -- yeah, if you go back and read that addendum
20 again, it was to review the FDA ones that are listed as GRAS
21 and in the CFR as food additives.

22 MR. SIMEON: But to allow synthetic vitamins and
23 minerals listed on these lists are categorically allowed?
24 Yes or no.

25 MS. BROWN-ROSEN: I believe that it's referencing

1 the FDA 21 CFR approved vitamins and minerals as being the
2 entities that are approved. I mean, you can make your
3 own --

4 MR. SIMEON: So yes --

5 MS. BROWN-ROSEN: Yes, yes, right.

6 There's a great universe of vitamins and minerals
7 that are approved in livestock feed, too, than the ones that
8 are just in 21 CFR. Those you'll find in the AFCO book, the
9 American Association of Feed Control Officials. You'll find
10 the additional ones in there.

11 So the Livestock Committee -- I mean, that's part
12 of the future need there is to identify that clearly, what
13 those listed vitamins and minerals are and make it real
14 clear for -- you know, identify them.

15 It could be in guidance. It doesn't have to be
16 on the National List, but there should be -- that's the big
17 question right now is livestock feed because there's so many
18 different forms of each vitamin and mineral.

19 It would be good to identify which ones are all
20 specifically allowed in organic.

21 MR. SIEMON: By your column, what you say here in
22 this P, you're saying that the final rule did not clarify
23 that that broad category is allowed?

24 MS. BROWN-ROSEN: Right. It says we need
25 clarification from the department or NOSB, you know, to work

1 on that with them.

2 MR. SIEMON: Right now though someone reading the
3 rule would say synthetic vitamins and minerals must go
4 through TAP review to be --

5 MS. BROWN-ROSEN: No, no. That's categorically
6 approved, but --

7 MR. SIEMON: The whole category?

8 MS. BROWN-ROSEN: Yeah.

9 MR. SIEMON: All right.

10 MR. CARTER: If I can just follow up because
11 that's one of the things we're starting to look at is on
12 that list of synthetic vitamins of trying to establish some
13 sort of a commercially available threshold too, to start
14 making some discussion.

15 That came out of the conference call we had in
16 April is to begin looking at that, and we're starting to
17 generate some thoughts on that.

18 MS. BROWN-ROSEN: I thought you were looking more
19 at the natural versus synthetic.

20 MR. CARTER: Yeah.

21 MS. BROWN-ROSEN: Because they really are all
22 commercially available -- you mean if they're --

23 MR. CARTER: Natural versus synthetic versus as a
24 commercially available threshold, a natural alternative to a
25 synthetic vitamin.

1 MS. BROWN-ROSEN: Okay. Are we ready to move to
2 processing?

3 MR. SIEMON: This is bringing up a ton of
4 questions in my mind so I don't know when the right time is.

5 MS. BROWN-ROSEN: Okay. I expect it will.

6 MR. BURTON: I think that's why we want the
7 committees to work on them, I mean if they're specifically
8 detailed regarding the materials, then discuss that as a
9 committee and make the recommendations and bring it to the
10 board.

11 MR. SIEMON: Well, I guess my first question is a
12 broader question. In here colostrum WAY products are
13 approved. And that's not an ingredient-by-ingredient thing
14 because as we found on our tour the other day, they have
15 some trace things in there, what some people call
16 incidentals.

17 So at this time the board was looking at broader
18 -- a little higher up, and we're now getting to the detailed
19 details, so there's a lot of questions now that are coming
20 up where people thought these products were approved, and
21 all of a sudden it's found out there's a tenth of a tenth of
22 a tenth and that it can't go.

23 So there's a lot of confusion that I'm getting a
24 lot more now. So this past seems different than our
25 present.

1 MS. BROWN-ROSEN: Well, my answer to that would
2 be these are active ingredients. You still have to have a
3 general policy about formulated products not having to have
4 any -- you know, these active ingredients are approved, but
5 you'd have to use your discretion in looking at those
6 individual products what all the ingredients are. They all
7 would have to be on the list unless they're natural, in the
8 case of [unintelligible]

9 MR. SIEMON: Then my next question is about this
10 category in livestock about inert ingredients. Was that a
11 broad one or was that specifically for livestock?

12 MS. BROWN-ROSEN: This was in response to
13 comments. Initially, they didn't have it under livestock.
14 This was just to handle any sanitizers or pest control
15 agents used in livestock. They would have the same inerts
16 policy as you would have for crop production.

17 MR. SIEMON: So it's a duplication of what's in
18 crops?

19 MS. BROWN-ROSEN: It's a duplication of the crop
20 one. There is a typo in that which we've commented on here,
21 too. There's just a formatting problem with the way that
22 they listed it.

23 MR. SIDEMAN: And, George, those inerts would not
24 refer to preservatives in medication. Inerts in this
25 language is only referring to pesticides.

1 MS. BROWN-ROSEN: Registered pesticides, yes.

2 MS. BRICKEY: Rose, did you have a comment?

3 MS. KOENIG: I was just -- I guess the confusion
4 might be -- and maybe it's not the confusion -- but it
5 sounds like it's a distinction between kind of generically
6 what's on this versus a brand name, what's used on the farm.

7 So I guess the thing is not to get confused with
8 -- you know, there's general categories, but then
9 specifically a certain vitamin formulated a certain way may
10 not meet that specification.

11 MS. BROWN-ROSEN: Right.

12 MR. SIDEMAN: That sounds technically great, but
13 if you've heard for five years colostrum WAY antibiotics
14 were approved, and all of a sudden yesterday your certifier
15 calls you up and says, Sorry, buddy, there's a tenth of a
16 tenth. There's a gap there somewhere along the way of
17 implementation.

18 MS. BROWN-ROSEN: Well, my -- maybe Rick could
19 enlighten us a little bit. My understanding would be that
20 when you get to brand name products, it's basically in the
21 certifier's hand at this point to -- once the rule is
22 implemented, to verify that the -- you know, that the
23 materials that they are permitting are in compliance with
24 the National List, and that would include all these -- you
25 know, all these incidental ingredients.

1 MR. MATHEWS: Anything in the material would --
2 or anything in the formulated product would have to be on
3 the National List if it's a synthetic. Everything.

4 VOICE: Well, unless -- this is what I was
5 talking about yesterday. If you can draft some language
6 that has to do with [unintelligible] these are all the
7 incidental things that are in other things than pesticides.

8 And if you can make a provision for GRAS ones,
9 for instance, or in some way be able to make policy, then
10 maybe they can be put in as a group. But otherwise they do
11 have to be individually added to the National List.

12 MR. HARPER: [unintelligible] processing
13 livestock, even almost more so than crops?

14 VOICE: They have different names. Like they're
15 called [inaudible] and animal drugs, and I don't know what
16 the vitamin additives are called, but there's a name for
17 those, too.

18 VOICE: Just generally preservatives.

19 VOICE: Different names, but the same type of
20 thing.

21 MR. HARPER: For example, like enzymes in
22 processing. Enzymes are the active ingredient in there, but
23 it's in carriers. There are carriers in there. A bunch of
24 those are on the National List.

25 MR. SIDEMAN: Within the Livestock Committee we

1 discussed approving those as a group, but I think we need
2 guidance on how to do that. I just don't know how to lump
3 them into a group.

4 VOICE: We don't know what they all are because
5 there's no required disclosure on them or anything.

6 VOICE: And you can't just say excipients are
7 allowed. That's not going to work.

8 MS. KOENIG: I mean, I think the guidance of OMRI
9 would be helpful at this point because they've looked at so
10 many brand names that there are things that constantly come
11 up during that process. At least there's things that
12 definitely stand out --

13 VOICE: You weren't here yesterday, but I gave a
14 list of some yesterday that are in crops materials.
15 However, we don't have livestock products -- very many of
16 them, so we don't have an equivalent list for livestock
17 products.

18 MS. BROWN-ROSEN: We're starting, though.
19 There's a huge number of carriers and additives.

20 MR. SIDEMAN: I'm not exactly sure where to go
21 from here on that. I know this is a problem. George, for
22 the particular material you're referring to, the colostrum
23 WAY product that I suggested to the manufacturer that he
24 submit a petition for the preservative that he's using
25 because I think that would probably be the quickest way for

1 him to get his product approved.

2 But I recognize that we need to go someplace. We
3 can't -- there's so many different ones we can't get a
4 petition for each one --

5 MS. BROWN-ROSEN: Yeah. I'd be willing -- if you
6 want guidance on the Livestock Committee -- what those
7 categories are and how to start approaching it. I think the
8 idea of talking about the category that you're trying to
9 amend -- say, for instance, there's a very good issue on
10 medications that excipients are -- you know, that they're
11 looked at by FDA, and you may want to do some oversight on
12 what those excipients are, but just generally allow
13 excipients approved by FDA in medications.

14 Maybe not in feed necessarily, but, you know, do
15 a survey of what's in them and look -- it's probably all
16 listed in FDA.

17 MR. RIDDLE: Just a minute. I'd like to just
18 give a reminder. If someone's in the audience and you want
19 your comments to be part of the record, please come to the
20 microphone. Otherwise, they're not being recorded. Thank
21 you. As secretary.

22 Now before you call on Lynn -- well, this is
23 Lynn's choice.

24 MS. CODY: I think that one of the things to
25 consider when looking at categories of any kind of

1 materials, the first thing that you have to do is make
2 criteria for what the category would look like.

3 Like I've heard a bunch of them mentioned here.
4 Is it GRAS? Is it regulated by another agency, things like
5 that. That can help to shape or limit the category so that
6 it's more appropriate to the organic world.

7 So it's a pretty simple concept, but it's just
8 trying to identify the characteristics of the materials that
9 are okay. And we've done a lot of work on this in the past.

10 In fact, I might remind you that there's a huge
11 [unintelligible] grant paper that I did out there that talks
12 about this very same thing. It happened earlier in the
13 organic world. I guess I was a bit ahead of my time.

14 But there was a lot of work done on this, and I'd
15 be glad to give that paper back to you about categories, how
16 to categorize and how to narrow then those categories for
17 the organic world.

18 Thank you.

19 MR. RIDDLE: Zia and then George.

20 VOICE: This, you know, ties in very clearly with
21 what I was talking about yesterday as a big, big hole. And
22 I think that the board has to just decide a couple of key
23 things before we can start working on it.

24 One key thing would be whether each compound
25 should be added to the National List individually or whether

1 you can accept as a group excipients by the FDA, GRAS
2 compounds in micro -- you know, those more broader things or
3 whether you want each compound.

4 If you decide you want each compound, which for
5 many of these things I read the rule as you probably should
6 deal with each compound for some of these. Well, then it's
7 not really -- if, say, you have potassium sorbate, which is
8 a very common preservative in the livestock things, in crops
9 microbes, probably in processing, but you don't want it as
10 an ingredient, but you do want it in some of these secondary
11 things.

12 Well, it's not in anyone's economic interest to
13 petition potassium sorbate, like it is to petition the
14 things we're getting petitions for. So maybe you need to
15 change your policy of only petitioners get their things TAP
16 reviewed.

17 Why can't the board look at these things --

18 MS. BRICKEY: Why is that the case with that
19 particular example?

20 VOICE: It's an incidental additive, and the only
21 person with enough information at the outset to petition is
22 the potassium sorbate manufacturer who -- it's probably like
23 one one-millionth of a percent of their market for organics.

24 It's just not --

25 MS. BRICKEY: There wouldn't be someone who would

1 want a certain ingredient approved that was part of a
2 product that would have that incentive?

3 VOICE: We're not seeing that, you know. We
4 would be seeing it if there were --

5 MR. SIEMON: Because even if it's in a
6 medication, for example, that medication used in the
7 livestock world is so tiny, the drug companies are not going
8 to --

9 VOICE: And the producers who want it don't even
10 know that that's in it. So they don't even know that they
11 have to petition.

12 MR. SIEMON: You can't expect a farmer -- I
13 brought this up last year. A farmer is not going to
14 petition for the use of a medication.

15 VOICE: Right. The people who know what's in it
16 is OMRI, if we look at things, or enough people who
17 investigated -- the certifiers. But why would a certifier
18 petition for one tiny little thing, you know, because
19 there's just a dozen of these tiny little things, whereas
20 the board simply can -- you know, I happened to present
21 maybe ten yesterday that are very common. They're not just
22 in one product. They're in quite a few different products.

23 The board can take a look at them and recommend
24 those things for TAP reviews themselves, you know, as
25 necessary, instead of sticking with this has to be

1 petitioned rule.

2 MS. BRICKEY: Well, I mean, there's very
3 important reasons why you would require a petition for a lot
4 of these products having to do with our resource base and
5 our priorities.

6 VOICE: Right.

7 MS. BRICKEY: I mean, ordering TAP reviews is not
8 a casual activity.

9 VOICE: I understand that. However, it has been
10 that the board -- that's how it was approached in the past.

11 The board decided to initiate TAP reviews, and then the
12 people doing the TAP reviews filled out the basic TAP
13 information. It's not like there's no precedent for it.
14 You may --

15 MS. BRICKEY: There's precedent for almost
16 everything in terms of TAP reviews.

17 VOICE: Right. But, I mean, you may choose not
18 to do it. I'm just suggesting to you that this is an
19 option. You can wait around for petitions. You wait for
20 years, and a lot of things will have to fall by the wayside.

21 You could not enforce the rule and not look too carefully
22 at those little additives, which may be what happens because
23 I don't know how everyone is going to keep track of it, or
24 you can figure out some way to regulate them group by group
25 so you don't have to go through petitions on each one.

1 But you should make a decision how to proceed on
2 these things.

3 VOICE: I believe we have to have petitions by
4 the regulation. Right, Rick?

5 MR. MATHEWS: Yes. We've been in conversation --

6 VOICE: The NOSB can't recommend something for a
7 TAP review under the --

8 MR. MATHEWS: Our interpretation is that you
9 should have been all along getting petitions for all
10 substances, and that's what we have told the board. They
11 have to have a petition to review a substance for addition
12 to the National List.

13 VOICE: Can a board member initiate a petition?

14 MR. SIDEMAN: Anybody can initiate a petition.
15 We approved inerts as a group, a list for inerts. There was
16 a big group. We didn't get a petition for everything on
17 List 4.

18 VOICE: Well, there is a clause in OFPA that sort
19 of allows that to happen about --

20 VOICE: There's a lot of decisions that were made
21 that we can't go by the past anymore. We have to go by what
22 the current process is.

23 MS. SHAE: I'm really, really thankful to the
24 board for having this discussion right now because the issue
25 of these little teeny minor things in livestock health

1 materials and so on and so forth has been a really sticking
2 point for us in the industry.

3 For example, calcium is on the list to be used
4 for livestock, and glucose or other electrolytes are on the
5 list. But a very common product uses Caldex, and it's
6 calcium and dextrose. But then these things have small
7 amounts of preservatives, like there might be propylene
8 glycol in it.

9 And one of the things we talked about in OTA's
10 materials petition task force of the Livestock Committee is
11 what do we do about this, because you can't necessarily get,
12 you know, pure calcium and pure glucose at the store to use
13 for your animals.

14 So we talked about, well, what about petitioning
15 propylene glycol. Well, that opens a whole can of worms
16 because how do you annotate it so that it can be a very,
17 very minor, back a lot of decimal points ingredient in a
18 health aid or IV use or something, but then it's also in
19 processing items way back.

20 And I just don't envision organic loving the idea
21 of freely having propylene glycol on the National List.

22 MR. RIDDLE: Well, you petition for a specific
23 use, so that's already built in when you submit the
24 petition. Or you can petition for all uses, but you can
25 narrow it right from the beginning, so that's all the

1 discussion, that's all the TAP review focuses on.

2 MS. SHAE: Right. Well, the problem there is
3 something like propylene glycol is used in small amounts
4 across the spectrum of processing and livestock, so you'd
5 have to rally everyone that uses it.

6 So I don't know. I mean, as Rick was saying,
7 everything does need to be petitioned, but are there any
8 sort of broad things that can be done with regards to
9 excipients and fillers, and if there's a CFR that applies to
10 it.

11 MS. BRICKEY: Well, that's something that we can
12 certainly look at, but we're not going to resolve today.

13 MS. BURTON: When people call me and ask me what
14 to petition -- and I also spoke with this gentleman
15 yesterday that had the colostrum WAY issue in his product,
16 my advice to people is to petition for the material, and to
17 have a very strong justification statement and explain to us
18 as best as possible why you're submitting the petition and
19 for what use.

20 MR. SIEMON: One more time, the same question
21 about the vitamins and minerals. We've already approved
22 categorical -- whatever the word is -- a group of GRAS --

23 VOICE: Well, the controversy here is what does
24 "approved" mean. Does it mean approved in 21 CFR or does it
25 mean approved with discretion to AFCCO and 21 CFR?

1 MR. SIEMON: It says FDA in the rule.

2 VOICE: Okay. It says that in the old minutes,
3 it does.

4 MR. SIEMON: But in the rule it says --

5 VOICE: It says FDA approved.

6 MR. SIEMON: So that means with categorical --
7 whatever the word is -- approve these --

8 VOICE: Yes.

9 MR. SIEMON: Now, therefore, we've approved any
10 -- whatever the other word is I can't say -- excipients --
11 that might be in those?

12 VOICE: Well, there aren't excipients in vitamins
13 and minerals. No, the listing in 21 CFR --

14 VOICE: Yes, there are.

15 VOICE: Well, excipients are used for
16 medications. Okay. There's carriers, preservatives,
17 diluents, et cetera.

18 MR. SIEMON: Other materials that haven't gone
19 through a TAP review are in those vitamins and minerals that
20 are on the GRAS list.

21 VOICE: The GRAS list doesn't include -- it lists
22 a specific -- it'll say potassium iodide. It'll say
23 magnesium oxide. It'll say -- it doesn't say propylene
24 glycol for use of magnesium oxide.

25 I mean, there is a GRAS list. Actually, a lot of

1 these things are kind of mixed up on the GRAS list.

2 MR. SIEMON: But if I went out as a farmer and
3 had a bottle of vitamins for giving my animals, it's going
4 to say those chemicals on it, and I'm going to say cool.

5 VOICE: No, no.

6 VOICE: No.

7 VOICE: That's a brand name product then. That's
8 back to that same question.

9 MR. SIEMON: No, it will say Vitamin D, what the
10 chemical name of it is.

11 VOICE: Right, right.

12 MR. SIEMON: But it won't say if there's anything
13 else added.

14 VOICE: That's a hard question because Vitamin D
15 already has preservatives, but it won't be on the label.

16 MR. SIDEMAN: So the question that George is
17 asking is that's not permitted then because no one has
18 petitioned for those preservatives. That Vitamin D
19 formulation would not be permitted if it has preservatives
20 in it because no one has petitioned for those preservatives
21 yet.

22 MR. SIEMON: But are they required to be listed
23 on livestock drugs?

24 VOICE: No.

25 VOICE: No, they won't be listed there so the

1 producer will never know there, but if somebody finds out,
2 he's in trouble.

3 VOICE: Thank you very much. That was the whole
4 point I was trying to make.

5 VOICE: That's right. And that's the point we've
6 been trying to make for quite a while.

7 MS. BRICKEY: So the CFR that was referenced in
8 this set of minutes is only for generic ingredients?

9 VOICE: Right. It goes by -- right. It goes by
10 vitamins and minerals specifically.

11 MR. SIEMON: If they're not on the ingredient
12 list, a user would never know that they were doing something
13 wrong?

14 VOICE: Right.

15 VOICE: That's been a problem for organic
16 producers, historically for all producers, you know. Crop
17 producers never knew what was in the pesticides. You don't
18 know what's in the fertilizer. You have to ask; you have to
19 find out.

20 There's just no way of knowing from what's on the
21 label.

22 MS. WITTENBURG: Well, this brings up an issue
23 then. How about when you have to have fortified milk? Is
24 that not a state or federal law?

25 VOICE: That's a federal law.

1 MS. WITTENBURG: Okay. But the Vitamin A or D
2 will have a preservative in it, and that's just how it
3 comes. So it may be -- I mean, the CFR will only be on the
4 pure ingredient -- the Vitamin A, Vitamin B-1, Thymine,
5 Mononitrate, or whatever, but there are oftentimes -- the
6 only way that you're going to get that commercially
7 available is with a preservative in it, depending on the
8 type of vitamin it is.

9 If it's a fat soluble vitamin, that's how you're
10 going to get it.

11 MR. RIDDLE: So at that time Vitamin A and D are
12 prohibited because you can't get them without preservatives,
13 and preservatives have never been approved. Is that --

14 MS. WITTENBURG: No, I mean, some things -- where
15 a federal or state law -- and I'm not sure -- did this get
16 in the final rule because I know when I was on it, we said
17 that if it's a federal or state mandate of the supplement,
18 that has to come in, that that takes precedence over
19 anything -- any organic thing.

20 I mean, this may be again the commercial
21 availability thing. If these particular livestock products
22 are only available in a certain form that they need to have
23 a preservative in order to even be useful --

24 MR. SIDEMAN: To me that sounds like another
25 category, Rick, that we approved without having petitions

1 for each individual item, and federally mandated
2 ingredients. So there are two categories already --

3 VOICE: Read the comment that I wrote on vitamins
4 and minerals. It has some history on that, too.

5 MS. WITTENBURG: But I mean, you need to consider
6 the practicality of this. For a farmer producer again to be
7 expecting to be able to use these things and not having the
8 knowledge or having the information what the excipients are
9 in there, this is a very real problem, and you may need to
10 consider commercial availability and have -- the overall
11 principle is that, you know, hopefully if they're available
12 without that, that's what you want to use or keep that as
13 something like a five-year sunset review, see where the
14 industry is in five years, because this is a whole new
15 ballgame nobody ever thought about.

16 So you can't punish the industry for not having
17 the available products when all the other certifiers were
18 all along allowing these particular products.

19 MR. KRINGLE: Ms. Chairman, in regard to vitamins
20 used in feed, for example, Vitamin A and D can be made
21 without a preservative, but it has to be starch-coated. We
22 were presented this by our certifier, asked us to come up
23 with a Vitamin A and D product without preservatives. And
24 we did find one.

25 It's being used in Europe right now for food

1 grain. So there are these things available. We started
2 with the mandate from the certifier to find these things.
3 We've also found them without GMOs, GMO organisms were not
4 used in the production of any of the fermented vitamins.
5 Trace minerals and so forth, all of the additives that are
6 used there are either on GRAS or are acceptable.

7 So if you start from the premise that you -- what
8 are the criteria for those things that you don't want in
9 vitamins, send it to the vitamin supplier and say, If you
10 can supply this, do this.

11 And there is one of the vitamin companies that is
12 multi-national that has worked on this and has, because of
13 the restraints in Europe, is able to supply us a vitamin
14 premix. It's pricey, but it does fit the criteria.

15 So these things are available. The criteria have
16 to be known, have to be given to the supplier so that he can
17 do that.

18 We require a non-GMO certificate from our vitamin
19 supplier so that he doesn't slip anything in there, no corn
20 oil, for example, from GMO, no soy oil from GMO sources, no
21 [unintelligible] from non-GMO sources.

22 So it can be done and is being done at the
23 present time.

24 MR. SIEMON: One more time about vitamins,
25 though. There's feed vitamins and there's health vitamins.

1 When this book talks about vitamins and we talk about GRAS
2 and all that, are they --

3 VOICE: It's specifically -- yeah, it's the
4 reference from -- you're talking about the livestock?

5 MR. SIEMON: Yeah, livestock. There's feed
6 vitamins and there's --

7 VOICE: Right. No, they're listed in 21 CFR for
8 livestock use, and then there's also -- if you look in the
9 AFCO book they refer to -- some of them are on the GRAS
10 list, but that means they're also approved for livestock.
11 It's specifically for livestock use.

12 MR. SIEMON: But for both purposes, feed and --

13 VOICE: Yeah, there is no distinction made.

14 VOICE: Right, if they're on the GRAS list, but
15 they're also approved for livestock, that's one thing.
16 There's also a separate list of approved livestock vitamins
17 and minerals in 21 CFR.

18 MS. BRICKEY: Okay. We need to wrap this one up.
19 What else?

20 MS. BROWN-ROSEN: I guess that's about it.

21 Oh, I didn't really talk about the processing. I
22 should just say what's on this chart here.

23 I just put up here the first page of the
24 processing list. For example, like the item number 3
25 [unintelligible], if you go over to Column P, that's one of

1 the items that was omitted from the National List. So
2 that's real clear there. That would be a proposed technical
3 correction.

4 One other thing, on that page, for example,
5 beeswax, since the new final rule has this category, 606, of
6 agricultural ingredients that should be organic when
7 available, the board on beeswax did make that note in the
8 minutes. So you might want to consider listing it there as
9 organic when available. Something to debate on the
10 Processing Committee.

11 MS. BRICKEY: Who might consider doing what?

12 MS. BROWN-ROSEN: Well, beeswax -- if you look at
13 the way it was approved, it was approved as ingredient.

14 MS. BRICKEY: Right.

15 MS. BROWN-ROSEN: It was determined it didn't
16 have to be on the list because it was agricultural.

17 MS. BRICKEY: Right.

18 MS. BROWN-ROSEN: And the board noted that if it
19 was agricultural, it would have to be organic when
20 available, because that was the policy before the final
21 rule.

22 We now have this new category of listing such
23 ingredients in 205-606, so to be perfectly clear, you might
24 want to add that there, that that is the requirement for
25 that material, rather than just not listing it.

1 It's optional I think. So that's some of the
2 things that this pointed out.

3 While we're on processing, I'd just like to point
4 out the chlorine annotation. If you turn to -- it's number
5 26 on processing. You can see that NOSB developed a pretty
6 long and unwieldy annotation, and it looks like NOP tried to
7 shorten it and make it more condensed.

8 Number 26, page 2 on my copy --

9 VOICE: Page 3.

10 MS. BROWN-ROSEN: Page 3 on yours. The shortened
11 version that's in the final rule kind of left out some -- I
12 think -- some critical words, such as residual levels of
13 chlorine for wash water in direct crop or food contact is
14 not captured in that annotation.

15 I think the annotation is -- it just says
16 residual chlorine levels in water. It's not clear. It's
17 not any water, water used in ingredients, water used in --
18 so I think that message should get put back in -- and the
19 chlorine is like that in all three sections.

20 MS. BRICKEY: Let's go back to the comment that
21 Jim Jones made a couple of times to this group. How would
22 you enforce this annotation?

23 MS. BROWN-ROSEN: Certifiers have been doing
24 this. You have them test -- you test the wash water
25 downstream from the product basically.

1 VOICE: [inaudible]

2 MS. BRICKEY: What does the annotation that's in
3 the rule say?

4 MS. BROWN-ROSEN: It's right next to that. It
5 just says residual chlorine levels in the water shall not
6 exceed maximum amount disinfectant limit, but it doesn't
7 tell you where that water is or how the water can contact
8 the product.

9 So I think that's --

10 MR. RIDDLE: This was a big issue that came up at
11 the states meeting. They were seeking clarification on it,
12 and they didn't get it.

13 MS. BROWN-ROSEN: Right. When you go back to the
14 original -- it makes more sense in the original version.

15 This came up I know in the Processing Committee,
16 too, for potassium hydroxide and sodium hydroxide, the
17 original annotation is not there, and it's important
18 actually.

19 MR. CARTER: Emily, this one on chlorine has
20 reference that this substance is to be reviewed again in two
21 years, and it's dated --

22 MS. BROWN-ROSEN: That's another one of those
23 two-year ones, yeah. That's a good point, too.

24 MS. BRICKEY: Okay. Anything, Steve, on
25 processing right now?

1 [No response.]

2 Okay. So each committee chair needs to take two
3 assignments back to the committees. First, you need to go
4 through this list in detail and come up with any technical
5 corrections that we want to make suggestions to NOP by the
6 end of June. Okay. That's immediate.

7 Then the second thing is to look for any
8 corrections that need to be made in this document for our
9 purposes. In other words, any mistakes that could have been
10 made in this document. Okay.

11 That -- we'd like to get those corrections done
12 and get another draft of this document by October.

13 MR. BANDELE: Carolyn, I did have one
14 observation. I know that -- and I've pointed to it before
15 -- when we're reviewing the materials, the chair can decide
16 whether to send it forth for TAP or not, but I notice in
17 here, the full board normally voted on that.

18 And I think in fairness to those petitioners,
19 that may be the best process in the future.

20 MS. BROWN-ROSEN: No, that's not correct, I don't
21 think, Owusu. Do you want to --

22 MS. BRICKEY: Go ahead.

23 MS. BROWN-ROSEN: The votes in here are the votes
24 to list it. These are the final votes of the board.

25 This -- what you're talking about, referring

1 something for a TAP review -- sometimes that did happen.

2 Maybe Zia --

3 VOICE: He's referring to Zia's documents.

4 VOICE: I think he's correct. They were
5 determining synthetic or natural at one time as a board.

6 VOICE: Not all the time, no. Certainly,
7 initially the committee was recommending which things went
8 for TAP review, you know, to get the bulk of them done. And
9 then it was mostly later on when they did have the '95
10 petition process, and the committee structure had dissipated
11 because --

12 MR. RIDDLE: Zia, you're not speaking into the
13 microphone. Could you repeat that for the record because
14 this is important information. Sorry.

15 VOICE: Well, Michael thinks he remembers
16 differently.

17 What I recall is that initially -- okay.
18 Initially, the entire OTA list of all materials would be put
19 forward as the initial petition. I mean, there was no
20 petition process in this time, so this is what the NOSB
21 started with -- OTA list as our starting place. Okay?

22 Then by '95 they had developed a petition
23 process. But by '95 they were so -- the board as a whole
24 was into the full-board votes on the materials, and the
25 committees hardly ever met anymore.

1 I should back up. The committees took the OTA
2 list, and the committees did the initial sifting through and
3 recommended things for TAP reviews. Okay.

4 Then the department -- when we were in the middle
5 of TAP reviews, they came to us and said, We need a
6 confirmation on these natural alloweds for crops, so that's
7 where the document came from that I explained to you
8 earlier.

9 And we did a sort of informal TAP thing on that.
10 But then later -- particularly in Indianapolis, which was
11 the last materials voting meeting -- and that's where the
12 '95 petitions were presented, but they -- Ted Rogers just
13 gave them to the whole board instead of referring them to
14 the committees.

15 That's why you see those votes on Thyrim and
16 Roundup and stuff like that because since there were no
17 committee meetings anymore by then, the whole board took
18 that batch and sifted them.

19 But it was the committees up until that last
20 batch, in my recollection.

21 MS. BURTON: I think the big picture is just to
22 make sure we capture what petitions have come in and the
23 decisions that we've made on those.

24 So if the materials chair is going to be
25 monitoring this database, we can certainly put those in

1 there, those materials that we've received petitions and how
2 the committees have voted on those, whether or not they've
3 been forwarded for a TAP or not. I think that's the big
4 picture.

5 MR. RIDDLE: I think Michael has some further
6 clarification.

7 MS. BRICKEY: We've got to move on, folks.

8 MR. SLIGH: Well, I was looking for Merrill, but
9 it's my memory that the committees did do that sifting, but
10 they reported that to the full board. So in a sense, the
11 full board had knowledge and could have said at that
12 juncture, oh -- you know, we disagree and that could have
13 changed.

14 VOICE: That's true, but no vote was taken.

15 MR. SLIGH: Right. But I mean, I just want to
16 note that it did come to the whole board and in the
17 committee reports, so that it was a full board
18 acknowledgement.

19 MS. BRICKEY: All right. One more thing. We've
20 got to move on

21 MR. SIEMON: Real related to this. I know we're
22 supposedly going to get the green book, but I'd really like
23 to see if there's anything written previously by the board
24 on how they would determine synthetic or not.

25 I'd like to get that personally. I don't have

1 that right now. Maybe it's in the green book. But if
2 there's anything -- you know, part of Zia's research work,
3 I'd like to see that so it would help me in determining what
4 the past work has been on synthetic or natural.

5 MS. BRICKEY: Rose.

6 MS. KOENIG: I just have one more comment. So
7 those two recommendations you brought back to the committee
8 for action, how do we -- I mean, there was a discussion
9 here. I think we've pinpointed an area in this process that
10 needs to be addressed.

11 Now I know one avenue of addressing it is going
12 to be on the people on the Materials Committee to make sure
13 you go out there and get people to do those petitions.

14 But there does appear to be this problem of some
15 products that may not be petitioned yet or components. I
16 mean, I'd like -- I mean, we discussed it. We spent the
17 time. How are we going to resolve that in terms of
18 action?

19 I think we need to take some kind of action. I'm
20 not saying we're going to solve it.

21 MS. BRICKEY: I think the Materials Committee
22 needs to do some work on this and bring it back to the board
23 because this is a very complex issue, and it's very, very
24 resource intensive.

25 And it may be -- I mean, I can tell you where I

1 would come out on it, which is I would try to look at
2 classes of some of these materials and make some decisions
3 without looking at every compound.

4 But there will be cases where you have to look at
5 every compound. So it's just too complex for us to have a
6 discussion like this and decide anything.

7 I think we need to send this back to the
8 Materials Committee and get some further work done on it
9 before the board --

10 VOICE: That's fine [inaudible]

11 MS. BRICKEY: Well, that issue is not lost on any
12 of us. It's very complicated, and as I said, resource
13 intensive.

14 Anything else on this?

15 [No response.]

16 Okay. So we have assignments for the committees
17 to take back to work on this document. The Materials
18 Committee chair has kindly volunteered to provide updates to
19 the document for new materials that are approved or not
20 approved, in other words, materials that are acted on by the
21 board.

22 Anything else on this issue?

23 [No response.]

24 Okay. Let's take a ten-minute break and come
25 back.

1 [Recess taken.]

2 MS. BRICKEY: I'd like to turn to Steve Harper
3 for a report from the Processing Committee.

4 MR. HARPER: Okay. The Processing Committee has
5 two issues that I'd like to work on this morning or that I'd
6 like to present to the board. Both of them are going to, I
7 guess, require a vote this afternoon.

8 Do technical corrections require a vote?

9 MS. BRICKEY: Well, we were planning to vote on
10 them in a package.

11 MR. HARPER: As a package, okay.

12 One of these has to do -- as a package of part of
13 the technical corrections, but it's sort of an important
14 part of the processing agenda. So I'm going to do that one
15 first.

16 There are some copies out in the audience. For
17 the board members, it starts out "Draft NOSB Recommendations
18 for technical correction -- clarify that both ingredients
19 and processing aids must appear on the National List in
20 order to be used in processed organic food."

21 I'll wait until everybody gets hold of it. Is
22 everybody set?

23 In the list 205.605 and 205.606, the present
24 wording -- either you can look at this piece of paper or in
25 the actual copy of the regulation -- it presently says

1 nonagricultural/nonorganic substances allowed as ingredients
2 in or on processed products labeled as organic or made with
3 organic.

4 And in 606 then it says nonorganically-produced
5 agricultural products allowed as ingredients in or on
6 processed products labeled as organic or made with organic
7 ingredients.

8 The issue here is that putting the word
9 "ingredient" in that list, if you go back to the definition
10 of ingredient in the definitions, the definition of
11 ingredient has to do with what's found in the final
12 composition of the product, the final product.

13 And in a sense this allows sort of a loophole in
14 these lists or lack of clarity as far as what needs to be on
15 the list because some people may assume if they put it in
16 the product and it's not in the final product, they may not
17 have to petition to have it on the National List, or it
18 doesn't have to be on the National List.

19 So the suggested change is to take out the word
20 ingredient in both of those sections, and it actually makes
21 it consistent with the other -- the crop and the livestock
22 list so that it just reads nonagricultural/nonorganic
23 substances allowed in or on processed products labeled as
24 organic or made with organic.

25 And the same with 606, nonorganically-produced

1 agricultural products allowed in or on processed products
2 labeled as organic or made with organic ingredients.

3 And by doing that, the intent of the -- I should
4 say -- the intent of the law and the regulations is to have
5 anything that goes in or on products to be on -- you know,
6 to be acceptable or on the list. This would clarify that to
7 the processors. That's the issue in a nutshell.

8 So the Processing Committee is recommending that
9 we go ahead with that, whether it's a technical correction
10 or whatever it is, that we recommend that change.

11 Any discussion about that?

12 MR. MATHEWS: It's clear that there are
13 substances already on the list, at least in 605, that are
14 not ingredients. So I think we can try and do that as a
15 technical correction.

16 MR. HARPER: Is there any discussion from the
17 board about that, or any confusion about that?

18 MR. RIDDLE: Having those words there created
19 confusion. This eliminates confusion or at least lessens
20 confusion.

21 MR. HARPER: There are still other issues with
22 the list, but this gets rid of one of the confusing
23 [inaudible]

24 Okay. That was the first issue. The second
25 issue -- I'm going to have to lead you through this -- it's

1 a little more difficult.

2 There are copies of this. It's a two-page
3 document. It starts out "Draft NOS Recommendation for
4 additional regulations pertaining to [unintelligible]
5 loopholes for labels with the PDP ingredient
6 [unintelligible] and information panel all on a single
7 labeling panel."

8 Let me describe the type of label I'm talking
9 about here. I'm talking about a label that you may see on
10 -- like on a block of tofu or on a single-serve beverage
11 container or on a loaf of bread or on a meat product where
12 all the information for the whole product is on a single
13 label.

14 You know, it could be this size; it could be that
15 size. But basically the consumer sees the whole label --
16 you know, ingredient statements, information panel and PDP.

17 The intent of the -- I believe the intent of the
18 regulations, the way they're written -- the way it's set up
19 was to restrict the ability of people that were not
20 certified or people [unintelligible] to advertise organic
21 [unintelligible] -- you know, on the ingredient statement,
22 on the information panel.

23 But the thought process of the USDA I believe was
24 that they thought that this was always on the back side of a
25 box or on the side of the box --

1 VOICE: Sorry, I didn't know it was on.

2 MR. HARPER: -- where the consumer would not see
3 the information.

4 And under 205.101, sections 3 and 4, there is an
5 allowance for people that decide not to be certified, but
6 that just want to list organic ingredients on the ingredient
7 [unintelligible] to use the labeling option of the 70
8 percent or less organic product.

9 Is everybody with me so far? So we're talking
10 about people with less than 70 percent organic, or people
11 that decide not to be certified if you're over 70 percent.
12 So the committee has put together suggested language to
13 close that loophole. And the suggested language is, "Any
14 product in which the principal display panel, the
15 information panel and the ingredient statement are all
16 present on a single panel [unintelligible] the label may
17 only identify the organic content of the product by (1)
18 identifying each organically produced ingredient in the
19 ingredients statement with the word organic or with asterisk
20 or other reference mark, which is defined below the
21 ingredient statement, to indicate that the ingredient is
22 organically produced."

23 The really key part is the next part. "In a font
24 size and style that is no different than that used for all
25 other ingredients in the statement, and in a font size that

1 is no more than 20 percent of the size of the largest font
2 size in the panel."

3 And, secondly, if the organically produced
4 ingredients are identified in the ingredients statement,
5 displaying the product's percentage of organic content on
6 the information panel may be done in a font size no larger
7 than that used for the ingredient statement, and in a font
8 size and style that is no different than that used for the
9 ingredient statement.

10 And the reason for this is that in the labeling
11 option that is presently in the regulation, there is no
12 restriction on the font size or style or the percent of
13 organic for that labeling option.

14 So a person on a single label could put -- you
15 know, subject to FDA regulations, could put -- if you had a
16 hundred percent organic product, for instance
17 [unintelligible] certified, you could say a hundred percent
18 organic in as large a font size potentially as the name of
19 the product. And this would be a misrepresentation to the
20 consumer because -- we believe it's a misrepresentation to
21 the consumer.

22 Any questions on the reasoning or what I've just
23 talked about?

24 MS. KOENIG: I just had a question. In terms of
25 -- I'm not familiar with the laws of labeling, but are they

1 federally regulated? I mean, is that -- can we instill this
2 policy in state by state -- I mean, is this in violation of
3 any other policy when it comes to labeling?

4 MR. HARPER: Well, a misrepresentation or
5 fraudulent products is certainly a part of labeling, except
6 the law actually allows it in this case, so there isn't any
7 fraudulent intent in this case because the regulations allow
8 it.

9 MS. BURTON: I think to answer your question,
10 Rosie, there are certain things that are required by FDA on
11 a labeling, and that is your ingredient statement and your
12 nutritional. And this would just -- there's nothing
13 regarding what Steve is talking about that's under our
14 rules.

15 So this would just fall right in place.

16 MR. HARPER: There are restrictions on font size,
17 but it has to do with minimum sizes usually more than
18 maximum sizes.

19 MS. CAUGHLAN: Steve, are there examples where
20 this is going on now?

21 MR. HARPER: Well, there are -- I'm not sure if
22 there are examples or not. This was -- we sort of --
23 actually Miles McAvoy is the one that discovered this
24 loophole, but certainly there's knowledge of this out there
25 at the present time.

1 MR. RIDDLE: Yes, there are examples of this
2 happening, and at the states meeting Miles brought examples
3 and showed overheads of various examples. Bread is
4 certainly one common product where there is only one label,
5 and it includes the ingredient list.

6 But it can highlight certain ingredients. Yeah,
7 I had a comment -- I'm a member of the Processing Committee
8 and support this change, but it doesn't deal with another
9 issue.

10 It restricts it to the below 70 percent, but
11 those operations still don't have to be certified. So now,
12 you know, they can have these restrictions on their
13 ingredient panel when it's on the front panel, essentially
14 on the principal display panel, but you have the word
15 organic on the principal display panel on a product that is
16 not certified or is produced by a operation that's not
17 certified.

18 And, yes, that organic ingredient had to have
19 been certified, but still no one is overseeing or regulating
20 the operation that manufactured that product. That has been
21 one of Miles' real concerns. This is dealing with a part of
22 the concern, but not the heart of the concern.

23 He has been pushing for that category to be
24 certified. I think that, you know, this issue will continue
25 to come up, but we're not trying to address it with this

1 change.

2 MS. BRICKEY: Right.

3 MR. HARPER: That's correct.

4 MS. CAUGHLAN: Well, at the state level, would
5 all states have the problem of how is that going to be --
6 how can regulation take place, but --

7 VOICE: There's an exemption under the act.

8 MS. CAUGHLAN: Right. But it nevertheless is a
9 sticky issue that the states are going to have to deal with
10 with regulation.

11 MR. HARPER: Another question or comment?

12 VOICE: I just wonder why you weren't dealing
13 with that bigger subject right now. Just weren't ready?

14 MR. HARPER: Well, certification is under -- is
15 it --

16 VOICE: Actually, the Accreditation Committee is
17 planning to consider a whole group of possible changes in
18 applicability requirements. And the one that Jim mentioned
19 is one of them. We're not prepared to do it now, but we've
20 started talking about such things. It would be a whole
21 package that would include several -- many of the
22 suggestions came from Miles in fact.

23 MR. HARPER: I think the way -- this deals with
24 the actual -- more of a labeling misrepresentation. The
25 certification issue may be a larger issue as far as dealing

1 with the present regulation.

2 MS. BRICKEY: It's a really big issue.

3 MR. HARPER: Right. That's a bigger issue. But
4 this is something I think that could be acceptable.

5 Yes.

6 VOICE: This is nitpicky, but when you've got two
7 things in there that the font size has to be the same size
8 as all the other ingredients and it can be no larger than 20
9 percent than the largest, I mean, you're going to be
10 dictating that the ingredients are the three-point size type
11 in some instances because some food labels don't have -- you
12 know, the largest type on them may not be larger than 18
13 point.

14 MR. HARPER: This is not -- this is actually not
15 inconsistent. I look at lots -- a whole bunch of different
16 -- a whole bunch of very small labels --

17 VOICE: They do that same thing --

18 MR. HARPER: -- and that's pretty consistent with
19 what the practice is. The 20 percent is actually about the
20 size that people are using compared to the largest type
21 size.

22 I mean, it sounds like it's really small, but
23 it's not atypical at all.

24 VOICE: The committee is wanting the board to
25 vote on this recommendation this afternoon, correct, as an

1 action item?

2 MR. HARPER: Right.

3 VOICE: And this would be a recommended change to
4 the rule; correct?

5 MR. HARPER: Right.

6 VOICE: I wanted to be clear.

7 MR. HARPER: We are looking at actually -- I'd
8 like to see if we can vote on this this afternoon so that we
9 can get into the process -- if we wait until October to vote
10 on it, then we're talking about after the rule goes into
11 effect for sure probably. And this way there is a chance
12 that it could get into that. There's a chance.

13 MR. MATHEWS: But the issue is that there's only
14 a chance that somebody is going to violate this to begin
15 with. The caution that I want to give you is that we are a
16 staff of seven people trying to implement what is already
17 out there.

18 We are going to give priority to what is already
19 out there. We absolutely have to. So you can recommend
20 everything you want to change these regs, and we will do our
21 best. But I can't guarantee anything right now.

22 We have got to get the program implemented. That
23 means that we've got to get accreditations done. And so, I
24 mean, I want to work with you guys on this, but all of this
25 stuff about rewriting the regs -- you know, you guys have

1 got to start thinking about setting some priorities on this
2 stuff. I'm sorry.

3 It's just that we've got a pretty full plate just
4 implementing what is already there without going through a
5 year and a half process of amending what is already there.
6 Do you want us to start implementation after we do all the
7 amendments? I mean, that's a question for you guys.

8 Do you want us to do implementation after
9 amendment?

10 MS. BRICKEY: I don't think that's the question
11 right now. The question is whether we want to approve this
12 as a clarification that we give to you, that you will get to
13 when you get to it.

14 MR. MATHEWS: Very good. That works. That
15 works.

16 MR. HARPER: Another point about this is that if
17 the intent of the USDA was actually not to allow this
18 because you are really thinking about not giving that
19 advantage, if it's really a technical correction, maybe --

20 MR. MATHEWS: It's not a technical correction
21 when you add regulatory language to the regulations.

22 MR. KING: Just as a point of clarity, I support
23 this. I'm on the Processing Committee. But Steve had a
24 question.

25 You gave examples of both 70 percent or less and

1 a hundred percent. So I'm reading you correct in that it
2 could happen in both situations?

3 MR. HARPER: Right.

4 MR. KING: All right. I just wanted to make that
5 clear.

6 MR. HARPER: Because 101 allows anybody that
7 decides not to be certified to label under the 70 percent or
8 less labeling scenario.

9 MS. BRICKEY: Becky.

10 MS. GOLDBURG: I may be kind of a process freak,
11 but it's probably because I work for a public interest
12 organization. I think this sounds like a good idea, but it
13 seems to me if it all makes sense in terms of making such a
14 change, that we should allow time for public comment and put
15 this up on the website and get input.

16 I think public comment is always desirable when
17 we're doing more than making technical corrections.

18 MS. BRICKEY: It is, Becky, but in this case if
19 -- for example, the next time that the materials list could
20 be updated, this could be included or something like that.
21 We just want to get it out there because we think it would
22 be a shame if people did take advantage of this provision.

23 The comments you're going to get are going to be
24 either yes, you're right, NOSB, this shouldn't happen, or
25 NOSB, we'd like to be able to do this, in which case we're

1 not going to agree with those comments, and I don't think
2 NOP would agree with those comments.

3 So I think in this case probably public comment
4 is not necessary. That's how I would look at it. In most
5 cases I think it is. Do you see what I mean?

6 MS. GOLDBURG: I understand your point, and I
7 don't feel extremely strongly about this particular point.
8 But I think in general we should always be asking ourselves,
9 what do we lose by not having public comment and put that up
10 front. And I don't -- you may well be right about the
11 comments we'd get.

12 But I always wonder whether I personally am
13 missing something.

14 MS. BRICKEY: Well, it's kind of an unintended
15 consequence I think in the act. I think if -- this is
16 probably something that the department would not have wanted
17 to have happened, and we don't want to see it happen.

18 So we're just trying to get somewhere in the mix,
19 not pressing Rick about when. But we want to get somewhere
20 in the mix on this so that we can get this change made, I
21 think.

22 MR. HARPER: I do agree with you, Becky, that I'd
23 like to see everything out for public comment too, but I
24 think I agree with Carolyn on this particular issue that
25 it's really a -- it's a misrepresentation issue. It's not

1 something I have the right to do this.

2 MR. LOCKERETZ: Also, if this one means revised
3 regs, it will necessarily go out for public comment, at
4 least at the Federal Register stage.

5 MS. BRICKEY: That's right. Thank you.

6 MR. HARPER: Dave.

7 MR. CARTER: This is a question -- I don't know
8 if it's addressed to the reg or not. But I mean, this deals
9 with the label and what's on the package. But what about
10 other promotional -- point-of-sale materials and things like
11 that? Do we address that at all in the reg?

12 I mean, it's fine then if we're trying to drive
13 it and say if it's less than 70 percent, then you've got to
14 put it in small type, you know, on the panel. But yet
15 you've got a shelf talker that's sitting there saying made
16 with, you know, organic kumquats.

17 Is anything -- because if what we're really
18 trying to do here is prevent companies from misleading the
19 public, we still have a loophole.

20 MR. HARPER: Rick, 101 --

21 VOICE: I believe it only talks about the label.
22 There's nothing about non-label information.

23 MS. BURTON: Typically it's just truthful claims,
24 and you have to be able to back up on any marketing material
25 that you're making truthful claims.

1 VOICE: So if it was made with organic kumquats,
2 you could back that up.

3 VOICE: [inaudible] I think NOP could develop
4 [inaudible]

5 MS. BRICKEY: Yeah, we'll be right over to the
6 FTC and get them to take care of this for us.

7 VOICE: [inaudible]

8 MR. HARPER: I know the intent of the less than
9 70 percent category was that they would not be able to do
10 any advertising. I have forgotten if it's in here or not.
11 Maybe it didn't show up [unintelligible], to be honest with
12 you.

13 MS. BURTON: One suggestion might be that we post
14 this on the web as a processing materials decision, that at
15 least people know that we've recommended this change.

16 MR. RIDDLE: Instead of the board voting on it?
17 I'm confused by what you're suggesting.

18 MS. BURTON: No, I think the board could still
19 vote on this, but we could put it on the NOP website as a
20 processing vote, as something that we've decided upon at
21 this meeting.

22 MR. HARPER: Or even as an NOSB recommendation.
23 I mean, I agree with that.

24 MS. BURTON: So at least there's some
25 communication out there on what we've done.

1 MR. HARPER: Sure.

2 MS. BURTON: Instead of a comment period.

3 VOICE: Call the question.

4 MR. HARPER: Any other questions? So I will
5 bring this up for a vote this afternoon.

6 MS. BRICKEY: What's next, Steve?

7 MR. HARPER: That's all that's on the Processing
8 Committee agenda. We've got a couple of other things that
9 we are working on, but that's all as far as action today.

10 MS. BRICKEY: All right. Then let's move quickly
11 to Accreditation.

12 MR. LOCKERETZ: We'll have an action item this
13 afternoon on the peer review panel. This was distributed a
14 couple of weeks ago, and it was on the website.

15 Since then one change has been made. You'll find
16 this at tab 8, and I think it was also distributed
17 electronically.

18 Jim Riddle was the main person doing this. I'll
19 have him go through it and make sure you call our attention
20 to the -- is that the revised text?

21 MR. RIDDLE: Right.

22 MR. LOCKERETZ: Okay. Fine.

23 MR. RIDDLE: Okay. So I'm passing out the
24 revised text that has the change that Willie's referencing.
25 And coming out of the March meeting, the Accreditation

1 Committee was directed or agreed to take on drafting some
2 peer review language.

3 And it's really three different sections, the
4 first being to change the definition in the rule so that the
5 definition fits with the regulatory text. I don't know if
6 that would be technical or how the NOP wants to deal with
7 that, but essentially the definition was a holdover from a
8 past proposed rule and it hadn't been upgraded to fit a
9 significant change in the composition and function of the
10 peer review panel.

11 So we are recommending that the definition now
12 read "Peer review panel -- a panel of individuals who have
13 expertise in organic production and handling methods and
14 certification procedures and who are appointed by the
15 Administrator to assist in evaluating the accreditation
16 procedures and decisions of the NOP." So that will be part
17 of the action item.

18 And I anticipate, unless someone has strong
19 objections, that we would move this all as one item as a
20 package. So that's the first part.

21 The second is to develop a plan for the
22 appointment of the peer review members. I'm not going to
23 read through each item there, but it is very clear in the
24 rule that the PRP is a FACA, and we've been told that under
25 the organic program, there's only going to be one FACA, and

1 that's the NOSB.

2 And so the peer review panel is under the NOSB.
3 There's not going to be a separate FACA committee.

4 That caused some confusion which was reflected in
5 the first two drafts of our proposal where we limited the
6 membership -- the composition of the PRP to NOSB members.
7 And that has been clarified now that the PRP is under the
8 NOSB, but it could draw from the outside other expertise.

9 So that's the change that's in this draft that
10 you have today is in item B. There's an additional sentence
11 now. "PRP shall be comprised of three members and one
12 alternate. At least one member of the PRP shall be a
13 current NOSB member."

14 So that's one thing. So there always would be at
15 least one NOSB member on it because it is a committee of the
16 NOSB.

17 And then the other change is item D, which it
18 formerly said that -- you know, it limited it only to NOSB
19 members. And now it says, "Current NOSB members and members
20 of the public are eligible to serve on the PRP."

21 The rest of the document remains the same for the
22 appointment plan. So are there any comments, questions,
23 about that?

24 MR. SIEMON: Now that you've left the membership
25 wide open like D does. D is not necessary is my opinion,

1 but that's just a small -- the membership is open to any and
2 all people at this time, so D is not necessary. That's up
3 to you, though.

4 MR. RIDDLE: I think it needs to be stated that
5 current members can serve on it and just make it --

6 MR. SIEMON: But at least one member. Go ahead.

7 MS. BRICKEY: Let's call on Rick and see if he
8 has got some comments.

9 MR. RIDDLE: Any comments?

10 MR. MATHEWS: Yeah, Jim. On your E, I'm thinking
11 that the word "certification procedures" should probably be
12 accreditation procedures because they will be reviewing the
13 accreditation process, not certification.

14 MR. RIDDLE: Okay. Could that be an addition
15 instead of a substitution so that it says certification and
16 accreditation?

17 MR. MATHEWS: I think you need to go back to the
18 peer review panel provisions of the regs and deal with it
19 there because I think it's specified in here.

20 MR. SIEMON: Really, organic production and
21 handling -- accreditation is a function here.

22 MR. RIDDLE: Yeah, but you have to look in the
23 rule under --

24 MR. MATHEWS: But, see, in order for them to do
25 it, they're going to have to have familiarity with ISO-61.

1 Certification is not going to be the issue. That's ISO-65.

2 So the peer review people are going to have to be
3 familiar with accreditation procedures because they're going
4 to be looking at our accreditation procedures, not
5 certifying agent certification procedures. So it's a
6 different area.

7 I think that you need to review it from that
8 standpoint.

9 MR. RIDDLE: I fully agree and I support -- the
10 committee, I think when we -- unless any members of the
11 committee, we can just make that change and that's what
12 we'll vote on is substituting accreditation for
13 certification in E, but also we would need to do that in the
14 definition as well.

15 MR. MATHEWS: Yes.

16 MR. RIDDLE: Okay. Any other comments?

17 MS. KOENIG: So you're saying that it would read
18 a panel of individuals who have expertise in organic
19 production and handling methods and accreditation
20 procedures?

21 MR. RIDDLE: And accreditation.

22 Okay. Anything else on the appointment plan?

23 Okay. Moving on then to the terms of reference,
24 the section from the rule appears there, describing the
25 function of the peer review panel. Essentially, that was

1 rephrased with some additional terms of reference of how
2 this PRP will function.

3 So that is itemized here. Hopefully, you've had
4 a chance to read through it. This has been part of two
5 drafts that have circulated now. So are there any -- I'm
6 not going to read through it unless you'd like.

7 But are there any questions, comments, on the
8 terms of reference, how the PRP will function?

9 MR. SIEMON: This first section is -- just the
10 first paragraph, which is -- is that in addition or is
11 that --

12 MR. RIDDLE: No, that's the rule. That is
13 verbatim. That is just cut and paste from the rule.

14 MR. SIEMON: That's the rule. So the last part
15 is the part that we're referring to?

16 MR. RIDDLE: Right, right. The items A through
17 L.

18 MR. SIEMON: Fine.

19 MR. RIDDLE: Okay.

20 MR. LOCKERETZ: All right. Thank you, Jim.

21 Let me change the order slightly to go to the
22 next item that has an action item, which is your number
23 three, about present new certifier outreach report because
24 some action will follow from that.

25 MS. BRICKEY: I can't hear you, Willie.

1 MR. LOCKERETZ: Sorry. Skipping to number three,
2 because that also will have some action items coming out of
3 it.

4 The background to this, just to remind you
5 quickly, is I presented in March to this board and to
6 members of the public a summary of conversations I had with
7 16 certifiers concerning what problems they were facing and
8 so forth.

9 The board asked me update that as things
10 developed in March and April, which I did. I got some
11 additional comments from certifiers mainly because in April
12 there was another training session having -- with state
13 programs in Kentucky.

14 Some new things came out of that. I talked about
15 this a little yesterday because it came up, with the
16 possible change. The main thing with this possible change
17 in the interpretation of the conflict of interest
18 restrictions, and there was -- the main messages that came
19 out are there was confusion about the conflict of interest
20 procedures -- confusion, as well as disagreement with -- but
21 at least confusion concerning what was being required.

22 And also there was concern about this -- whether
23 they had to already be in compliance with the new procedures
24 by the time they submit their accreditation application, by
25 October 21st of 2001.

1 There was concern that it would not be possible
2 to be in full compliance and that this should be instead
3 showing the ability to comply with the full program, and
4 the actual full compliance would not be until April 21 of
5 2002.

6 This seemed like a very reasonable complaint, and
7 so we drew up a one-page motion which you have all gotten
8 copies of --

9 VOICE: No, no, no. It's just being distributed
10 now. Only the Accreditation Committee had gotten that.

11 MR. LOCKERETZ: Compliance by certifying agents.
12 I'm sorry for doing this on short notice, but time is --
13 you know, the date of October 21 is looming large.

14 It's a one-pager, but the real content in it is
15 the last paragraph which says that they must demonstrate
16 their expertise in organic production, and their ability to
17 comply with all certification and accreditation
18 requirements, rather than being in full compliance.

19 So we propose this as an urgent action item. It
20 may possibly only set down in black and white what the
21 department's intent is already, but there was a lack of
22 clarity about that, and so we recommend this as this should
23 be the policy regarding ability to comply with accreditation
24 requirements.

25 Since you've gotten it, I'll let -- you can look

1 it over and we can vote on it this afternoon.

2 MS. BRICKEY: Yeah, I'd like to speak in favor of
3 this, too, because I think it's really important to make it
4 clear that all the ripple effects from having certifiers
5 believe that they have to comply on the date that they apply
6 for certification is problematic, and we need to fix that
7 problem as best we can.

8 MR. SIEMON: But, Willie, also, the all certified
9 operators must be in full compliance --

10 MR. LOCKERETZ: That's -- actually, there's
11 nothing new there. That's --

12 MR. SIEMON: Yeah, but farmers are being told
13 they have to come in compliance right now.

14 MR. LOCKERETZ: Well, this is saying -- that's
15 not correct. This is reaffirming that they must be in
16 compliance by October -- there's no change here in that last
17 sentence. That's simply making clear the status quo.

18 The change is in the couple of sentences before
19 that. The change is regarding the certifiers, not regarding
20 the farmers.

21 MR. RIDDLE: And when they apply for
22 accreditation, which there's a deadline of October 21st,
23 2001, for the first round -- that they can submit an
24 implementation plan, but that plan will have them -- in that
25 first round -- the ones that choose to apply in the first

1 round, that they'll -- they're going to have accomplished it
2 by April -- to be in that first round.

3 MR. SIEMON: The ability to -- you're using the
4 word "comply" -- but the certifier identity -- the farmer
5 will still only have to comply a hundred percent by the
6 final date?

7 MR. RIDDLE: Yeah.

8 MR. LOCKERETZ: Yes. This refers to complying
9 with the accreditation requirements. It doesn't refer --
10 there's no change in the effect on farmers.

11 MR. SIEMON: So if they were to certify a farmer
12 next spring, they would tell him, okay, you're not in full
13 compliance with the law. You have until October 21st, and
14 here's what you need to do to come in compliance.

15 And just like every certification has that list,
16 this would have a real extra list that says this is your
17 bingo date; right?

18 MR. RIDDLE: Well, they would -- yeah. The way I
19 anticipate, if they're on that list -- that first-round
20 list, they need to be certifying to the rule fully. But
21 the operations could be getting conditions that set their
22 absolute drop dead is -- I mean, that's clear in the
23 rule.

24 Everyone must be in full compliance --

25 MR. SIEMON: Okay. I was confused by that

1 yesterday.

2 MR. LOCKERETZ: Steve.

3 MR. HARPER: Willie, I have one suggestion and
4 this has to do with timing issues. Instead of saying
5 April 21st, 2002, should we say at time of accreditation,
6 because we don't know for sure that that's an in-stone date
7 that the certifiers are going to be all accredited on April
8 21st.

9 VOICE: Oh, yes, we do.

10 MR. HARPER: Oh, you do?

11 VOICE: They've been consistent on that.

12 MR. LOCKERETZ: That is correct, Rick, is it not,
13 that if you get your application by October 21, USDA will
14 come back with a certification decision no later than April
15 21st, 2002?

16 MR. MATHEWS: On or about April 21, yes, that is
17 the date we are shooting for.

18 VOICE: On or about?

19 MR. MATHEWS: Well, it might happen on the 20th
20 or the 22nd, you know. We're shooting for the 21st, yes.
21 Anybody who has it in --

22 MR. HARPER: That's why my suggestion [inaudible]

23 MR. MATHEWS: Our intent is that anybody that has
24 it in by October 21 would be definitely in the first group,
25 and our intent is to have the first group out April 21.

1 And this is just a recommendation to the NOP from
2 us. The date is their date --

3 MR. HARPER: That's fine.

4 MR. MATHEWS: That's the date we're shooting for.

5 MR. SIDEMAN: I'd like to hear Rick's comment on
6 this proposal about the ability to come in compliance. Is
7 that something that sits well with you?

8 MR. MATHEWS: It's what the regulations say, and
9 I need to go back and talk to Keith and Mark Bradley to find
10 out what really was said at the Austin session, because I
11 think that's where the problem really came up was in Austin.

12 VOICE: Well, it first came up in Kentucky --

13 MR. MATHEWS: It first came up in Kentucky and
14 then Austin?

15 VOICE: Yeah.

16 MR. MATHEWS: Well, I need to talk to the two of
17 them to see if what they said was either correct or
18 misinterpreted.

19 Submit this and we'll work on it.

20 MS. BRICKEY: And the other thing is to find a
21 way to communicate that clarity about this, if --

22 MR. MATHEWS: Right. This is something that we
23 could post on the website as a clarification.

24 MS. BRICKEY: Right.

25 MR. MATHEWS: Frequently asked questions.

1 VOICE: Is there any way to get a drop dead
2 decision out of the NOP on this so that the certifiers
3 [unintelligible]

4 MR. LOCKERETZ: Don't look at me with that
5 question.

6 We are recommending it.

7 VOICE: With a date? Is there a date?

8 MR. LOCKERETZ: No.

9 VOICE: Is there any --

10 MR. LOCKERETZ: We're not recommending a date by
11 which NOP acts on this.

12 VOICE: Well, could you because this is --

13 MR. LOCKERETZ: I think we got a clue to what the
14 reaction to such a recommendation would be already.

15 MS. BURTON: We would like to see it addressed as
16 soon as possible. I guess we could put it that way.

17 MR. LOCKERETZ: Clearly, this is one of urgency.

18 VOICE: Right. He has termed it an urgent action
19 item. I think that that's --

20 MR. LOCKERETZ: Any more on this?

21 [No response.]

22 The other item -- not exactly an action item --
23 but the other item that comes out of this certifier outreach
24 effort is considerable confusion concerning conflict of
25 interest. I heard from many people that they got different

1 versions of conflict of interest.

2 We talked about this yesterday. It came up, and
3 the committee met yesterday afternoon. And we found that
4 although we're keenly interested in the subject of conflict
5 of interest, we ourselves did not agree on what we
6 understood the NOP's position was and interpretation of
7 conflict of interest, specifically farmer board members of
8 certifying organizations, whether they could be -- you know
9 the issue -- whether they could be certified by their own
10 organization.

11 And not knowing what the official line was, we
12 couldn't really discuss its merits or lack of merits. So
13 it's not exactly an action item, but we would like to ask
14 Rick to reasonably soon put out a clear, simple statement of
15 what the NOP's position is on the question of whether a
16 farmer board member can be certified by his or her own
17 organization, and if so under what restrictions, because we
18 heard the version with no restrictions.

19 We heard the version never at all, and we heard a
20 version under certain circumstances. So there's three
21 possibilities.

22 In the interest of making it possible to discuss
23 this issue in a meaningful way, we would appreciate very
24 much reasonably soon a simple, clear statement of the NOP's
25 interpretation of conflict of interest so that we all could

1 be talking about the same policy.

2 MR. RIDDLE: I think it's important to really be
3 clear on exactly what the certification process is and how
4 conflict of interest fits into that and the role of the
5 board versus the certification decision-makers, because
6 right now -- and this is allowed under the rule -- the
7 certified farmer, you know, applies for certification, sends
8 it in, the documents are reviewed.

9 Then they go out to the inspector; an inspection
10 is conducted --

11 MS. BRICKEY: You're going too fast. Slow down.

12 MR. RIDDLE: Really? Okay. We got the
13 application in -- the farm plan. It's reviewed by the
14 staff, typically, just for completeness and ability to
15 comply. Is it even reasonable?

16 MS. BRICKEY: Right.

17 MR. RIDDLE: Then it goes out to an inspector.
18 The inspector --

19 MS. BRICKEY: Now does the staff make a
20 recommendation to the inspector of any kind?

21 MR. RIDDLE: Typically not unless -- there would
22 be two things. If they've identified some red flag issues,
23 they might send that in some instructions to the inspector,
24 or if it's a recertification there are typically conditions
25 that they're certified under.

1 So those would be highlighted either in
2 instructions or a copy of their past certification letter,
3 their agreement, so those are going to be special
4 instructions.

5 MS. BRICKEY: And where do those instructions
6 come from?

7 MR. RIDDLE: From -- well, the first set would be
8 from the staff, the person who reviewed that application.
9 The second type would have been from the certification
10 committee who made the decision last year.

11 MS. BRICKEY: And it might include some defects
12 that need to be cured?

13 MR. RIDDLE: Yeah. It would include their minor
14 noncompliances, their ongoing conditions.

15 MS. BRICKEY: Okay.

16 MR. RIDDLE: So then the inspector is going to
17 get those documents --

18 MS. BRICKEY: Has the inspector ever inspected
19 this farm before?

20 MR. RIDDLE: Oh, yeah, oftentimes. And the rule
21 sets no limits on how many times you can inspect the same
22 operation. Most certifiers set limits of no more than three
23 inspections of the same operation in a row by the same
24 inspector, but that's a policy that's beyond the scope of
25 the rule really, because a number of states will send the

1 same inspector forever -- for years.

2 So that's not addressed in the rule. Okay.

3 Then the inspector reviews all that file before
4 they make the appointment. And then when they make the
5 appointment, they're going to highlight some of these red
6 flags oftentimes, just in conversation to make sure the
7 operator is prepared to deal with them.

8 MS. BRICKEY: Before the inspector comes?

9 MR. RIDDLE: Before they arrive. I mean, I
10 would. And a lot -- we're instructed to, just so you don't
11 have surprises.

12 MS. BRICKEY: But I thought surprises were a
13 hallmark of regulatory inspection.

14 MR. RIDDLE: That's a different kind of surprise.
15 This is like -- are you -- do you have the letter of your
16 conditions -- this is not a big deal.

17 The inspector needs to review it and then set the
18 appointment, and they are pre-scheduled, this type of
19 inspection.

20 MS. BRICKEY: So you know they're coming?

21 MR. RIDDLE: They can be unannounced, but that's
22 not what I'm describing. I'm talking about the typical
23 inspector.

24 MS. BRICKEY: Okay.

25 MR. RIDDLE: Go conduct the inspection,

1 comprehensive, gather all of the information, especially
2 focusing on any special instructions or minor noncompliance
3 issues to verify how those are being addressed, but also
4 making sure that the plan -- the farm plan or handling plan
5 is accurate -- that's a requirement -- and that it complies
6 with the rule.

7 So two different things: that it's accurate and
8 complies with the rule.

9 And then submits a comprehensive report of
10 findings which may or may not recommend for certification of
11 operation, but it needs to summarize all of the
12 noncompliance issues, and --

13 MS. BRICKEY: So it may or may not make a
14 recommendation?

15 MR. RIDDLE: An overall recommendation on the
16 certification status. That's -- the rule doesn't prohibit
17 that. Some certifiers want it. Most certifiers these days
18 don't require the inspector to make an overall
19 recommendation on the status.

20 Some explicitly say do not make a recommendation,
21 just summarize all of your findings.

22 MS. BRICKEY: Okay. Mark.

23 MR. KING: If they did not make a recommendation,
24 then what would the process be of that particular certifying
25 entity? In other words, to arrive at a decision; do you see

1 what I'm saying?

2 MR. RIDDLE: The process is not different. It's
3 just they've got a little --

4 MR. KING: Well, sure it is.

5 VOICE: No.

6 MR. RIDDLE: No. It's still only the inspector's
7 opinion.

8 MR. KING: Okay. All right.

9 MS. BRICKEY: No final action has been taken.

10 MR. RIDDLE: None at all. No decision has been
11 made. But another thing that's clear under the rule, the
12 inspector conducts an exit interview with the operator,
13 where they summarize their findings and identify the
14 potential noncompliance issues and identify any missing
15 information so that the operator can submit missing
16 information. They have to conduct an exit interview.

17 Now -- and once they've compiled the report, it
18 goes into the office, and different certifiers have
19 different structures of what happens next, whether it's a
20 team of staff members or a certification review committee
21 that reviews all of the information -- the inspector's
22 report, the organic plan, supporting documents, labels.

23 Everything that has come in, they review it
24 against the rule and their own -- what we call standards,
25 but may be called guidelines -- that provide flesh to the

1 bones of the rule.

2 But they review it for compliance and they make
3 the decision. And that body -- the decision-making body,
4 clearly under the rule, can be comprised of certified
5 operators, certified by that certifier -- that body.

6 MS. BRICKEY: So that's a committee, the body
7 you're now talking about is a certifying committee?

8 MR. RIDDLE: Yeah, a certification --

9 MS. BRICKEY: And that might be staff members you
10 said?

11 MR. RIDDLE: It could be staff members, or it
12 could be farmers. It could be some farmers, some
13 processors, some buyers and one staff member. That's not
14 unusual.

15 The staff member compiles it all, presents it to
16 the other members and a decision is made.

17 MS. BRICKEY: So is everybody on that committee,
18 other than a staff member, a volunteer in the organization?

19 MR. RIDDLE: That varies from program to program.

20 A number of programs these days actually pay their review
21 committee members a nominal fee to serve, because it's a lot
22 of work.

23 MS. BRICKEY: If I apply under a private scenario
24 and I don't get certified, it costs me the same as a farmer?

25 MR. RIDDLE: Oh, yeah, yeah. You pay whether you

1 get certified or not.

2 I know of one state program that under state law,
3 the certification decision is made by a board of
4 stakeholders, of farmers. It's not even made by the state
5 itself. They sign off on it. It's a state certificate, but
6 the decision was made by the stakeholder --

7 MS. BRICKEY: So if you're a farmer on one of the
8 certifying committees, do you vote on your own
9 certification?

10 MR. RIDDLE: Absolutely not, and you don't vote
11 on any files where you have a conflict of interest. If it's
12 a close competitor, a family member, someone you do business
13 with, someone you've provided consultancy to, you would have
14 to recuse yourself from that file.

15 But if you're the inspector who conducted that,
16 you do not vote on it at all. You can be called in for more
17 information, but you are not part of that decision-making
18 team ever. But you could be an inspector and be certified
19 by the same certifying agency that you work for under the
20 rule, so long as it's the separation of conflict of
21 interest.

22 MS. BRICKEY: So then what are the appeals
23 procedures?

24 MR. RIDDLE: Well, right now they're quite
25 different. They're all internal. Under the rule the

1 appeals go outside of the certifying agent and into a
2 government appeals process. That's real clearly defined.

3 MS. BRICKEY: But I'm talking about now.

4 MR. RIDDLE: Right now? Well, it varies. They
5 may appeal back to the original decision-making board in the
6 first instance at what's called in the rule a rebuttal where
7 they challenge that decision, and false information or
8 incomplete information was submitted, and they clarify
9 issues and they get it reversed. That can happen.

10 Or if they're not happy with that first level,
11 then they can take it to the board. Of course, if it's a
12 state program they can take it into court and mediation --

13 VOICE: That varies from -- our program it goes
14 to an executive committee, it doesn't go to a whole board.

15 MS. BRICKEY: And who's on the executive
16 committee?

17 MR. RIDDLE: It's the president, the secretary,
18 the treasurer and three representatives from the board.

19 VOICE: From the board.

20 VOICE: So then --

21 VOICE: I'll bet you Phil's organization is
22 different.

23 MR. LaROCCA: Yeah.

24 MR. RIDDLE: Come to the mike. Please be on the
25 record.

1 MR. LaROCCA: Jim has covered it fairly well.
2 But Eric made a great point. We totally function different.

3 We have a level where -- we have a two-tier level
4 where it goes to a chapter system, which according to the
5 rule is okay, which is set up mostly by farmers in that
6 particular chapter.

7 Again, we have exemptions, for example, the same
8 crop. You can't sit on your same crop. A rice farmer
9 wouldn't sit on another rice farmer.

10 After that, a recommendation is made at that
11 level. It is then sent to the staff, which is totally paid
12 employees that deal with it. In our case we're broken up
13 into two divisions: crop, livestock, processing, on that
14 side. Those are all staff people.

15 As a board, the board of directors of CCOF never
16 sees any of the certification. The only time in ten years
17 since I've been there on the board, I think we had a case
18 where -- mostly economic crises -- economic exemptions from
19 having to pay, and it didn't get solved in the lower level.

20 That's it.

21 We never make a decision on the certification.
22 We hire the executive director who just basically runs the
23 ship. He is not -- or she -- is not involved in any way
24 whatsoever in terms of the certification of any particular
25 farm.

1 And this is what disturbed us at CCOF is that
2 we're totally, totally out of the loop. In all honesty --
3 and I don't want to kick up some dirt, but Jim kind of hit
4 it -- we have other levels of committee people that are
5 farmer members that are linked, but that's okay in the rule.

6 But the board -- and even though -- for example,
7 one of the things is we set the budget. We have set our --
8 we're working on setting the 2002 budget right now, so
9 there's no plan in advance of how this could be a conflict
10 of interest, of how we can manipulate anybody on the staff
11 because our budget for that year is set a year ahead of time
12 before certifications are even done. That's "a."

13 "b," again, the other link is with the executive
14 director. Our executive director at CCOF has nothing to do
15 with the final say on the certification.

16 And again we have our two-tier system. If it
17 doesn't work on the first tier, then we have what's called
18 our certification committee, which is made up of people from
19 the individual chapters, most of which right now are paid
20 employees.

21 There are still some farmers on the board, but
22 the majority at this time are paid employees. Zia sits on
23 it in our case, and we have staff members. So in that
24 situation there, we have more paid and nonrelated farm
25 people on that committee than we do actual farmers at this

1 time.

2 So we have this link --

3 MS. BRICKEY: What percentage of certification
4 fees then would make up your budget approximately?

5 MR. LaROCCA: The majority is made up by
6 certification fees.

7 VOICE: That's not true of every farmer
8 certification organization.

9 MR. SIDEMAN: In ours, certification fees are a
10 tiny part of the budget. Minuscule.

11 We're at the point where Phil said I've worked
12 for [unintelligible] for twenty years, and our board has
13 never in twenty years made a decision or seen an application
14 for certification.

15 The only contact is they hired the executive
16 director who is responsible for the rest of the staff --

17 MS. BRICKEY: And set the budget?

18 MR. MATHEWS: But just for clarification --

19 VOICE: The board sets the budget.

20 MR. MATHEWS: -- your board members who are
21 setting budgets and ultimately responsible for hiring and
22 firing are --

23 MR. LaROCCA: One person.

24 MR. MATHEWS: -- well, you have the
25 responsibility for the top dog.

1 MR. LaROCCA: Correct.

2 MR. MATHEWS: Who then has the responsibilities
3 for the others.

4 MR. LaROCCA: Correct.

5 MR. MATHEWS: So you could tell the top dog what
6 he has to do; correct?

7 MR. LaROCCA: We have too many checks and
8 balances for that to happen, because you have --

9 MR. MATHEWS: Okay. So you would --

10 MR. LaROCCA: If you were to go to the top dog
11 and say, I want this person certified --

12 MR. MATHEWS: No, no. What I'm talking about is
13 you put pressure on the executive director to terminate
14 somebody.

15 MR. LaROCCA: To terminate an employee?

16 VOICE: Yes, that's what he's talking about.

17 MR. LaROCCA: Usually, according to -- you know,
18 our corporate structure, you know, it's illegal to do that.
19 I mean, you could say, yeah, we could do it, but anybody on
20 this board can be lobbied by somebody outside and slip
21 money. It's illegal, but it still can be done.

22 So in our case, what you're saying that we can do
23 can be done, but it's technically illegal.

24 MR. MATHEWS: But the point I'm making is that
25 you have got people being certified by people who answer to

1 the person that you hire.

2 MR. LaROCCA: Not necessarily, because there's
3 also -- we have a two-tier system. First, it also has to be
4 -- you have the staff on one side, but we also have our
5 individual chapters in that the -- what we call the CSC --
6 the certification committee.

7 So they have to be synced up. And nobody is
8 paying -- see, those are all volunteer people. So they're
9 not really linked.

10 They can come back and say -- if the staff comes
11 back and says, this is certification, the CSC committee can
12 come back and say to staff no, we found these problems here.

13 So there has to be an agreement on the two
14 levels. And then we have -- if the two parties can't get
15 together, it comes to this committee that's set up to
16 oversee that.

17 Jim.

18 MR. RIDDLE: Phil.

19 MR. LaROCCA: I thought you raised your hand.
20 I'm sorry.

21 MS. BRICKEY: This is a talking head show.

22 What other descriptions --

23 VOICE: Dave had his hand up.

24 MR. CARTER: Well, in this scenario that you laid
25 out, Rick -- you know, the pressure being put on, I mean,

1 that is -- that would be just ripe for a wrongful
2 termination lawsuit then under --

3 VOICE: Absolutely.

4 MR. CARTER: I would think the legal things would
5 be --

6 MS. BRICKEY: Well, that may be, but the fact is
7 it could happen. It doesn't mean it's going to happen. It
8 doesn't mean it has happened.

9 MR. CARTER: I'll tell you what: The fear of
10 wrongful termination lawsuits, for anybody that's in an
11 administrative position --

12 MS. BRICKEY: But that doesn't cure --

13 MR. CARTER: -- if you don't adhere to
14 considerations --

15 MS. BRICKEY: Curing a conflict of interest is
16 not based on whether or not people are worried about
17 lawsuits.

18 VOICE: This is one of the things that has always
19 bothered me. Looking into like the medical profession and
20 the legal profession, they're regulated by themselves. Not
21 only that -- you know, I have friends that are criminal
22 attorneys. If there's a problem in criminal law, they have
23 to go before -- before they go in front of the main board,
24 they go before a board made up of criminal attorneys to
25 judge that.

1 So what you're saying here is that's fine in
2 every other sector except in the organic industry. And what
3 actually really irks me is you've got to remember, people --
4 and I hate to say it -- but we started this thing.

5 CCOF, we got the ball rolling for certification,
6 and it has worked for thirty years. We have not had any
7 complaints on a conflict of interest in thirty years.

8 MR. LOCKERETZ: Point of order, Madam Chairman.
9 How late can we run?

10 MS. BRICKEY: Not too much longer.

11 MR. LOCKERETZ: That's not a good enough answer,
12 Madam Chairman.

13 MS. BRICKEY: Do you want me to cut it off?

14 MR. LOCKERETZ: We have two more items, and I
15 want to have a sense of how much time we have so I can
16 manage the time.

17 MS. BRICKEY: Well, it's twelve o'clock. We need
18 to adjourn pretty soon for lunch because I promised George
19 we'd have time to go on our picnic.

20 MR. LOCKERETZ: Okay. I think we will be
21 considering conflict of interest --

22 VOICE: Yeah, I appreciate the time.

23 MR. LOCKERETZ: -- the accreditation -- I
24 happened to be looking at you at the moment, but I didn't
25 have you in mind in particular.

1 But just to reiterate, because we've gone off in
2 different directions -- what we would like -- clearly, this
3 is an area not only of contention but of difference of
4 understanding of what the current situation is.

5 We would appreciate from the NOP reasonably soon
6 a statement of their interpretation of whether farmer board
7 members can be certified by their own organization ever.
8 And if so, under what constraints or circumstances.

9 MR. MATHEWS: I can give you a partial answer
10 right now.

11 The regulation basically says if you are a board
12 member, you cannot be certified by your certifying agent.
13 It never says that you cannot be certified. It just says by
14 the person you're serving on the board for.

15 Now, that's the way the regulations read. The
16 regulations do not prohibit all of these farmers in these
17 organizations from continuing to do certification
18 activities. All it has said is that these people out here
19 pulling the strings on the organization, however many of
20 them there are, they need to be certified by somebody else
21 if they're going to get certified. That's all it says.

22 All of the farmers still can participate in the
23 process as they always have.

24 Now, what we've got is that the certifying agents
25 are telling us that doesn't work for them. So we've said to

1 them, tell us what does. And we're trying to work through
2 that.

3 MR. LaROCCA: Yeah, if I may -- and then I'll
4 step down. What Richard said is pretty clear to us. We
5 know what the rule says, at least from our organization.
6 We're trying to work with it.

7 My point of contention here is, I think that the
8 NOP totally misinterpreted or doesn't understand exactly how
9 most certification agencies run, because the board of
10 directors really doesn't have that much say in
11 certification.

12 And that's -- I just ask that you look at that,
13 because I think you are wrong in your interpretation of this
14 conflict. I do thank you for your time.

15 MS. BRICKEY: Rose.

16 MS. KOENIG: I just have -- just a couple of
17 points. One is that, you know, as far as comments and what
18 I've been receiving in e-mail -- I mean, this is continually
19 coming up and it just seems to be a battle of -- I mean,
20 there needs to be some kind of compromise or understanding
21 because it's just not working.

22 Each meeting we're coming to, we're again butting
23 heads. So what I'm suggesting is we need to search for some
24 kind of compromise.

25 What if -- I mean, the rules are pretty stringent

1 in what they say. But what happens if farmers can still
2 remain on the board but they don't make up the majority of
3 the board so that --

4 MS. BRICKEY: We discussed that yesterday. Don't
5 go there. It doesn't remedy any conflict of interest
6 problems.

7 MS. KOENIG: Well, I just -- you know, I -- you
8 have to be sympathetic, and I think that the history of all
9 these organizations -- there is a strong history, and maybe
10 it's something that everybody is just going to have to
11 bite the bullet and follow in terms of the regulations,
12 but --

13 MS. BRICKEY: Well, I just want to urge CCOF and
14 any others that -- Eric's group and others -- that are
15 working through this to come up with a solution to continue
16 doing that.

17 I think it would be a big mistake to go back to
18 where we were six months ago on this issue.

19 MR. SIDEMAN: You're saying -- by "continue doing
20 that," you mean come into compliance with the rule as
21 written?

22 MS. BRICKEY: Right.

23 MR. SIDEMAN: Because my big problem is that we
24 in the long run are not going to have to come into the rule
25 as written, and I don't want to have to come into the rule

1 just for a short time period.

2 That's the worst case scenario to me, is for us
3 to pay lawyers for something that's going to be turned
4 around in two years.

5 MS. BRICKEY: Sure.

6 MR. RIDDLE: And it also becomes a question of
7 when the accreditation review happens, if you haven't made
8 the changes to your structure, will this be a whole point
9 that prohibits you from being accredited, or will it be an
10 ongoing minor noncompliance that you need to fix, and you
11 can still be accredited with minor noncompliances with some
12 structural things, is my understanding, at least under ISO
13 you could. And which category is it?

14 And that's something that we'd like to get
15 some --

16 VOICE: That would be very, very helpful.

17 VOICE: Is that [inaudible] of asking that
18 question? Are both of those questions in there or just the
19 one saying that you want [inaudible]

20 MR. LOCKERETZ: Well, it's sort of part of the
21 previous business about ability to comply. It's a
22 question of whether you have to have all your ducks in a
23 row on a given date. It's kind of subsumed in that, I
24 believe.

25 VOICE: Again, don't subsume it. Don't embed it

1 [inaudible] put a date on it is my recommendation.

2 MS. BRICKEY: Bob.

3 MR. ANDERSON: I just heard something, and it
4 struck me that -- maybe the clarification helped. But it
5 seems to me that the conflict of interest that everybody is
6 talking about in this board -- the board hires staff, and
7 therefore influences staff, and that that can have an impact
8 on certification.

9 The certification is set separately, and staff is
10 taken off a voting decision-making process in the
11 certification process and all organization. Would that
12 eliminate the conflict of interest of the certifiers and the
13 boards hiring staff and then influencing staff who influence
14 certification?

15 MS. BRICKEY: It would depend, I think, on
16 whether you have other managerial issues that the
17 board deals with. You'd have to look at that pretty
18 close.

19 MR. ANDERSON: But I mean, if you think of this
20 as a staff issue and a board issue and a certification
21 issue, maybe it gets more clarified, because it's the
22 influence on staff that seems to be the conflict you're most
23 concerned with.

24 MS. BRICKEY: At the meeting that I attended at
25 Ego Farm -- and Phil was in that meeting with Keith and me,

1 I thought that was what Keith was indicating, that those are
2 the issues that need to be resolved.

3 MR. SIDEMAN: In addition to staff, they're
4 concerned about budget too. But the board sets the budgets
5 for the certification --

6 MS. BRICKEY: But there's managerial involvement
7 here.

8 MR. SIDEMAN: Staff is not the only problem.

9 MR. RIDDLE: My point is the real conflict of
10 interest concern is dealt with in this rule by excluding any
11 person, including contractors, with conflicts of interest
12 from work discussions and decisions in all stages of
13 certification process for operations, for entities in which
14 such person has held a commercial interest, et cetera.

15 That's the firewall that we all agree to, and
16 that's the real conflict of interest issue and we're dealing
17 with it.

18 MR. LOCKERETZ: I think by now Rick knows what
19 the various versions are, and what we're calling for is kind
20 of a clear statement of where NOP -- NOP's interpretation of
21 all these. I don't think we have to rehash the arguments.
22 We've heard them four times.

23 MS. BRICKEY: All right. Willie, what else?

24 MR. LOCKERETZ: Two more items. I don't know --
25 I'll go through them quickly. NOP has on its website

1 questions and answers concerning -- it says to give advice
2 -- we're supposed to look at that website questionnaire
3 [unintelligible] to give advice on subjects for policy
4 guidance.

5 Well, this was both an easier and a more
6 difficult job than I thought it would be. It was easier
7 because there was one frequently asked question, and it was
8 more difficult because there were two answers.

9 The frequently asked question was what other
10 ingredients could -- you have it all -- I handed it out from
11 the website, but if this is too small for you to read, the
12 answer, but not the question was in the minutes from the
13 March meeting, section 3, starting on line 625 in slightly
14 larger type face.

15 The question was what other ingredients, besides
16 organic agricultural products, could be in items labeled
17 made with organic. This came up in March.

18 And there's an answer to it. And then after --
19 the response. After the answer it says, "To further clarify
20 the Department's intent" -- that word "clarify" is not mine
21 -- comes an answer which I read at least ten times and I
22 couldn't wrap myself around it until I finally realized what
23 was wrong with it.

24 It says that it must contain at least 70 percent
25 organic agricultural ingredients that have been produced

1 without the use of basically materials that are not allowed.
2 But of course organic or agricultural ingredients must be
3 produced without those materials and with lots more other
4 restrictions as well.

5 So there are really three classes of ingredients.
6 There's the organic agricultural products, must be more
7 than 70 percent.

8 There are agricultural products not raised
9 organically, and those can't use GMO, irradiation or sewage
10 sludge, but are exempt from the other requirements in
11 organic because they're not organic. And then there are the
12 additives, the synthetic products, and they have to be in
13 accordance with the National List to what is allowed or not
14 allowed.

15 So I found that this was rather confusing, and I
16 was a little distressed because I thought if a question is
17 asked frequently, it must be one that there's a lot of
18 confusion over, and I was hoping to find plain English.

19 And what I found was kind of the same legalistic
20 language that the original rule was written in that gave
21 rise to this question to begin with.

22 So coming back to the point that there was only
23 one question listed, we were told there would be five. I
24 hope -- I recommend that we do have at least five, but I
25 make that recommendation with great trepidation, because I'm

1 thinking of the joke about two ladies at the
2 [unintelligible] Hotel. That's the Catskill Mountains for
3 those of you who don't know.

4 One says to the other, Gee, the food here is
5 terrible.

6 And the other one says, Yeah, and the portions
7 are so small.

8 So I hope that both quantitatively and
9 qualitatively -- this FAQ concept was a very good one, but I
10 hope that both qualitatively and quantitatively at a date at
11 the Department's convenience can be improved.

12 VOICE: Plain language.

13 MR. LOCKERETZ: Plain language.

14 MR. CARTER: And just to follow up on that
15 because I think that's [unintelligible] what a lot of folks
16 -- when they start to express an interest in a topic area
17 and they go into websites, the first place you go is the
18 FAQs.

19 And if we have folks that are starting to say,
20 Huh, I might want to see what it would take to become
21 organic or whatever, and they go in there and they're
22 reading this, they're going, Oh, my God, I don't want to go
23 there. This is -- you know.

24 Now, to -- and I know that there's a staffing and
25 a time issue and that there's some way that some volunteer

1 group can take these five things and translate them into
2 some English and --

3 VOICE: [inaudible]

4 MR. CARTER: Yeah, it would be helpful.

5 MR. LOCKERETZ: Other comments on that quickly.

6 VOICE: Well, we support plain English.

7 MR. LOCKERETZ: We support plain English. Okay.

8 I'm not sure what you mean by that.

9 VOICE: He's getting profound now.

10 VOICE: [inaudible]

11 MR. LOCKERETZ: Yeah, we have --

12 MS. KOENIG: I think again -- perhaps when we
13 think about the information committee and outreach, this
14 might be something that could be addressed as one of our
15 areas because it's user friendly -- you know, looking for
16 user friendly things, what farmers are going to access in
17 terms of information.

18 So perhaps that might be something --

19 MS. BRICKEY: What we need to do is if we're
20 going to ask the NOP to do plain English, et cetera, et
21 cetera, is we need to give them some feedback on some of
22 these documents before they're put on the web and give them
23 some suggestions about how to do that.

24 They may not be able to incorporate them all, but
25 that's a more constructive way to proceed.

1 MR. LOCKERETZ: Jim.

2 MR. RIDDLE: Well, one thing, when the rule was
3 published, there was this summary in plain English that is
4 on the web, but, you know, maybe reshaping it and putting it
5 as a frequently asked -- you know, kind of packaged
6 question, you know, what's this rule all about.

7 And then it's there -- you know, again. At least
8 somebody will get something practical and useful out of the
9 FAQs besides us wonks.

10 MS. BURTON: It just sounds like maybe Rosie's
11 committee could help draft the layman language to these
12 questions.

13 MS. KOENIG: Because I mean, some of the
14 organizations that I'm going to propose as far as that
15 committee have specializations in extending information to
16 end users. And I think that that's the expertise that's
17 probably needed to review that kind of stuff.

18 VOICE: [inaudible]

19 MS. KOENIG: Yeah, but with feedback. But I
20 think some people just don't realize that that's an area of
21 expertise.

22 MR. LOCKERETZ: There's one more item. Do you
23 want it -- it's just noon now. Jim was going to run through
24 the principles of organic production. How long --

25 MS. BURTON: That's taken about fifteen years.

1 VOICE: Lunch time.

2 MS. BRICKEY: You can have about ten minutes when
3 we get back to do that.

4 VOICE: Where is it at right now? Was it handed
5 out or was it in the book?

6 MR. LOCKERETZ: It's in the book. It was by
7 mistake put under tab 7. It should really have been under
8 tab 8. You've gotten this already. This is just -- nothing
9 has changed since the May 7th date I don't believe.

10 So if you could discuss that briefly when we come
11 back after lunch.

12 MS. BRICKEY: All right. We're going to break
13 for lunch. We're going to make a concerted effort to be
14 back here in an hour and a half.

15 [Luncheon recess.]

16

17

18

19

20

21

22

23

24

25

1

2

AFTERNOON SESSION

3

[1:38 p.m.]

4

MS. BRICKEY: Let's get started, please.

5

6

7

8

I'd like to begin with a discussion of the principles of organic production and handling. Jim Riddle developed this document, so he's going to explain what we're doing and why we're doing it.

9

10

11

12

13

MR. RIDDLE: Right. And for board members that are here, it's tab 7 in your package. And for the -- especially members of the public who haven't had a chance to see this document yet, the intent coming out of the March meeting was that a draft would be posted.

14

15

16

17

18

It didn't get posted even though it was circulated among board members and former board members, and I received comments from about half of the board members and I think four former board members and constructed a second draft.

19

20

21

22

23

That second draft is what's in the packet. So our intent today is to move this as an Accreditation Committee draft -- statement of principles for the board that would then definitely be posted and public comment sought for adoption in October.

24

25

So that's the time frame that we're working under. And the purpose -- there has been questions, you

1 know, about why does the NOSB need a statement of
2 principles. Well, there's several responses to that.

3 Typically, standards in the organic industry have
4 begun with statements of principles. Codex begins with a
5 statement of principles. IFOAM standards begin with a
6 statement of principles.

7 The AOS does. Most private certifiers do. But
8 the principles as a document really doesn't have a place in
9 the rule and OFPA doesn't have it, but the NOSB needs to
10 have principles or certainly can have a use for principles
11 for several reasons.

12 One is in materials review. Criteria number 7 is
13 is this material consistent with the principles of organic
14 production -- something like that -- or sustainable
15 agriculture, depending on which version of the criteria
16 you're looking at.

17 Well, unless we have a clearly defined, agreed-on
18 statement of principles, then it's up to every individual to
19 define principles for themselves. So it has a purpose in
20 materials reviews so that we all are operating from the same
21 page.

22 Also, as we consider new sectors coming forward,
23 do they fit with the organic vision, the organic principles
24 that gives us a yardstick to consider new sectors is
25 another, and then also to provide guidance and information

1 to the public just on what organic means, that we've had the
2 discussion and this is what the NOSB says, not in a
3 technical document, but in a statement of principles.

4 So that's some of the rationale for moving
5 forward with this. And then the document itself is not just
6 drawn up out of thin air, it was developed from several
7 source documents, notably the Principles of the AOS, which
8 were drawn from Codex and IFOAM principles and were
9 subjected to three rounds of public comment and vote by the
10 OTA board.

11 So that was the root document for draft one, and
12 now the NOSB members have had some input and we're looking
13 for further input and further public input. So that's what
14 we have going.

15 I don't know -- I think just real quickly for
16 members of the public to see that it actually exists --

17 VOICE: Some of us got it yesterday.

18 MR. RIDDLE: There were a few copies.

19 VOICE: There were quite a few copies.

20 MR. RIDDLE: There were quite a few copies. Oh,
21 good. Well, we aren't going to take much time on this.

22 I certainly am not going to thrill you with my
23 reading skills, but the first introductory overall paragraph
24 is right out of the NOSB's definition of organic. So that's
25 where the root of that is.

1 So it's based in the past recommendations and
2 deliberations of the NOSB.

3 The only comment that I would have, Carolyn asked
4 me if this document accomplishes everything that's needed.
5 And my response, the only deficiency I see is if there's
6 enough on livestock of what are the principles of organic
7 livestock production.

8 The only direct reference of livestock, "Provide
9 livestock with optimum living conditions that promote their
10 health and well-being," and also the thing about utilizing
11 breeds that are well adapted to the region.

12 And of course how we deal with their manure is
13 part of it as well. But that's just something to be
14 thinking about as you consider -- as we move towards the
15 final draft, do we need to say more clearly about livestock.

16 Otherwise, it lays out the principles of handling
17 in a separate section. And it's also important to note:
18 These are goals. These are not standards, these are not
19 rules. This is the vision as well.

20 So are there any questions or comments? It's the
21 second page. And it also clearly identifies genetic
22 engineering as not being consistent with the principles of
23 organic agriculture at the most basic level, and then also
24 stating that organic is not a residue-free claim
25 essentially, just by definition.

1 MS. BURTON: We were having a brief discussion on
2 our walk back, and one of my concerns with this -- and I'd
3 like to get clarification on it -- if this is going to be
4 some principles for the board, which I understand that and I
5 agree that we all have to have a foundation for us all to
6 agree upon, but yesterday Eric was talking about the
7 greenhouse standards.

8 And he said if we had adopted our principles of
9 organic production, this would not fall into that. And I
10 would hate for us to get into a pissing match, so to speak,
11 amongst each other because we don't -- we all have different
12 philosophies and we all have different views and visions of
13 our roles and our goals as a board.

14 So to have this as a document that we're going to
15 keep referring back to and be bound by in our decision-
16 making makes me kind of shaky.

17 MR. RIDDLE: Well, if it's overly proscriptive --

18 MS. BURTON: Right.

19 MR. RIDDLE: -- then we need to pull out some of
20 the precision so that it can be the principles that we all
21 do agree on, and that the board can --

22 MS. BURTON: But it should be a foundation and
23 not necessarily something I'd say, Well, Jim, you're not
24 following principle number 1.23. I would hate for it to get
25 to that level.

1 MR. BANDELE: I just want to clarify. On the
2 greenhouse example, I have modified that hopefully to meet
3 those questions that Eric had. But there may be some other
4 situations [inaudible]

5 MR. RIDDLE: Dave.

6 MR. CARTER: Yeah, I guess when I'm looking
7 through here -- because I think overall this is a very good
8 document. But one of them that [unintelligible] me a little
9 bit that I think is a little bit micromanaging, but 1.5
10 where it says, "Organic standards require that each
11 certified operator must complete and submit for approval by
12 a certifying agent an organic plan detailing the management
13 of the organic crop, livestock," et cetera, and so on, is a
14 little bit more into procedural tools thing.

15 And to me that's not a principle. A principle of
16 organic production is not filling out paperwork and the
17 like. It's, you know, building up soil diversity and
18 biological strength, so --

19 MR. RIDDLE: I think that's a point well taken.
20 But we have to also keep in mind that organic is certified
21 organic as well, and so there are some principles of organic
22 certification --

23 MR. CARTER: I would distill that down a little
24 bit.

25 MR. RIDDLE: If you can submit anything to do

1 that, that would be much appreciated.

2 MR. SIDEMAN: I want to disagree with what Kim
3 said because I think -- just as you introduced this
4 document, you said that this will be a guiding document that
5 we use when we consider new sectors of organic production
6 and whether they meet the principles.

7 I think we do that. You're right that they
8 shouldn't be so proscriptive that they're guidelines on
9 themselves. But they have to be principles that everything
10 is measured against.

11 VOICE: It is a measuring device.

12 MR. LOCKERETZ: They should be consensus
13 principles of course, but they shouldn't be so consensus
14 that they's absolutely devoid of content. There should be
15 something real here, and so -- and I think it is.

16 These are things that matter. They are somewhat
17 different; they're somewhat open to a little bit of
18 interpretation in an application case by case. But the
19 principles themselves are not trivial, nor should they be.

20 And this means if a sector is thrown out as
21 organic because it's in fundamental violation with these
22 principles, the sector goes in my opinion. These should
23 have some real moral force behind them, which I believe they
24 do.

25 And so to come back to Kim's question, yes, we

1 differ on the specifics of the principles of the organic
2 production. That's the reason for having a document,
3 because we differ.

4 If everybody were in total agreement, then there
5 would be no need for this.

6 But on the other hand, that doesn't mean you're
7 free to say that organic is whatever you want to be, and
8 therefore you don't accept these principles.

9 The need for such a thing I think was clear in
10 the aquatic -- the wild aquatic group because,
11 interestingly, both those who favored organic standards for
12 wild caught fish and those who opposed organic standards for
13 wild caught fish appealed to principles of organic
14 agriculture, except they appealed differently.

15 That confirms for me the need to have a consensus
16 document going, the important principles of organic
17 agriculture. But I agree with the point that where you can
18 shorten it, do so, so that the petty doesn't get mixed in
19 with the really important stuff.

20 MS. KOENIG: But the function of the principles
21 is not -- I guess what Eric is saying and sort of back to
22 Kim's point -- we're assuming that of course any organic
23 system to a greater or lesser degree is going to meet each
24 of those principles.

25 So, minimally, they would have to meet the

1 principles, but each operation -- you know, there are
2 certain operations that may be able to accomplish that in a
3 better approach.

4 So it's sort of like a consensus of generally
5 what they needed. And I think, Kim, that that should
6 alleviate some of the detailed specific examples because
7 something that didn't meet some of those -- say, one
8 principle -- to even a small degree probably wouldn't be
9 considered organic.

10 MR. LOCKERETZ: Provided the principles are the
11 must-haves, you know, the really important stuff, the
12 essence of organic agriculture. We can hold anything
13 consistent with that.

14 As far as the minutia, well, a little room for
15 adaptation and compromise is appropriate.

16 MR. SLIGH: Two quick questions. One is the
17 timeline for public comment. If you're going to put this up
18 on the web or you're going to do something -- you're going
19 to ask the public to say --

20 MR. RIDDLE: A good point. Is 30 days
21 reasonable?

22 MR. SLIGH: Tell us something certain. I think
23 that would be the most important thing.

24 MS. CAUGHLAN: This form is on the website, but
25 as we work with it, 30 days --

1 MR. LOCKERETZ: [unintelligible] version of May
2 7th is on the website.

3 VOICE: Ask for public comment?

4 MS. BRICKEY: Draft two.

5 VOICE: There's not an [unintelligible]

6 MR. RIDDLE: Yeah, that's what I'm saying. I
7 think we need to be clear that you're seeking comments. And
8 it kind of goes to my earlier concern that you need to be
9 careful about -- either being very consistent about asking
10 for public comment or being very clear about those things
11 that you're not seeking public comment for and why, just so
12 that there is that sense of we know the rules of engagement.

13 MR. LOCKERETZ: This one we definitely are
14 seeking public comment on without question.

15 MR. SLIGH: Okay. And then my second question
16 is, if this is kind of a principles-vision kind of thing
17 that helps guide you in a number of ways, including this
18 question about its materials and their compatibility with a
19 system of sustainable agriculture, then you're not assuming
20 that what's in here is all yet implemented in the vision of
21 organic agriculture; is that correct?

22 I mean, this is partly a placeholder for
23 principles that may move into the implementation over time;
24 is that correct?

25 MR. LOCKERETZ: You mean not implemented in the

1 regs?

2 MR. SLIGH: Yes.

3 MR. LOCKERETZ: You said not implemented in the
4 vision. I don't think you meant that.

5 MR. SLIGH: No, I didn't mean that. Implemented
6 in the regs. Is that correct?

7 MR. LOCKERETZ: Yes.

8 VOICE: Limited by the current rule; is that --
9 contains vision beyond that?

10 VOICE: Well, I'm just looking for --

11 MR. LOCKERETZ: After the fact we would like the
12 regs to reflect these principles, but the order was
13 reversed.

14 MR. SLIGH: Thank you.

15 MR. RIDDLE: In answer to your first question
16 about the timeline, I guess I would propose to the board a
17 date of July 31st to have comments back. Does anyone object
18 to that? That works for me to do a third draft by that time
19 based on comments both from the board and the public by July
20 31st.

21 VOICE: Jim, I wonder -- and Rick -- maybe when
22 things have --

23 VOICE: Could we go in order?

24 VOICE: Oh, I'm sorry.

25 MR. HARPER: I just have a quick comment. It

1 sounds like on the web page, we maybe should have a little
2 section that says public comment because we're getting quite
3 a few things that need public comment on. Just have a
4 little section for public comment. Seeking public comment.

5 VOICE: NOSB seeking public comments, so it's not
6 confused with some kind of a rule change. NOSB.

7 MR. HARPER: Right. But it should still be
8 somehow on the front -- you know, like a link that says,
9 under NOSB, seeking public comment, and then it goes to the
10 list of --

11 MS. BRICKEY: So it's not buried.

12 MR. HARPER: Right.

13 VOICE: Is that possible, Rick? Is that a
14 problem?

15 MR. MATHEWS: Yeah, that's doable.

16 VOICE: That's 30 days from when it shows up on
17 the website; right?

18 MR. MATHEWS: Well, I'm proposing a date certain
19 for this of July 31st. But --

20 VOICE: I mean, if it doesn't get on the website
21 until July 30th, that's not a real useful --

22 MR. LOCKERETZ: It's ready to go.

23 VOICE: It's currently on there. I think they
24 might just be able to move it and put that date. That might
25 be easier.

1 MR. SIDEMAN: Well, my comment was going to be
2 that everything we put on the website seeking comment, we
3 should have a closing date. It shouldn't say 30 days. It
4 should say what date the comment has to be --

5 MR. RIDDLE: For each item, yeah.

6 MR. SIDEMAN: And we're putting a bunch up there
7 this time, so we should make sure.

8 MS. GOLDBURG: I think we should also make clear
9 right under the link how you deliver comments, for the sake
10 of clarity. An address or an e-mail address or fax number.

11 MR. RIDDLE: Any other comments either on the
12 document or the process?

13 [No response.]

14 All right. Great. Thanks.

15 MR. LOCKERETZ: The Accreditation Committee is
16 finished, Madam Chairman.

17 MS. BRICKEY: Thank you, Willie.

18 VOICE: Except there was one other thing that I
19 officially -- let me get back to the microphone. I
20 represented the NOSB at the states training and I do have a
21 report on that that I distributed at the informal meeting we
22 had, just organizational, on Tuesday, but some members
23 weren't there yet.

24 I did just want to mention that in public for the
25 record that there is a report, since I was officially

1 representing the NOSB. So that is into the record.

2 MS. BRICKEY: Thank you. Next we're going to
3 move to our technical corrections recommendations.

4 MR. SIEMON: Is the latest draft June 2nd, or
5 which is it?

6 MR. RIDDLE: June 2nd of the technical
7 corrections, yes. It was e-mailed on June 2nd. It's not in
8 your packet, and then it was distributed at that same
9 informal discussion on Tuesday. I handed it out there.

10 It starts off at the top of the page, "Suggested
11 technical corrections." Did you find it? I thought I gave
12 you one here this morning. If not -- did everybody find
13 that?

14 You also might want to have your rule handy to
15 look.

16 MS. BRICKEY: First, Jim, let's quickly recap
17 with Steve. Steve, you were proposing one or two
18 recommendations for technical corrections?

19 MR. HARPER: One for sure is a technical
20 correction. The other one --

21 MS. BRICKEY: What was it?

22 MR. RIDDLE: It's also number 13 in this list.

23 MS. BRICKEY: Okay. Great.

24 MR. RIDDLE: It's already on the list.

25 MS. BRICKEY: Go ahead. Please proceed.

1 MR. RIDDLE: Okay. Thank you.

2 So the very first one is -- here's the plan -- is
3 not to vote on every item, but if someone has a serious
4 disagreement or objection to that item, let's set it aside
5 for further committee work, and then let's just isolate it
6 down to the consensus items, and then we can vote on it as a
7 package, either at the end here, or come back during action
8 item votes on the package that we've agreed to.

9 So the first one is in section 238 about
10 livestock. It's just a terminology where it says that the
11 producer must establish and maintain preventative livestock
12 practices, including -- and it lists all sorts of things
13 under that, such as physical alterations.

14 When it says the word "must," it would then
15 logically lead you to require to conduct all of the
16 activities. So I'm suggesting that that be changed to
17 "which may include, but are not limited to."

18 VOICE: Could you -- for those of us who don't
19 have the documents -- the section numbers that you make
20 reference to?

21 MR. RIDDLE: I did, but 205.238. I'm not going
22 to repeat 205 every time, so I'll just go by the last three
23 digits.

24 MR. LOCKERETZ: Is your only problem with that
25 list the performance of physical alterations item?

1 MR. RIDDLE: No. The different livestock
2 operations -- some things are going to fit them and -- I
3 mean, it's making all of those requirements for every single
4 operation.

5 MS. BRICKEY: This is standard language, too, to
6 do it this way.

7 MR. RIDDLE: Which may include, but are not
8 limited to?

9 MS. BRICKEY: Yes.

10 MR. RIDDLE: Yeah, it was taken from other
11 sections with similar lists.

12 MR. LOCKERETZ: But there's a question of content
13 here, not a question of language. The current version says
14 you must do all these things, and to say you may do some of
15 these things is very different in substance.

16 VOICE: I agree with that as far as the --

17 VOICE: Yeah.

18 MR. RIDDLE: It's also saying you must administer
19 vaccines.

20 MR. LOCKERETZ: Well, the ones that we don't want
21 -- must do, I think the way to deal with them is to change
22 the language of the individual ones, like the administration
23 of vaccines and other biologics, as -- you know, as dictated
24 by appropriate veterinary care or something like that.

25 VOICE: When appropriate.

1 MR. LOCKERETZ: Avoidance of physical
2 alterations.

3 VOICE: I just got to hear, does everybody agree
4 -- I'm not a lawyer here -- that the way it says now you
5 must apply vaccines because it says, comma, including? I
6 know it says "must."

7 If you're right, then it's a concern because we
8 don't want to force --

9 VOICE: [inaudible]

10 VOICE: Is that legal in -- I'm not a lawyer.

11 MS. BRICKEY: "Must" is a troubling word for me.
12 It's either -- you either have discretionary authority or
13 you shall do something. I don't know what "must" means.

14 VOICE: I just -- because we definitely want -- I
15 mean, it's tough because some of these you don't want any
16 leniency on --

17 MS. BRICKEY: I think it means to say including,
18 but not limited to. I think that's what it means to say.

19 MR. RIDDLE: You mean already without a change?

20 VOICE: Yeah.

21 MR. RIDDLE: Okay. I'm hearing that there's not
22 a consensus for submitting this. Then we will move on.

23 VOICE: What did Rick say? What was Rick's
24 comment? I'm sorry.

25 MR. RIDDLE: He feels that it does provide the

1 flexibility the way it's currently worded by having the word
2 "including" --

3 MR. LOCKERETZ: The key word is "and" at the end
4 of five which means --

5 VOICE: No.

6 MR. LOCKERETZ: -- that all these things must be
7 done, and if -- I think all these things must be done except
8 that five and six have to be reworded so they're done
9 appropriately.

10 In other words, six, administrative vaccines when
11 required to protect the animal's health.

12 MR. HARPER: Number five already says as needed.

13 MR. LOCKERETZ: That has to do with physical
14 alteration. That's something different.

15 VOICE: This says "and."

16 VOICE: But you said five and six need to be
17 adjusted.

18 MR. LOCKERETZ: Oh, five needs to be adjusted
19 also to say "must not perform physical alterations except
20 when needed."

21 VOICE: It says that [inaudible]

22 MR. RIDDLE: Okay. Let's move on. Clearly,
23 there's not full support for this, so that's fine.

24 The next one is section 271, facility pest
25 management practice standard. And here there's a new term

1 introduced which is materials or substances that are
2 consistent with the National List. "Consistent" is not
3 defined anywhere.

4 And in a close reading it appears to me that it's
5 really talking about materials included in the first couple
6 of sections there, and then later on if you use things that
7 aren't on the National List, here's the steps you have to
8 follow to protect organic integrity.

9 So I'm offering this as a technical correction to
10 replace "consistent with" with "included on the National
11 List."

12 Any --

13 MS. BRICKEY: I think that's useful because
14 "consistent with" implies some kind of equivalency, that
15 there's something that you might be able to use that's
16 consistent with the list, but it's not on the list.

17 VOICE: Right.

18 VOICE: I agree.

19 MR. RIDDLE: Okay. Got a winner.

20 The next one should be pretty easy, too. And
21 that is under temporary variances, section 290, there are
22 three different reasons why temporary variances are linked
23 -- can be granted -- are linked together with an "and,"
24 which would mean that all three have to happen for a
25 temporary variance, and I believe it should be "or" there.

1 MS. BRICKEY: Yes, although I kind of like all
2 these put together myself. And we've had this in
3 agriculture. I'm fairly convinced of that.

4 MR. RIDDLE: Okay. So moving on. Now this one
5 is a little more complicated. It's section 302. It's how
6 do you calculate the percentage of organic ingredients.

7 And in the rule it has that being determined by
8 dividing the total weight of the organic ingredients by the
9 weight of the finished product. And if you do that, a lot
10 of products lose weight during processing by cooking or
11 whatever.

12 And if you divide the weight of the ingredients
13 by the finished products, many times it could be over a
14 hundred percent. And currently it's calculated by dividing
15 the total weight of organic ingredients by the total weight
16 of ingredients minus -- excluding water and salt.

17 So this recommendation is to change that
18 calculation. C.

19 MR. HARPER: I'm not averse to that change. The
20 only difficulty is I didn't get this until Saturday, and I
21 haven't had time to go through a bunch of products and
22 figure out what the effect is -- you know, this language
23 compared to the language before and compared with -- you
24 know, including the intent of -- you know, what we're trying
25 to do to see how it all works.

1 So I'm hesitant to go along with it today just
2 because I haven't had time to work through some examples.

3 MS. BURTON: I concur with that. I'd like to
4 take it back home.

5 MR. RIDDLE: Okay.

6 MR. LOCKERETZ: Clarification, Jim.

7 MR. RIDDLE: Yeah.

8 MR. LOCKERETZ: Do products lose weight in
9 processing other than by loss of water?

10 MR. RIDDLE: Yeah, through just slippage, just
11 loss. Product loss is quite common, and there's other ways
12 that they can lose weight.

13 MR. LOCKERETZ: Does water mean added water or
14 does it mean total water content?

15 MR. RIDDLE: Well --

16 VOICE: Total, which includes --

17 MR. RIDDLE: It's typically added water unless
18 it's a reconstituted ingredient, and then there's a special
19 section for dealing with them.

20 MR. LOCKERETZ: But if your product is juice, are
21 you only talking about the dry matter of the juice or are
22 you talking about the organic ingredient?

23 MS. BURTON: It's the total weight of all
24 ingredients.

25 VOICE: [inaudible]

1 MR. LOCKERETZ: Excluding water -- some --

2 MR. RIDDLE: But that is excluding added water.
3 Water is part of the natural juice of a fruit.

4 VOICE: Well, unless you reconstitute
5 something --

6 MR. LOCKERETZ: No, I'm not talking about
7 reconstitution. I'm talking about juice. It might be a
8 good technical correction to put in "added water" wherever
9 "water" appears because --

10 MS. BURTON: Well, usually the language --

11 MS. BRICKEY: I don't know that that would be a
12 technical correction, adding the word "added."

13 MS. BURTON: I think it's in there.

14 MR. RIDDLE: So, anyway, number four is referred
15 to the Processing Committee for further calculation.

16 Okay. Let's see. Number five. What's this one
17 all about?

18 Oh, in the examples of different "made with"
19 groupings, the group of fish --

20 VOICE: What's the number?

21 MS. BRICKEY: Number five.

22 MR. RIDDLE: It's number five, but it's 205.304,
23 packaged products labeled with made with organic specified
24 ingredients or food groups. And in that listing it lists
25 fish as one of those food groups.

1 And that's not consistent with the whole rest of
2 the rule as written. Eventually, fish might catch up with
3 it and be an organic food group, but right now there aren't
4 standards for organic fish.

5 So I'm just suggesting that for now that be
6 deleted to be consistent with the rest of the rule. It's
7 misleading to have fish listed as an organic food group.

8 MR. MATHEWS: That's a rule change.

9 MR. RIDDLE: That would be a rule change?

10 MR. MATHEWS: I would think that would be a rule
11 change because I believe that went out on comment with fish.

12 I'll have to take a look at the proposal, but it was
13 probably already in there.

14 So if it was in the proposal and you now want to
15 take it out after the final rule, that would be a rule
16 change.

17 VOICE: What proposal do you mean?

18 MR. MATHEWS: The first proposal.

19 MR. RIDDLE: No, the second proposal.

20 MR. MATHEWS: The March 2000 proposal.

21 MR. RIDDLE: Had fish included as a group, so if
22 they make a mistake twice, it can't be corrected? I mean,
23 it's not technical anymore.

24 MR. MATHEWS: It can be corrected

25 [unintelligible]

1 MR. RIDDLE: I mean, it's not a technical
2 correction anymore.

3 Okay. We can always submit something as NOSB and
4 they can tell us no later, but you're telling us no on this
5 one already, so --

6 MR. MATHEWS: No, what I'm telling you is you can
7 submit this, but my guess is at this point, without looking
8 at the proposal, that this would be a rule change rather
9 than a technical correction, which means that it would go in
10 a different document.

11 VOICE: [inaudible]

12 MR. RIDDLE: But, yeah, fish are removed from the
13 definition of livestock in the rule currently; correct?

14 VOICE: What?

15 MR. RIDDLE: Even though they were in the
16 definition of livestock under OFPA, fish was in that
17 definition, but they're not in the livestock definition in
18 the rule.

19 So this is the only place where fish appear in
20 this rule as an organic food group. So what's the will of
21 the board?

22 VOICE: I support your -- whatever.

23 MR. RIDDLE: To submit it as a suggested
24 technical correction?

25 VOICE: Yes.

1 MR. RIDDLE: Is there anyone on the board who --

2 MS. BRICKEY: Yeah, I object. I don't see the
3 harm of leaving it there at the moment.

4 VOICE: [inaudible]

5 MR. RIDDLE: Okay. We won't. Any individual
6 can. No problem.

7 VOICE: [inaudible]

8 MS. BRICKEY: Let's move on.

9 MR. RIDDLE: Well, as soon as somebody starts
10 labeling organic fish [unintelligible]

11 MR. HARPER: It's under the Processing Committee.

12 MR. RIDDLE: Okay. It's referred to the
13 Processing Committee. No problem.

14 Number six, which is 205.309 -- now this is
15 really minor.

16 This is pertaining to -- at the point of retail
17 sale how products are displayed. And those containers --
18 number one, such statement must not list more than three
19 organic ingredients or food groups, and in such display of
20 the product's ingredients statement, the organic ingredients
21 are identified as organic.

22 And that was -- it appeared to me that it should
23 actually say "must be identified as organic," so it's a
24 requirement rather than just a descriptor.

25 VOICE: What about "shall" instead of "must"?

1 MR. RIDDLE: Shall? I mean, the rule uses "must"
2 a lot more, but it's the same intent.

3 MS. BRICKEY: That's fine. This is just grammar.

4 MR. RIDDLE: Yeah, this is grammar.

5 Does anyone object?

6 VOICE: No.

7 MR. RIDDLE: This is technical. It's not all
8 that exciting, some of it.

9 Okay. The next one will really get you. It's
10 501 -- we're making progress -- 501, general requirements
11 for accreditation. And this is ensuring that the decision
12 to certify an operation is made by a person different from
13 those who conducted the review of documents and on-site
14 inspection.

15 And as you heard me describe the
16 inspection/certification process, those are two very
17 separate steps. So in certifier training, we ask if the
18 person in the office who reviews those incoming files is
19 prohibited then to serve on the accreditation review board
20 or to perform decision-making function.

21 We were told by Keith and Mark that, oh, that's
22 really not what they meant. They meant the separation of
23 inspection from decision-making and were thinking of that
24 review of documents and inspection being done by the same
25 person.

1 And of course the inspector reviews documents as
2 part of inspection protocols, but --

3 VOICE: [inaudible]

4 MR. RIDDLE: Yeah. So they saw no point, at
5 least at that time, of having that and said we made a
6 mistake here. That's what was said.

7 But whether it's technical or substantive and
8 whether it'll even be changed --

9 MR. MATHEWS: Well, I would have to step in and
10 say that I'm not sure that they were correct in saying that
11 there was a mistake. The question that I would raise is:
12 Is there any opportunity to the person who reviews the
13 document to also be the person who makes the decision or
14 takes part in the review of the entire package later on in
15 the certification process?

16 MR. RIDDLE: Yes.

17 MR. MATHEWS: Well, then it's both.

18 MR. RIDDLE: But why is that a problem, when the
19 person who reviews it when they first come in, then they --
20 the inspector does the work. They come back in, and that
21 person is knowledgeable about the operation. Can't they
22 serve on the review team?

23 MR. MATHEWS: But are they making the ultimate
24 decision? Is this person who does the review early on ever
25 going to be in a position where they are the one making the

1 final decision?

2 VOICE: Yes.

3 MR. RIDDLE: If this is removed, yes, they could
4 be.

5 VOICE: What's the problem with that?

6 VOICE: Well, I don't know. I'm just saying that
7 that's the way it reads.

8 VOICE: Okay. I agree with this.

9 MR. SIDEMAN: I mean, I had a problem with that
10 because it sounds like you want the person to make the
11 decision without reviewing the document.

12 MR. MATHEWS: No, this was intended that when the
13 documents first come into the certifying agent, that that
14 person that reviews that and then passes it on to the next
15 stage was not going to be the final decision-maker.

16 MR. SIDEMAN: And usually it's the secretary who
17 opens the mail. Does that count as the first person?

18 MR. MATHEWS: Well, that could be the -- if they
19 are in the process of reviewing to see if the package is
20 complete or all the information is there. I mean, it
21 depends on what responsibilities are given to the secretary.

22 MR. SIDEMAN: Are you concerned about the first
23 person slipping something in?

24 MR. MATHEWS: I'm not concerned about anything,
25 Eric.

1 MR. RIDDLE: Okay.

2 MR. MATHEWS: But go ahead and submit it.

3 VOICE: [inaudible]

4 VOICE: Go ahead and submit it but I just want to
5 point out [inaudible] this would add another whole layer
6 potentially to separations that certifiers don't normally
7 have.

8 MR. MATHEWS: This review is happening early in
9 the process, not as a review to the certification itself.

10 VOICE: [inaudible] they've never said that the
11 initial review has to be separate from the final review
12 [inaudible] even in Atlanta --

13 MS. BRICKEY: Lynn, come to the reporting --

14 MR. RIDDLE: If we're going to send it up. Does
15 anyone on the board strongly object to --

16 [No response.]

17 Moving on. I'm not at a mike actually. I mean,
18 it disappears.

19 VOICE: [inaudible] talk nice and loud.

20 MR. RIDDLE: Okay. I'll stay up here if you'll
21 let me.

22 MS. BRICKEY: Jim, I don't think that was a
23 compliment!

24 Sorry. I interrupted your flow there.

25 MR. RIDDLE: Yeah, I'm really off track.

1 Okay. This is the most technical. Number eight,
2 it's 205.504. It's under the evidence of expertise and
3 ability in the accreditation section, and it lists off all
4 these other related sections that the certifier has to show
5 the ability to comply with.

6 And under 205.201 through 205.203 -- that's a
7 very small part of the actual production and handling
8 standards. In my opinion or reading, it should say 205.201
9 through 205.290, so it covers the entire production and
10 handling section. So it's just a number change.

11 MS. BRICKEY: It's not 205, et seq., is it?

12 MR. RIDDLE: I don't know. I'm just suggesting
13 this.

14 MS. BRICKEY: I mean, is it the whole 205 section
15 that you're talking about?

16 MR. RIDDLE: No.

17 MS. BRICKEY: It's still only part of it?

18 MR. RIDDLE: It's just that part is the
19 standards, the actual production and handling standards,
20 subpart C.

21 VOICE: I think that's one of them that we've got
22 too, Jim.

23 MR. RIDDLE: Rick likes that one because he has
24 it, too.

25 VOICE: [inaudible]

1 VOICE: What's going to be subpart C?

2 MR. RIDDLE: Well, it's done by numbers. I
3 suppose it could, but let's just submit it this way and
4 there'll --

5 MS. BRICKEY: Their lawyers will --

6 MR. MATHEWS: We'll deal with them.

7 MR. RIDDLE: The next one, number nine, it's
8 205.504, also in the evidence of expertise and ability,
9 certifiers need to submit three inspection reports, and it
10 says from -- that were certified during the previous year.

11 Well, when someone tells me -- this is 2001. The
12 previous year is 2000. This has significant implications.
13 If it's read literally, when a certifier applies for
14 accreditation this October, the reports they submit have to
15 have been from last year.

16 And so this would be to insert "current" or
17 "previous year." So they could submit reports from 2001 to
18 show their ability to comply.

19 MR. LOCKERETZ: Well, the problem with the
20 original language is not that. The problem is that English,
21 unlike many other languages, uses the same word for both a
22 12-month period and a calendar year, and there's an
23 ambiguity in the original version.

24 I suggest a much simpler change would be
25 certified by the applicant during the previous 12 months and

1 that will do it.

2 VOICE: What about brand new certifiers?

3 MR. LOCKERETZ: Well, they have a problem.

4 VOICE: Well, then they're not going to be able
5 to meet that requirement. I mean, that's not going to be
6 that big a deal, if they're brand new. They're just not
7 going to have anything to submit.

8 VOICE: Yeah, that's a different --

9 VOICE: That's a whole new issue.

10 VOICE: Previous 12 months.

11 MR. LOCKERETZ: Previous 12 months will do it.

12 VOICE: Sure.

13 MR. RIDDLE: So we're changing -- a correction to
14 my document -- the previous 12 months.

15 Okay. So with that change, does anyone object?

16 Hearing none.

17 205.601 -- and now we get into very few materials
18 -- and there's a lot of other materials. And this document
19 I'm suggesting is not at all comprehensive on the material
20 corrections.

21 But one of them is just a change from "demister"
22 to "demosser."

23 VOICE: We've got that one, too.

24 VOICE: Mark called me on that one.

25 VOICE: Eric, it got onto Jim's list from you

1 from Mark?

2 MR. SIDEMAN: No, I think I just talked to Mark
3 and never talked to Jim about it. Jim found it
4 independently.

5 MR. RIDDLE: I looked it up as demister.

6 Okay. Number 11, scratch.

7 MR. SIDEMAN: I'd like to stay with number 11
8 because I think there is a problem too.

9 MR. RIDDLE: I think there is too, but I don't
10 have it captured here correctly in this.

11 Okay. Go ahead. We'll talk about it.

12 MR. SIDEMAN: Number 11 is referring to the
13 materials list 601, and it's item number 3, hydrated lime --

14 VOICE: I-3.

15 MR. SIDEMAN: I-3. And it says, must be used in
16 a manner that minimizes copper accumulation, and there is no
17 copper in hydrated lime.

18 I think there was a carryover --

19 VOICE: Yeah, it was voted on as a component of
20 Bordeaux [inaudible]

21 MR. SIDEMAN: Right. So you just have to take
22 out -- you can leave hydrated lime, but you've got to take
23 out the sentence about copper because that sentence belongs
24 in the one above it with the copper -- well, I think what
25 they did is took Bordeaux solution, separated it into its

1 components --

2 MS. BRICKEY: You brought that up this morning --

3 MR. SIDEMAN: And the copper belongs under the
4 copper where it is, so you just need to take it out.

5 VOICE: [inaudible] allowed [inaudible]

6 VOICE: [inaudible]

7 MR. SIDEMAN: If I were going -- this would have
8 to be a rule change. I would want to see hydrated lime only
9 used in a Bordeaux mixture.

10 VOICE: [inaudible]

11 MR. SIDEMAN: Right.

12 VOICE: [inaudible]

13 MR. SIDEMAN: But that would be a change in the
14 rule.

15 VOICE: Well, it could be a technical correction.

16 MR. SIDEMAN: I guess it could be a technical
17 correction.

18 VOICE: If you look at the minutes of how it was
19 voted in --

20 MR. SIDEMAN: That's exactly what I was going to
21 say.

22 VOICE: -- it was voted in that way.

23 MR. SIDEMAN: Would that be a technical
24 correction then?

25 VOICE: Not if this is the same annotation that

1 was in the proposal. You're proposing to change the
2 annotation; right?

3 MR. SIDEMAN: To what it was for the NOSB
4 recommendation.

5 VOICE: Right.

6 MR. SIDEMAN: But if the annotation was published
7 final in this way and it was also out in public comment --

8 VOICE: [unintelligible]

9 VOICE: We can't keep it in and look stupid.

10 VOICE: Then what we have to do, we can put it in
11 the correction -- we can do it in the proposed rule to amend
12 the National List, but it's not going to be a technical
13 correction.

14 VOICE: In a way Jim's right, it doesn't matter,
15 because, Ed, you can use hydrated lime any way you want and
16 you will be minimizing copper accumulation [inaudible]

17 VOICE: Right. That's what my point is.

18 VOICE: [inaudible] but it doesn't really matter.

19 MS. BRICKEY: That has never been a criteria.

20 VOICE: So, anyway, Rick, you need to note that
21 and see what you can do.

22 MR. RIDDLE: Shall we refer it to the Materials
23 Committee?

24 VOICE: Yes.

25 MR. RIDDLE: Okay. It's going to be a referral

1 to the Materials Committee.

2 MR. SIDEMAN: And then I have something else to
3 refer to the Materials Committee if we're doing that, and
4 that is -- there's a big problem with narrow range oils.
5 Narrow range oils are actually on the materials list, the
6 National List of materials, but they're commonly used as
7 inerts.

8 And in the annotation of narrow range oils on the
9 material list, it doesn't include inerts. But the NOSB
10 actually voted and passed that use of narrow range oils as
11 we see in Emily's presentation this morning.

12 MS. BURTON: What I would suggest is if you have
13 materials changes, that you go through that matrix and then
14 you submit them to me so we can recommend changes from the
15 committee.

16 MR. RIDDLE: Okay. Next is number 12, which is
17 205.603, and it's just a very technical -- how the EPA List
18 4 appears on the list. Right now it appears as a separate
19 alphabet item F, and it should actually be a (1) under E.

20 Now how's that for microtechnical -- how inerts
21 are listed. It looks like there are two different
22 categories of inerts since it's not a subpart under E.

23 VOICE: E(1)?

24 MR. RIDDLE: Yeah, it should be E(1). Okay. Is
25 that technically correct now? All right.

1 MS. BRICKEY: Next.

2 MR. RIDDLE: The next one we've already
3 discussed, which is the removal of the words "as
4 ingredients" in 605 and 606. So everyone has heard about
5 that. Does anyone object?

6 All right. Moving on to the last one, which is
7 205.605 -- oh, and this is removal of the colors --
8 nonsynthetic sources only from the list as it was never
9 recommended by NOSB to be on the list at all.

10 VOICE: Rule change.

11 MR. RIDDLE: And that would be referred to the
12 Materials Committee to fight that fight.

13 MS. BRICKEY: We've identified that one already.

14 VOICE: I did notice something which is a
15 spelling error, but it's relevant. In 605 the [inaudible]
16 two is wood [inaudible] not wood resin.

17 MR. RIDDLE: Well, do you want to add --

18 VOICE: No.

19 MR. RIDDLE: Referred to the Materials Committee.

20 Got that?

21 VOICE: [inaudible]

22 MR. RIDDLE: Great. I don't want to add it right
23 now to this.

24 MR. HARPER: Just as a point of clarification on
25 technical corrections. It's sounding like any of these

1 annotation changes from what Rick is just saying are all
2 going to be a rule change and not a technical correction and
3 go as a whole bunch --

4 MS. BRICKEY: And that could go -- when we make
5 the first changes to the list. That would be the logical
6 way to handle that.

7 MR. HARPER: Am I hearing correctly on that?

8 MR. MATHEWS: Well, I'd have to look at them on a
9 case-by-case basis, but my initial reaction is if you're
10 changing the annotation -- and this annotation was used in
11 the proposed rule, then very definitely it's going to take a
12 rule-making process rather than just a technical correction.

13 MS. BRICKEY: Let me also suggest, Kim, that the
14 Materials Committee look at annotations before the next
15 meeting with an eye toward amending some of them that cannot
16 be enforced, such as --

17 MS. BURTON: Yeah, I saw that more as a process,
18 when we start to try to re-review materials that that's part
19 of the criteria.

20 MS. BRICKEY: Well, if it's going to be an issue
21 with EPA on the materials they look at, we just need to
22 think about that because they have raised that with us as a
23 concern.

24 MS. BURTON: Okay.

25 MR. RIDDLE: Okay. So it appears from my count

1 that 9 out of the 14 would be moved forward as action items.

2 I would just ask that number one -- when we were talking
3 about that livestock -- if the Livestock Committee would
4 take a look at that. And right now we just said no, but can
5 we refer that to the Livestock Committee?

6 MS. BRICKEY: Which one are we referring?

7 MR. RIDDLE: The very first one about including,
8 just take a careful look at it. Eric?

9 MR. SIDEMAN: Okay.

10 MR. HARPER: There's also two that are going to
11 the Processing Committee. One was number four and number
12 five, I guess. Number four and five are both going to the
13 Processing Committee.

14 MR. RIDDLE: Yes, uh-huh. And then the others to
15 the Materials Committee.

16 MS. BURTON: 11 is Materials, and the last one --

17 MR. RIDDLE: 11 and 14.

18 VOICE: [inaudible] the one that was the subject
19 of that frequently asked question [inaudible] where it says
20 [inaudible] 70 percent organically produced agricultural
21 ingredients rather than just 70 percent organically produced
22 ingredients. That was a frequently asked question.
23 [inaudible]

24 MR. RIDDLE: Do you have that? That would be the
25 Processing Committee.

1 MR. HARPER: That was actually out by --

2 VOICE: I think you need [inaudible]

3 MR. LOCKERETZ: And the key need in that one is
4 going down further in that paragraph where it says
5 nonorganic ingredients. Nonorganically produced
6 agricultural ingredients.

7 The absence of that word "agricultural" is what
8 led to the confusion.

9 MR. SIEMON: That would seem like a technical
10 one.

11 MR. RIDDLE: So do you have that, Steve, for the
12 Processing Committee?

13 VOICE: And I have a concern about the measured
14 percentage in powdered products that are -- like nonfat dry
15 milk and yogurt. I'm not satisfied that it's really clear
16 in here, so I'd like to -- I'm part of the Processing
17 Committee. I'd like to try to clarify that because I'm not
18 sure it's clear.

19 MR. RIDDLE: Okay. So long as we're clear that
20 any technical corrections need to get into NOP by the end of
21 June; correct? You'd like to have them by then?

22 MR. MATHEWS: That's the target date.

23 MR. RIDDLE: And any individual can submit them,
24 as well as the board or committees.

25 Thank you.

1 MS. BRICKEY: Thank you, Jim.

2 Okay. Let's move to our first task force report,
3 which will be presented by Mark King.

4 MR. KING: Thank you, Madam Chair. At the last
5 meeting there was some discussion concerning -- I'll be
6 passing some copies around. Let me pass these down.
7 Criteria for inviting individuals to make presentations to
8 the board.

9 So it was noted that we would form a task force
10 and I was duly assigned as chair of that task force. So we
11 have a draft of some criteria in which to do that.

12 So what I'd like to do -- it's very brief -- so
13 I'll go through it quickly and then see if we can take
14 action to actually adopt this as criteria for the board.

15 The first is -- it's a pretty simple exercise --
16 to basically establish need, that we would have someone come
17 in and present information. And that would be established
18 at the committee level, and the committee chairperson
19 obviously would approve that.

20 And then step two would basically be to notify
21 the NOSB chairperson in this case, and we would like for
22 that to happen 30 days prior to a meeting so it gives the
23 chairperson, the staff and the individuals on the board time
24 to prepare for the meeting.

25 The third criteria in this case is the committee

1 chair and/or NOSB chair must invite the presenters. This is
2 just basically ensuring that we do see the need for it.

3 Fourth, the reason or reasons for the
4 presentation, subject area, bio and/or resume of presenter
5 to be circulated via e-mail to entire board at least two
6 weeks prior to the meeting.

7 So again just making sure that everyone
8 understands that there would be a presentation, who the
9 presenter would be, what the reasoning for that is.

10 The invited guest, which is the fifth point, must
11 provide objective information.

12 Sixth, presenters cannot be a petitioner on the
13 topic under discussion.

14 Seventh, presenters must disclose any actual or
15 perceived conflict of interest, including information about
16 who provided funding for the presentation, so that
17 everything is aboveboard, so that the board understands not
18 only going through this who the individual is, what the
19 presentation will be about, and where, if any, funding was
20 provided, where that came from.

21 MS. BRICKEY: Does the board have any questions
22 about the proposal?

23 MR. HARPER: I have a comment. The only
24 difficulty I have with this is in the instance when you find
25 out that you need to bring a -- you know, invite a presenter

1 within 30 days, and put in some sort of -- you know, either
2 the NOSB chairperson must receive notice at least 30 days
3 prior to the meeting or -- you know, some sort of language
4 so that -- you know, if you don't have -- if for some reason
5 -- like the issue hasn't even come up -- you know, like,
6 say, three weeks before the board meeting, and it's
7 something that's crucial to get for that meeting, there
8 would have to be some sort of policy -- or some sort of way
9 to still get that presenter there if -- you know, certainly
10 the board -- if the chair or the appropriate person -- if
11 the chair or somebody decides that it is really pertinent
12 for that meeting.

13 MR. KING: If I could, Steve, I want to just
14 comment on that. I share your concern knowing what happens
15 in the real world concerning us as members preparing for a
16 meeting and knowing that we have a lot of information to go
17 over right before the meeting, and, you know, there was some
18 discussion about that.

19 So I'm not saying that I'm necessarily,
20 quote/unquote, married to that particular number. But the
21 point here is to ensure that we don't end up two weeks
22 before a meeting not only reviewing a lot of information,
23 but then, you know, attempting to make a fairly substantial
24 adjustment or change to the agenda and things of that
25 nature.

1 So that was kind --

2 MS. BRICKEY: Let me respond to that. We have a
3 fairly tightly locked in agenda. That is one of our
4 problems.

5 So if you did have a speaker and you decided 30
6 days prior to the meeting to have the speaker, that person
7 or persons would have to fit within that committee
8 discussion slot on that particular issue. You're not going
9 to carve out a whole new section in the agenda because you
10 can't, you know. You've published your agenda as a matter
11 of public record.

12 MR. KING: Could I just comment to that? Do you
13 feel that should be clearly stated as part of the criteria,
14 that it will be used in that particular committee's time
15 slot within the agenda, or should we -- or is this enough, I
16 guess is --

17 MS. BRICKEY: Well, I don't really feel we have
18 to state that in the policy because that is going to be the
19 policy. We have to have these agendas approved way in
20 advance before our meeting. And that's just how it is.

21 Steve.

22 MR. HARPER: I'm responding back to what I said
23 before. I have no problems with this as a general policy.
24 I just think we may run into situations where we need to
25 bend this policy for some reason.

1 And if people are going to be bent out of
2 shape -- you know, if somebody from the general public or
3 NOSB members, somebody is going to get bent out of shape
4 because it was not exactly 30 days beforehand, that's what
5 I'm hoping doesn't happen.

6 I have no problems with the general policy. And
7 -- that's all.

8 MS. BRICKEY: I understand. George.

9 MR. SIEMON: Is there no approval process here?
10 The chairperson says -- it says the committee chair and/or
11 NOSB chair must invite the presenter.

12 So that means that a committee chair is all the
13 approval they need, that they want to bring this, they're
14 the ones who ask for it. You as the chair don't have to
15 approve it or the board doesn't have to approve it the way
16 this is written.

17 MS. BRICKEY: Well, I mean, I think if the chair
18 objected, the person probably wouldn't speak because the
19 chair controls the agenda. But I think that the chair of
20 the committee will have conferred with his or her committee
21 before deciding to bring somebody in. I would expect that
22 that would occur.

23 If you feel like that needs to be spelled out,
24 that would be fine.

25 MR. SIEMON: Well, at this point in time the

1 committee alone could make that decision and not the board
2 as a whole or the chair.

3 MS. BRICKEY: Right, and I think that's all right
4 unless there's some serious objection when the -- the fail-
5 safe here is when the rest of the board gets the person's
6 bio or resume and finds out what the plan is, if they
7 object, then the person is probably not going to come.

8 But I doubt that that would happen.

9 MR. HARPER: And also I think the board -- I
10 mean, if there's really objection to hearing this person,
11 you show up at the board meeting, and if a majority of the
12 board doesn't want to hear the person, somebody moves the
13 issue --

14 MS. BRICKEY: I mean, that's the kind of thing we
15 want to avoid, of course.

16 MR. HARPER: -- and they vote against the person
17 speaking, the person doesn't speak. I mean, if it's
18 really --

19 MR. KING: We want to avoid that. We would want
20 that to happen prior. That's why this --

21 MS. BRICKEY: I think we'd want to avoid all
22 those years of rejection and counseling that a person might
23 have to go through, having experienced this rejection.

24 Kim.

25 MS. BURTON: Kim, I agree with the timeline on a

1 guest speaker just so that the name can get on the agenda
2 and so that it can be published on the website and so people
3 know who are coming.

4 But I also agree there might be times when you
5 might have -- say, it's EPA or somebody. We bring in a
6 guest speaker. There should be some flexibility there, but
7 I don't think the 30 days is enough if you want it on the
8 agenda. I think it should be 45 days.

9 MS. BRICKEY: The person won't appear on the
10 agenda.

11 MS. BURTON: I think it's imperative that it be
12 on the agenda so that the public knows who's coming in.

13 MS. BRICKEY: Well, there may not be -- what I'm
14 hearing is that may not always be possible. That is the
15 goal. That is what we would want to do.

16 MS. CAUGHLAN: It's desirable but not mandatory.

17 MR. RIDDLE: I have a question if this applies to
18 other government agency people -- I mean, is this what this
19 is directed to -- as well as -- I know it's directed to the
20 technical experts. But someone from FAS coming and making a
21 presentation, I just don't see that --

22 MS. BURTON: No, no, I just used that as an
23 example.

24 MR. RIDDLE: Or EPA.

25 MS. BURTON: You want them on the agenda.

1 MR. SIEMON: Well, let's get that clear. I
2 consider that an outside presenter.

3 MR. KING: I mean, the gist of this basically is
4 suggesting -- okay -- it's the committee saying, We would
5 like for someone to present information to this board.
6 We're not explaining the source of that information, what
7 agency they're with or anything of that nature. We're just
8 making clear that the committee would go through these
9 procedures or criteria in order to do that if it's the will
10 of the committee and the chair agrees, and then eventually
11 that the board says, Yeah, that's okay, we can do that.

12 It's not -- we're not attempting to spell out
13 where this person is coming from, but obviously it would be
14 about a specific topic that's probably on the agenda in this
15 particular case, and we're seeking additional information
16 through the form of a presentation.

17 MR. RIDDLE: It would apply equally to other
18 agency presenters from the government.

19 MR. KING: I mean, do you see that as an issue?
20 I mean, we were not trying to spell that out.

21 VOICE: We don't know who's coming from EPA
22 sometimes until a week ahead of time is the only concern.
23 You might know somebody from EPA is coming, but you never
24 get their bios --

25 VOICE: And this whole thing of BATF -- you know,

1 and the labeling of organic wine.

2 MS. BRICKEY: Yeah, I wanted to have BATF at our
3 next meeting actually.

4 Willie.

5 MR. LOCKERETZ: Well, in the case, say, of Janet
6 Andersen [unintelligible] strike me as completely different.
7 Her presentation was an agenda item all by itself. It
8 wasn't that a committee was working on something and said,
9 oh, we need more information on boiler chemicals, for
10 example, or we need more information on this pesticide.

11 She was here to present a program that was moving
12 along that we should know about. And likewise if the FAS
13 person had been here, that would have been an agenda item
14 all by itself.

15 I think -- I assumed all along that this was
16 talking about cases where a committee felt the need for
17 additional expertise to carry out a job it was already
18 working on, brought in that expertise as opposed to a self-
19 standing item such as Janet's presentation yesterday.

20 MS. BRICKEY: Right.

21 MS. KOENIG: So why don't we just change the
22 title to NOSB criteria for invited presenters by committees,
23 so that it's clear this is if a committee wants to invite a
24 speaker, not the will of the chairperson.

25 VOICE: [inaudible]

1 MS. KOENIG: Yeah, policy just for committees and
2 then you --

3 MS. BRICKEY: Fine.

4 What else, folks?

5 MR. KING: Well, let's go over that. What are we
6 doing here?

7 MS. KOENIG: NOSB -- probably policy for --

8 MR. KING: NOSB policy. All right.

9 MS. KOENIG: -- for invited presenters by --

10 MS. BURTON: For committee presenters.

11 MS. KOENIG: Or committee presenters who are
12 invited by committees.

13 MR. KING: Hold on. Presenters provided by
14 committees.

15 MS. KOENIG: Invited by.

16 MR. KING: For presenters invited by committees.

17 MS. BURTON: And my suggestion then would be to
18 change from 30 days to 45 so that we can attempt to get the
19 name on the agenda.

20 MS. BRICKEY: That's not necessarily enough time
21 either. The last time we got our agenda two months in
22 advance. I just don't want to tie this to the agenda,
23 because, you know, we'd like to strive for that, but then
24 the committees when they're working on this stuff will say
25 -- they'll come to me and say, well, I want to get this

1 person on the agenda and it's too late.

2 MR. KING: I think Bob was up first and then
3 we'll do --

4 VOICE: I'd just like to suggest that on number
5 two, I thought your intent here was that the committee chair
6 determined -- your committee determined that you need
7 somebody and you just wanted to be sure that the chair was
8 informed [inaudible] so that was the point of number two.

9 So if you say whatever number of days, the NOSB
10 chairperson ideally receives notice at least 45 days, or at
11 the chairperson's discretion [inaudible] of the board. You
12 can bypass your 45 days. Your chair is involved.

13 And then the second part, number three -- I
14 thought that just said -- you wanted to be sure it was an
15 official act of the board, so it was just the chairperson or
16 the NOSB chair. You just didn't want anybody --

17 VOICE: Yes.

18 MS. BRICKEY: Right.

19 MR. KING: Yes, that's exactly right.

20 So we'll go to Michael, but one quick thing.
21 Carolyn, how do you feel about the suggested 45 days or at
22 the discretion of the chair? I mean, do you feel --

23 MS. BRICKEY: I think that's fine. I think you
24 should strive to give as much notice as possible about
25 somebody you're going to invite to present to the board. I

1 just understand the point that Steve was making. You don't
2 always know 45 days in advance.

3 MR. MATHEWS: But at the same time if your
4 presenter is going to do a good job, you're not going to
5 want to ask for them the day before.

6 MS. BRICKEY: Right. That's true.

7 MR. KING: Yeah, they may actually have other
8 things to do.

9 MS. BRICKEY: They might. I can't imagine that,
10 but they might.

11 Rose.

12 MS. KOENIG: I guess the only thing on seven,
13 information about who provided funding for the presentation,
14 that is an area where you could have problems in terms of
15 size because if -- I mean, I think it's important that you
16 provide that information.

17 But if we're inviting the speaker, shouldn't we
18 fund them? Because if not --

19 VOICE: [inaudible]

20 MS. KOENIG: All right. What if we don't -- I
21 mean, the whole thing was equality that I thought we were
22 striving for, and that information would be presented on
23 products even if it might not impact large growers, like,
24 say, a small grower had a concern that the committee agreed
25 with, but perhaps there wouldn't be a company that would

1 want to support that speaker.

2 Do you know what I'm saying?

3 VOICE: Yeah, I know what you're saying.

4 VOICE: I do too. I really support what you're
5 saying.

6 MR. KING: I'm not clear on it.

7 MS. KOENIG: Like, for example, the problem I had
8 and why I came up, I think, with the boiler chemical example
9 was because -- you know, an industry was supporting that
10 speaker because it was important to that industry.

11 And Owusu -- and I think at that time also --

12 MR. HARPER: It was important to the board.

13 MS. KOENIG: Well, I know, but I'm just saying
14 that the problem is like it takes the same thing -- at the
15 same time, like that bee balm that we looked at at the same
16 time that -- it was -- or whatever -- I forget what it was.
17 Bag balm, bee balm. It's natural.

18 MS. BRICKEY: I thought we agreed we'd never say
19 that word in public.

20 VOICE: And actually we didn't look at bag balm.

21 MS. KOENIG: Anyway, the point is that sometimes
22 there's a general product that might impact small growers,
23 but they're not going to be able to financially maybe
24 support a thousand dollar speaker. So how do you make it
25 equitable?

1 MS. BRICKEY: That has nothing to do with this
2 policy.

3 VOICE: It's very different.

4 MS. BRICKEY: That would be a decision that the
5 committee would make or that the chair would make or whoever
6 would make, and say, we will go to the program because it's
7 so important to have this person speak and they can't afford
8 to pay their own way, and ask the program to pay for that
9 person. That's what that's about.

10 And we should still know that. But that would
11 not have anything to do with this policy because that's not
12 what this is about. This is just about notice and being up
13 front about having speakers and making sure all the board
14 knows what's going on, et cetera.

15 VOICE: I just urge you to put your timeline --
16 given your caveat that you can't make it, put it back far
17 enough that indeed it would meet the Federal Register and
18 USDA front loading end so that we'd have a chance to show up
19 on the -- I mean, the way it sounds now, you probably would
20 never have a chance for it to show up on the agenda because
21 you've not given enough front load time for USDA --

22 MS. BRICKEY: But it's not -- Michael, it's not
23 the chair deciding we're going to have X speaker next time.
24 That can go on the agenda.

25 It's somebody from a committee coming to the

1 chair and saying, We've been working on this set of
2 chemicals and we have this problem and we need some expert
3 advice on it. We need to present it to the committee.

4 And they will often not know that 45 days or 60
5 days.

6 VOICE: Right. I understand that. You've got
7 your caveat to --

8 MS. BRICKEY: And, see, if we did that, Michael,
9 then you'd be standing up here beating us up the next
10 meeting because we didn't meet our deadline; right?

11 VOICE: No, no.

12 MS. BRICKEY: Seriously.

13 VOICE: No, no. Seriously.

14 Bob's suggestion I really support, which says you
15 have the ability -- if you can't meet that deadline to
16 overrule that --

17 MS. BRICKEY: And then we're explaining that we
18 didn't meet our deadline. I mean, I just don't want to put
19 people in a position on their committees that they can't
20 meet. That's what I'm trying to avoid.

21 VOICE: Right, right.

22 MS. BRICKEY: If they can meet it, that's great.
23 But -- and I'm sure they would strive to do that if they
24 can. But often you just don't know two months in advance
25 what your problems are going to be. That's just how it is.

1 VOICE: I understand. But the way you've worded
2 it, there's no chance of them ever meeting it because USDA
3 would have already published it by the time they came to
4 that decision, if it's only 30 days, because they have to
5 publish 45 days and they have to do it before 45.

6 It's just a point that it would never happen.

7 VOICE: Change it to no later than 30 days.

8 MR. KING: If I could just interject here, and I
9 don't want to get -- you know, we've already spent enough
10 time on this -- but one thing. I think that the points are
11 all relevant, but the issue here was basically we see the
12 need in certain situations for someone to come in and
13 present to the board.

14 The committee can recognize that through working,
15 and they've identified there's a certain area where we need
16 additional information. It's important enough that the
17 entire board needs to hear it, and here's how we would do
18 that.

19 And while I share all your concerns, this is
20 basically just trying to spell out how we'd go about that.
21 And if you're working in committee, well, I share in the
22 concern of your goal. You probably are not ever going to
23 need that, and, unfortunately, then we would have to explain
24 it in some way.

25 If there are no -- you know, we probably need to

1 move forward here. But if there are no --

2 MR. MATHEWS: I've just got a suggestion. On
3 number three you talk about a committee chair and/or NOSB
4 chair must invite the presenter. I think one step is
5 missing between number two and number three, and that's that
6 the NOSB chairperson must approve the invitation.

7 So I would suggest you put something in there
8 about it being approved by the board chair. And then if you
9 wanted to have either/or doing the invitation, you'd do
10 that.

11 What I'm trying to avoid by that suggestion is
12 that the chair just goes ahead -- the committee chair just
13 goes ahead and notifies the board chair that they need this
14 person and, oh, by the way I did it.

15 MS. BRICKEY: Right, right.

16 MR. KING: So you're just suggesting on three
17 that we basically add something about approval?

18 MR. MATHEWS: Or add a new number three and then
19 renumber the rest, where you would insert one that says the
20 board chair.

21 MR. CARTER: I think you could accomplish this by
22 just saying the committee chair may invite a person, but all
23 invitations must be approved by the board chair.

24 MR. MATHEWS: Yes, something like that.

25 MR. KING: Okay.

1 MS. BRICKEY: Is there further discussion?

2 MR. KING: Do you want more?

3 VOICE: No.

4 MS. BRICKEY: All right. We're ready to move to
5 our next task force report. This report will be from Rose
6 about outreach to agricultural producers.

7 MS. KOENIG: Just the general background for the
8 audience is that during the last meeting, there was some
9 discussion in terms of the need for the NOSB and the
10 National Organic Program to address the problem of outreach
11 to producers, because of the fact that a lot of certifying
12 agencies won't be able to maintain their role as kind of an
13 extension arm and an education arm in the same capacity that
14 they were doing before the rule.

15 So the problem of outreach and communication to
16 producers was recognized, but really how to organize such a
17 task force was not. So I really just took the first step in
18 terms of identifying individuals or organizations that I
19 thought would be the key people to have on a task force.

20 I'll outline those members, and I'd like input in
21 terms of anyone else that might have been missed from that
22 list.

23 And then what I'd like from the NOSB today -- and
24 perhaps the audience -- is really some direction in terms of
25 what are the key issues that people feel that this task

1 force should address.

2 And then in general my proposal would be that the
3 members that would be on this task force that I propose --
4 in addition to anyone else -- we would discuss some
5 conference calls prior to the October meeting, and then
6 perhaps have an in-person meeting in October before the
7 National Organic Standards Board meeting in October.

8 We would just have a very brief presentation in
9 October based on our meetings and conference calls and then
10 in March really have more of a formal report back to the
11 board. So that's kind of the general time frame.

12 The people that I did contact and who have agreed
13 to be on such a task force I'll just explain, and then again
14 if anybody has some additional people. I guess the thing
15 that I didn't want to do is create a task force that was so
16 large that it would be unwieldy in terms of trying to get
17 people together.

18 So I talked to Joe Auburn from the National
19 [unintelligible] Program, because they do have -- you know,
20 they address sustainable agriculture. They have a history
21 in supporting organic projects, and they also have an arm
22 with extension.

23 ACTRA, which is also funded I guess in part
24 through the USDA -- is totally USDA, that also works on
25 technology transfer and outreach to producers has agreed to

1 participate.

2 The Organic Farming Research Foundation, I talked
3 to Jane Subee there, and she agreed that if a task force
4 came about and if there was funding for those individuals to
5 participate in terms of travel, that they would participate.

6 And then I talked to Tom Buick who's a project
7 leader of Horticulture for the Cooperative Extension Service
8 in Washington. He has agreed to participate. And
9 apparently they've got some funding -- they're going to be
10 handling some of the transition organic money through his
11 agency, so I thought he was --

12 MS. BRICKEY: Which agency?

13 MS. KOENIG: CREES, whatever -- Cooperative
14 Research Extension.

15 VOICE: These are funding [inaudible]

16 MS. BRICKEY: I know what that is.

17 MS. KOENIG: He's a relatively new project
18 leader.

19 VOICE: What was his name again?

20 MS. KOENIG: Tom Buick.

21 So those are the major -- the people that I've
22 identified I've talked to, they've agreed to partner. If
23 anyone else can think of other organizations that would be
24 more national in scope, and then what I'm assuming is that
25 upon getting an agenda or, you know, an idea of what the

1 board would like the task force to address, that perhaps we
2 would break into working groups where we would be adding
3 more people to specific topics.

4 But the general task force would be a smaller
5 group of those leaders.

6 MS. BRICKEY: My suggestion would be that you
7 confer with some of those individuals and come back to us
8 prior to our October meeting with a set of recommendations
9 about what you'd like the group to do.

10 MS. KOENIG: The thing is I think that after
11 talking to many of the individuals, they can see a lot of
12 different areas of outreach that need to be addressed, but
13 they, I think, specifically want to know what the board is
14 looking at, some sort of direction.

15 I mean, I'm supposed to be the leader for the
16 board, and I'm not quite sure. I mean, there's a number of
17 issues that have come up during this meeting, but I think
18 it's a lot easier, you know, as the leader of the group to
19 come up with specific things at this point before we start
20 the whole process.

21 MR. SIEMON: I just need to clarify the role of
22 NOSB here and the timing here, because this is really a
23 timing situation. This stuff is fast track, right --
24 running farmers over already.

25 I hate to see us go through a process that will

1 end up too slow to help them. Originally, there was going
2 to be funding for outreach for this kind of thing. I don't
3 know. Is that NOSB's job, because I don't know -- if they
4 come to us in October where that's going to go to.
5 [unintelligible] plan of action because it's going to take
6 funding.

7 To me this seems like an industry task force that
8 really needs to happen, really needs to get on a fast track.

9 Maybe there's a [unintelligible] grant. Maybe the -- you
10 know, I'm just trying to understand what we're going to do
11 once we get the recommendation.

12 Is there funding? Is it NOP's function to do
13 this kind of outreach at all to farmers?

14 MS. KOENIG: Well, the reason why I identified
15 these individuals was that most of these organizations
16 already have funding to do that type of work, and some of
17 them do it in organic, but organic may not be their number
18 one priority.

19 So it's not like we're creating groups to do a
20 task. We're working with groups that already exist and just
21 kind of getting them to buy into -- embracing -- and many of
22 them already have projects.

23 But I think they need more direction --

24 MR. SIEMON: So you want us to provide direction
25 in a program, so to speak, and then the implementation will

1 be outside of NOSB or NOP?

2 MS. KOENIG: Yeah, I think -- I mean, we can't
3 perform extension and outreach. That's not the idea of the
4 program. But these organizations are responsible for that
5 outreach to farmers and to organic farmers except they may
6 not have exact direction, and they haven't identified -- I
7 mean, the NOSB I guess has to identify the priorities as
8 they see it so that they can help to address farmers' needs.

9 MR. RIDDLE: I thought that the intent here was
10 outreach to farmers and just the organic community in
11 general about -- related to the context of the rule and NOSB
12 recommendations, not producer education on organic
13 practices.

14 But here's the impact of the rule. This is what
15 the rule means to you. Here's the things we're considering.
16 We need your input because your life comes under this, that
17 kind of thing to help close the loop, and especially include
18 some of the sectors that don't read the website and aren't
19 here at the table.

20 I thought that was the intent of the outreach
21 myself. And, you know, we've heard how people aren't seeing
22 the notices in advance or the drafts that are being
23 considered, to make sure that we put mechanisms in place so
24 that it's reaching these sectors, the small farmers in
25 particular, but all producers: the livestock sector, for

1 instance.

2 That was my understanding --

3 MR. SIEMON: You're saying so we could get more
4 input --

5 MR. RIDDLE: Yeah, also --

6 MR. SIEMON: As compared to --

7 MR. RIDDLE: -- they know what's going on, so
8 there's a clear message, clear information, understandable
9 going out, but also they -- so it's in the context of our
10 role as an advisory board.

11 That was my understanding of the need for this
12 myself.

13 MR. KING: I was just going to say, I'm kind of
14 going along with Jim here in terms of that was a little bit
15 my understanding --

16 MR. HARPER: Mine too.

17 MR. KING: And these are very good organizations.
18 But, you know, for points of clarifications and sometimes
19 confusion for that matter, too, just the act -- section 6518
20 -- clearly spells out what our role is.

21 And then some of these task force and outreach
22 things are then -- you know, sort of at our discretion
23 sometimes I guess.

24 MR. HARPER: I was going to say that was also my
25 understanding at the last meeting of the intent of the

1 outreach -- what Jim just described also.

2 MS. KOENIG: So you're saying -- I just remember
3 talking more about not just the rules -- whether farmers
4 understand the rules or not, but how the regulations would
5 change the way existing certification agencies work.

6 I mean, we all recognize that certifiers were
7 doing more than just certifying. I thought that was part of
8 the discussion, that they were performing extension and they
9 were doing outreach, and that because the regulations were
10 going to change that rule, that we wanted to make sure that
11 there was going to be a system for growers to get
12 information so that 18 months down the road we weren't going
13 to get a million and one questions saying, well, we can't
14 get information from our certifiers anymore, who's out there
15 for us.

16 MS. BRICKEY: Let me just suggest something. The
17 reason I suggested that you come to us with a set of
18 recommendations is because we're having the kind of
19 discussion we're having now.

20 I hear sort of some disagreement without any
21 substance. I mean, I don't think we're disagreeing we want
22 to help educate farmers better about the process and provide
23 more information about what we're doing. We just need to
24 design a series of objectives for what we want to do and
25 figure out how to do it.

1 It sounds like you've lined up people that are in
2 the business of providing information to farmers. That's
3 who we want to hook up with. We can be the catalyst for
4 this process at some level. We can't take it over and, you
5 know, devote our full time to it, but I'm sure you're not
6 suggesting that.

7 So I think the best thing to do would be to sit
8 down and write up some objectives that we can look at and
9 give us some direction.

10 MR. LOCKERETZ: Rosie, could I have some
11 clarification on the point you just made? Concerning
12 certifying organizations not being allowed to provide
13 consulting and advisory information to the people they
14 certify, that clearly says so in the rule.

15 But the law says that they can't do that for a
16 fee. And the rule says they can't do it period. So I'm
17 curious, among the certifiers here, or anybody who knows, is
18 it common for certifying agencies to provide information to
19 their certification applicants not for a fee?

20 VOICE: Historically, it has been really common
21 that -- Keith told us at the Atlanta meeting that it's okay
22 for certifiers to provide educational information provided
23 it's given at a public forum, like a conference.

24 But for a farmer to call and ask me a question on
25 how do I meet the requirements of rotation and for me to

1 answer that question for him is not only consulting, but
2 discriminating because I'm helping him instead of everybody.

3 MR. LOCKERETZ: Those agencies that do this, do
4 they typically do it free?

5 VOICE: Yes.

6 MR. LOCKERETZ: To individuals?

7 VOICE: Yes.

8 MR. LOCKERETZ: To individual applicants?

9 VOICE: Yes.

10 MR. SIEMON: It's unavoidable. The phone rings.
11 How the hell do I do this then?

12 MR. LOCKERETZ: Well, under conflict of interest
13 -- the old COI in OFPA says the certifying agent shall not
14 provide advice concerning organic practices or techniques
15 for a fee.

16 VOICE: Right. The [inaudible] is based more on
17 ISO. That's one of the places where they did incorporate
18 ISO-65 and change that [inaudible]

19 MS. BRICKEY: I think we're getting awfully,
20 awfully specific in terms of what Rosie is supposed to be
21 doing with her task force, are we not?

22 VOICE: Well, it is pertinent.

23 MS. BRICKEY: Dave, many things are pertinent.

24 MR. LOCKERETZ: Well, my question was because of
25 whether there really was a need for someone other than

1 certifying agencies to provide this information, if OFPA
2 allowed it, provided it was not for a fee.

3 MS. BRICKEY: Well, that's clearly not going to
4 be a role of the board, and it's probably not going to be a
5 role of the task force; right? The task force is much more
6 generic than identifying very specific practices for a
7 specific producer; right?

8 MS. KOENIG: No, I think the task -- in my vision
9 the task force is assembling those -- identifying the
10 resources so that certifying agencies would be able to say,
11 ATRA is doing that. I can no longer do that, but here's the
12 reference.

13 Trying to assemble all -- you know, compile those
14 avenues that growers can go to.

15 MS. BRICKEY: Dave.

16 MR. CARTER: Let me -- you know, in appreciation
17 of the issue, we're under a really compressed timeline here
18 in how to pull some things together. I think we've had some
19 discussion about the website, trying to be a clearinghouse
20 of information.

21 And I think one of the things that we can do as
22 much as possible is try and get people hooked into the
23 website. I was deeply disappointed to learn that Michael
24 every morning didn't get up and tune into -- you know, the
25 NOP website.

1 But, you know, one of the things I think -- I
2 know your limitation on resources, but with some volunteer
3 help or whatever -- is to create a list server so that when
4 something new goes on the website, there's an alert that
5 goes out to a list server saying there's something new on
6 the website.

7 Okay. Don't have to say what it is, just say --

8 VOICE: Tune in.

9 MR. CARTER: Tune in, yeah.

10 MS. KOENIG: But we do -- I mean, there's -- I
11 think the website is important, don't get me wrong. But
12 again we're serving farmers, and people have to acknowledge
13 that not every farmer has access or uses the web as their
14 primary source of information.

15 MS. BRICKEY: So what would be helpful I think is
16 for you to come back to us with some -- and you don't have
17 to wait till the next meeting, I mean, do it next week.
18 Come back to us with some recommendations.

19 Mark, in closing.

20 MR. KING: I just have one quick question. In
21 closing, Mark asked, Is the timeline realistic? I mean,
22 this is a fairly -- I mean, it seems like a large project.
23 And so [unintelligible] we're adding this.

24 MS. KOENIG: Well, I think what I'll do is come
25 up with some recommendations as far as what I think the

1 committee will address and then if people want to add,
2 delete, say you're wrong, that's not where we want to go,
3 because before we assemble a whole lot of effort into
4 something, I want to make sure that everybody is in
5 agreement as to what priorities need to be taken.

6 MS. BRICKEY: So when should we expect to get a
7 document?

8 MS. KOENIG: I'm finishing up my season, so
9 probably the beginning of July.

10 MS. BRICKEY: All right. Sounds great.

11 We are ready for our next agenda item, which is a
12 report from Bob Anderson about the aquatic task force
13 working group report.

14 Welcome, Mr. Anderson.

15 MR. ANDERSON: Thank you. It's my pleasure to
16 turn this over to you.

17 Last year it became very clear that our aquatic
18 standards were -- that there was a lot of interest in
19 exploring the possibility of developing standards for
20 organic fish.

21 And it became necessary for us in the process to
22 determine what fish were and ultimately [unintelligible]
23 aquatic species because it spans so many different kinds of
24 animals.

25 What I hope the report has shown you -- and I'm

1 not going to go through it line by line, especially honoring
2 your time in that we only have half an hour, and I'd like to
3 provide as much time as I can for questions.

4 But what I hope that the report does is let
5 everyone be aware of what a deliberate and open and
6 proactive process it was that the NOSB undertook, not only
7 to understand the issues but to seek the counsel of the
8 interested parties, both on the wild fish side and on the
9 cultured or aquatic -- aquaculture side.

10 It became very necessary for us as we formed the
11 task force -- it was clear we didn't have the expertise, and
12 it was clear that there was no real model within the organic
13 food production -- well, it was authorized under Fish Used
14 for Food and the Organic Food Production Act.

15 But there was really nothing on the terrestrial
16 land-based side that really gave us models to work for. So
17 we struggled along the way for a while, and it took us a
18 while to pull together the group.

19 It was very clear to the task force that we
20 needed the outside expertise, and that the expertise was
21 going to be broken -- probably needed to be broken out into
22 two very distinct parts: wild caught fish, those that were
23 in the oceans and wandered on their own, and those that were
24 raised in some farm of management or confined system.

25 And so we went out and created an aquatic task

1 force of our board and the chairs of two working groups.
2 The task force for the board included Carolyn Brickey, Eric
3 Sideman, Willie Lockeretz, Steve Harper, Becky Goldberg.
4 And then when Jim came on the board, Jim also joined the
5 task force, but he had already been on a working group and
6 already involved.

7 Then when we established the two working groups,
8 we brought the two chairs of those in to serve on the task
9 force also. And the wild caught group was very, very ably
10 chaired by Miles McAvoy from Washington Department of
11 Agriculture, and Margaret Wittenburg chaired the aquaculture
12 group in like extraordinary fashion.

13 I hesitate to -- I didn't even attempt to bring
14 all of the documents with me just because I would have
15 required at least two carriers and a pack mule to bring them
16 down.

17 This was the most incredible process that I've
18 ever been involved with. I assure you that everybody had an
19 opportunity to have their say and we heard it many times.

20 In addition to what we did as a working group,
21 NOP had gone out and had three hearings in early 2000, one
22 in Anchorage, one in Mobile, Alabama, and the third in
23 Providence, Rhode Island. And, additionally, we sent people
24 both to the wild capture operation workshop in Seattle in
25 April of 2000 and the national organic aquaculture workshop

1 at the University of Minnesota in June of 2000, so that we
2 had NOSB members at all of the workings of these.

3 And then we took into consideration also the
4 guidelines that were out there, that certifiers had used,
5 the Codex [unintelligible] had used, and looked at other
6 international standards for them in making our
7 recommendations.

8 The biggest job that we had really was trying to
9 find a framework and a structure under which we actually
10 could start to review any of these in a very organized
11 manner. And so it became very obvious to us that the most
12 important way we could review this was within OFPA itself,
13 and then to use OFPA and the rule as the basis by which we
14 started to look at an aquatic species.

15 So what we did is looked at every system -- and I
16 believe that we may have developed a criteria for you folks
17 to look at all things or future things that do not fit
18 within the common terrestrial kind of management systems
19 that we're used to.

20 So what we did is started to talk about organic
21 systems and organic systems plans, not farm plans but
22 systems plans, and reviewed each of the two categories based
23 on livestock origin, feed ration, health care, living
24 conditions and ability to identify them.

25 And our intent had been -- is to recommend

1 standards for the production of aquatic animals, and we hope
2 to have an innovative approach to the organic certification
3 while remaining fully consistent with the requirements of
4 the OFPA.

5 I want to tell you as the chair of this -- and I
6 really believe that this was a very open group -- I
7 absolutely had no preconceiveds and am a real fish eater, so
8 I was very, very interested in exploring this very openly.

9 One of the things that Jim pointed out that I
10 didn't say in this report -- and it was a presumption but it
11 needs to be said -- is that there is an overriding principle
12 here that no genetically modified fish in any way, shape or
13 form can be included in any of these plans. I'm stating it
14 up front.

15 It isn't in here. It was preconceived, but well
16 worth stating.

17 So as we looked at the origin of livestock, we
18 thought that there were very basic things to look at: where
19 did the fish come from and how did the -- or the fish -- and
20 I'm going to use fish as a generic, general term for all
21 species. That includes fin fish, shellfish, anything that
22 was an aquatic animal specie.

23 We looked at how OFPA had been laid out, and OFPA
24 essentially said that the origin of livestock -- that an
25 organically produced animal must be raised in a discrete

1 population similar to a herd of cattle or flock of poultry
2 and that it was brought under continuous organic management
3 beginning no later than the second day of the animal's life.

4 That was consistent particularly with poultry.

5 And that aquatic animals captured from free-
6 ranging populations that had not been under a producer's
7 continuous management, beginning no later than the second
8 day of the animal's life, was not suitable for organic
9 certification.

10 Under livestock feed -- I'm going to actually
11 paraphrase a little more, Carolyn, and if you want me to go
12 back to more detail, I will.

13 Under livestock feed, we said that it's a
14 management practice and that you had to know what you were
15 feeding and you had to have control of the feed and have
16 knowledge of how that was fed, and that any feed additives
17 or supplements had to be on the National List, provided that
18 they were synthetic, and that the producer must organically
19 manage the feed ration, and that we also are further
20 recommending later on that feedmeal and fishmeal added to
21 the -- be added to the National List as supplements.

22 The livestock health care practices that we
23 looked at and ultimately determined the producers must
24 establish and maintain preventive health care practices,
25 including the selection of appropriate species.

1 There's a word that was dropped here.
2 Appropriate to the species, provisions of the suitable feed
3 ration, the establishment of living conditions to allow for
4 natural behaviors and stress reduction, and to allow the use
5 of medicines and vaccines, but you had to monitor for it.

6 And so that word got dropped. It's picked up
7 later on. I noticed that as I was going over this today.

8 And then we've made a specific recommendation of
9 [unintelligible]. Under livestock living conditions, we
10 recommended organically managed aquatic animals must be
11 raised within a secure, defined system that accommodates the
12 animal's health and natural behavior and minimizes the risk
13 of escape; that the producer must maintain healthy water
14 conditions with respect to temperature, oxygen,
15 concentration, pH and toxins, including ammonia and carbon
16 dioxide.

17 The producers must maintain production systems,
18 whether it's self-contained or a location in open water, in
19 a manner that does not contribute to the contamination of
20 water or soil by nutrients, heavy metals or pathogenic
21 organisms.

22 And then we also are recommending a prioritized
23 recycling of residual nutrients.

24 And, finally, the production systems located in
25 open water must be sited and managed to minimize the

1 potential for contact with prohibited substances, including
2 environmental pollution.

3 In identification the producers must maintain
4 records sufficient to document the origin, feed ration,
5 living conditions and as needed, health care practices,
6 applicable to each group of the aquatic animals produced on
7 their operation.

8 So in a discussion of looking at this, we went to
9 the act. We developed our recommendations, both on
10 aquaculture and wild harvest, based on the origin of the
11 livestock, feed ration, living conditions, health care and
12 identification.

13 So as we walk through this document, what we did
14 is put -- I worked very hard to make sure that the
15 deliberateness of the debate was spelled out, that the
16 positions were spelled out. The working groups did not seek
17 consensus.

18 The working groups sought to develop the issues
19 and the question. The task force tried to seek consensus,
20 frequently did not, but ultimately came to majority
21 recommendations. And so what you have before you are
22 majority recommendations.

23 So as we looked at the origin of livestock on the
24 wild capture production system, we could endorse the
25 introduction of fingerlings, two-day-old fish, and spatten

1 from hatcheries, but we could not actually find a way in
2 which the system established and managed a distinct group of
3 animals prior to the time they were captured and processed.

4 So in paraphrasing this, but not giving it short
5 shrift, was a key issue in determining that -- our ultimate
6 recommendation that because the producer who captures wild
7 aquatic animals has no direct involvement in providing their
8 feed materials or their -- the origin of the species or the
9 feed materials, that we did not -- we concluded that they
10 could not fulfill the managerial responsibility required
11 under OFPA.

12 Under health care, you know, it's really a great
13 thing that in fact wild fish aren't medicated. It's one of
14 our goals of course to not medicate anything. However, we
15 didn't really see how in fact the producer monitored the
16 health of the animals and then could provide therapeutic
17 care in that process.

18 So what our ultimate conclusion there was that
19 organic livestock health care mandates that a producer
20 monitor the health of livestock and use a variety of
21 therapies, including natural and synthetic medications to
22 promote livestock well-being when the animal's welfare is in
23 jeopardy.

24 A producer capturing aquatic animals from the
25 wild cannot perform either the proactive or mandatory

1 intervention responsibilities required in organic livestock
2 health care. And, therefore, the task force concludes that
3 wild capture operations do not satisfy the health care
4 management requirements of OFPA.

5 Under living conditions, the conclusions are the
6 same because the animals are in the wild. All of these
7 really boil down to management and the ability to manage the
8 process.

9 So with regards to living conditions, the
10 requirement entails establishing a distinct, defined space
11 that provides livestock with appropriate shelter and
12 mobility and protects them from prohibited practices and
13 inputs.

14 Since a producer of wild aquatic animals is not
15 responsible for performing this task, they do not fulfill
16 the OFPA's managerial requirement to do so.

17 And in terms of identification, again from the
18 two days to the time that the animal is captured, we don't
19 see the mechanism of tracking and monitoring and identifying
20 the school of fish or the individual fish within that. And
21 so we feel likewise that the wild aquatic fish -- wild
22 aquatic species do not fit into an organic labeling program.

23 In summary, the task force concludes that
24 operations that capture wild aquatic animals do not reflect
25 the degree of producer management, continuous oversight and

1 discretionary decision-making that are characteristic of
2 organic systems, and that the regulated capture of aquatic
3 animals from wild populations is unquestionably manageable.

4 However, it does not afford the producers the
5 opportunity to exercise the specific production
6 responsibilities that are required by OFPA.

7 So given that, our recommendation is that the
8 NOSB does not develop standards for wild aquatic organic
9 fish. However, the task force recognizes that the regulated
10 capture and the fact that animals are in the wild and that
11 they are caught by fishermen, much like farmers are raising
12 things and these are very rugged and important individuals
13 to our culture, that we really encourage all of the wild
14 livestock and any people involved with aquatic species to
15 very clearly delineate and to seek other alternatives to
16 organic labeling to identify themselves in the marketplace.

17 This is very much an important part of the
18 process, whether it's the agencies like the Marine
19 Stewardship -- what's the C -- Council or other groups,
20 there are some really wonderful vehicles out there that I
21 believe consumers will very, very readily welcome.

22 On aquaculture, given the arguments that were
23 there for the ability to manage on the wild side, it was a
24 bit easier to determine that in a controlled environment,
25 that it was possible to more directly translate the

1 management systems of OFPA into an aquaculture environment,
2 one, that it was possible to introduce the two-day-old
3 animals and it was very consistent with the poultry, and
4 that then they could be managed from that phase of life on.

5 The unquestionably most difficult part of this
6 whole process was livestock feed in both areas. And we have
7 concluded that if we cannot have organic wild fish, it
8 becomes impossible to have organic fishmeal, because
9 fishmeal comes from wild fish. At least, we can't have it
10 today in the environment where it is.

11 So the real problem that we faced was that while
12 we could endorse aquaculture from a livestock standpoint and
13 the development of it, the fish feeds become very limited
14 because the bulk of fish, especially piscavores, eat fish
15 that were raised in the wild, then are ground up and fed as
16 feed.

17 Additionally, we thought that it was extremely
18 important that fish-eating animals have diets -- or that all
19 animals, all livestock have diets that are consistent with
20 their natural diets. So it was important that we recognize
21 that -- in concluding this, that it was a balanced and
22 complete fish ration that closely resembled the animal's
23 natural dietary preferences.

24 So by precluding fishmeal in this recommendation,
25 we feel that -- or at least fishmeal as it exists today, we

1 know that we are severely limiting the ability of
2 aquaculture on the higher-feeding piscavores at this very
3 time.

4 We do however think that it's important to
5 recommend that the National Organic Standards Board consider
6 fishmeal as an approved natural supplement, not to exceed
7 five percent of the diet, given that -- I think all of our
8 penchant is to always provide a natural substance as a
9 supplement, as opposed to a series of synthetics.

10 So it seems like a reasonable explanation or a
11 reasonable choice, but we chose five percent so that it is a
12 source of the essentials of fish supplement, but not of the
13 fish feed. So it's a very distinct difference between a
14 feed and a supplement, and we've gone through that many
15 times with livestock.

16 So we make that recommendation so that we're sure
17 that we're providing natural sources of amino acids and the
18 Omega 3 fatty acids, but we do recognize the severe
19 restrictions that we have put on that.

20 With health care management, we believe that it
21 is possible to manage health care. It is possible to
22 monitor it, and we support the allowance of vaccines,
23 veterinary biologics, natural therapeutic agents, and
24 synthetic medications included on the National List in
25 aquaculture production.

1 And, finally, we recommend that within the health
2 care management, that the producer may use temperature or
3 pressure shock as a measure of alteration to induce Triploidy
4 in aquatic animals, important from the standpoint of making
5 sure that we are not introducing inappropriate species
6 and/or animals into wild systems that --

7 MR. CARTER: Can you define Triploidy?

8 MR. ANDERSON: It's essentially a form of
9 sterilization so that they cannot reproduce. So given
10 you've got a net pen, theoretically it's safe, but --

11 MR. CARTER: So rather than branding irons and
12 things like that?

13 MR. ANDERSON: That's right. But there are other
14 -- yes.

15 Under livestock living conditions on aquaculture,
16 we think there are three very, very important components,
17 one, that the aquatic system must have a provision of a
18 species appropriate production environment; two, that that
19 organic aquaculture system preserves the environmental
20 quality -- ecological quality in the surrounding ecosystem;
21 and, three, that a continuous separation of organically and
22 nonorganically populations of aquatic animals must exist
23 just as it does in split operations or other operations
24 within an organic system.

25 And the task force concludes that a producer must

1 satisfy these requirements by maintaining a production
2 system that restricts the movement of aquatic animals within
3 fixed, recognized boundaries, but that those boundaries are
4 appropriate living conditions, and they must be species
5 specific and that the task force believes that the
6 guidelines developed in the final rule for terrestrial
7 species can be readily adapted to aquatic animals.

8 In evaluating the potential -- but we think it's
9 extremely important to require the evaluation of the
10 potential adverse environmental impacts of organic
11 agricultural operations in a species and a site specific
12 determination.

13 And while it's preferable for systems to contain
14 and recycle the nutrients they introduce to production, a
15 completely closed loop is not possible on every operation,
16 including terrestrial ones.

17 So we conclude that net pen systems that do not
18 capture and contain excess nutrients may meet the
19 requirements of an organic system if they do not exceed the
20 capacity of the adjacent waters to naturally cycle such
21 nutrients.

22 The task force concludes that the potential for
23 contact between prohibited substances and organically
24 managed aquatic animals in open water net pen systems can be
25 managed through monitoring included in the organic system

1 plan.

2 The prohibition on contact with prohibited
3 substances, particularly those not intentionally introduced
4 into the production process, contains some allowances for
5 generally unavoidable and incidental contact, and we would
6 suggest that they mirror those that we have done for
7 livestock and crops.

8 And that the livestock living conditions in
9 organic aquaculture production must be adequately secure to
10 prevent escape of aquatic animals to the wild or movement of
11 nonorganically managed animals from the wild onto an
12 operation producing a similar species.

13 Finally, the task force concludes that in a
14 contained and managed environment, that it is possible to
15 maintain records of identification and all of the processes
16 that have gone back that document the systems that we've put
17 on before.

18 On mollusc production it's a little bit unique.
19 Because it's a filter feeder, it's a hybrid between a wild
20 and a contained environment. They don't move around, so
21 it's one where we have recommended, because there's not an
22 active managing of the filter feeding, that you not develop
23 standards for molluscs at this time, but we would also add
24 that this was one of the areas where the least amount of
25 work was done, and it was done at the very end and after the

1 deadlines that we had set to get this produced.

2 So our recommendations here really encourage
3 further research -- don't encourage it in writing, but I
4 think that we would all agree that if you're going to go
5 into aquaculture, this is an area where more work could be
6 done.

7 But it is a problem, that the feed is not
8 actively managed. It's also possible, whether or not it's
9 realistic, that there can be organic fishmeal raised in a
10 contained environment that is a feed for a higher level of
11 fish. We did not attempt to explore the economic
12 feasibility of that.

13 So with that, I happily turn this over to you and
14 open this up to questions from the board.

15 MS. BRICKEY: Thank you, Bob. You're just a
16 little too happy from my standpoint. Go ahead.

17 MR. ANDERSON: This was 18 months.

18 MS. GOLDBURG: Bob, you did a terrific job
19 presenting the report. I wanted to make note of one small
20 item in the report that as a task force member I don't
21 remember agreeing to, and in fact as I recall, as part of
22 the aquaculture work group, we had some disagreement on.

23 That is the statement that the task force --

24 VOICE: What page, Becky?

25 MS. GOLDBURG: It's on page 10 of the document,

1 under livestock living condition. That is, there's a
2 statement that the task force concludes that net pen systems
3 that do not have [unintelligible] contain excess nutrients,
4 may meet the requirements of an organic system if they do
5 not exceed the capacity of adjacent water to naturally cycle
6 such nutrients.

7 As I recall, at least some of us on the task
8 force felt that organic production systems must include the
9 concept of recycling nutrients, and that certainly I believe
10 [unintelligible] adjacent waters are. There's no real such
11 thing as carrying capacity.

12 MR. ANDERSON: I tell you, as I reviewed my notes
13 I couldn't decisively conclude that, which was why I sent
14 this out and asked for comment. And having gotten none, I
15 went forward with this.

16 MS. GOLDBURG: Right. I obviously missed it in
17 the review.

18 MR. ANDERSON: It's duly noted, and it wasn't
19 clear -- and I don't know where you establish -- you know,
20 again our goal wasn't to establish the standard by which you
21 do it, but that's important.

22 MS. GOLDBURG: I think it would be perhaps -- I
23 mean, you could note this as a matter of disagreement
24 perhaps, but I don't think there was consensus.

25 MR. ANDERSON: Okay. Duly noted.

1 Was there another hand? George.

2 MR. SIEMON: Yeah. I just had a question on the
3 aquaculture, you know, about controlling the livestock feed.
4 If I live under the living conditions, you're allowing -- I
5 guess a net pen or a [unintelligible] as inside of a bigger
6 water system where there's flow.

7 MR. ANDERSON: Yes.

8 MR. SIEMON: So the water coming in, you're not
9 controlling what feed is in there; is that right? I'm just
10 asking a question, because one of your points is you've got
11 to control the feed and now you're allowing free flow of
12 water coming through.

13 MR. ANDERSON: Yeah. I suspect that's somewhat
14 the same as bugs and worms in a poultry pasture.

15 MR. SIEMON: You're right. That's a good
16 analogy.

17 MS. GOLDBURG: I think if I can offer comment.
18 It's a matter of degree. In a net pen -- you know, it's
19 documented that salmon eat herring from runs that swim
20 through and so on, and you can get a fair amount of wild
21 feed.

22 I imagine with something -- other systems that
23 employ screens before they take in water, it's pretty
24 minimal.

25 MS. BRICKEY: Other questions from the board?

1 Jim.

2 MR. RIDDLE: Yeah. I also compliment you and
3 thank you for the work that you did. I think it's an
4 excellent document.

5 Under the proposed standard section of it --
6 outline -- there -- what would that be? Page four. Under
7 identification, it's probably just another one of those
8 assumptions that's not stated, but it takes the -- you know,
9 aquatic animals all the way up -- you know, tracking
10 everything about them, but not their harvest, transport,
11 processing, package and [unintelligible] -- you know, the
12 rest of the audit trail needs to be followed through as --

13 MR. ANDERSON: Yeah. I think the reason that we
14 stopped at processing, Jim, is that, really, processing is
15 processing sort of, you know. And I think that --

16 MS. BRICKEY: Yes.

17 MR. ANDERSON: And what we were really trying to
18 do is can you raise these animals. I agree completely with
19 you. The logical extension is that every other piece of
20 this has to fit also.

21 MR. RIDDLE: Right.

22 My second question or point is about processing.
23 I know that wasn't the mission or scope of this project,
24 but we do -- if this moves forward or as this moves forward,
25 we do need to address unique processing inputs, type of

1 methodologies, all of the standards that are needed for the
2 rest of the picture.

3 MR. ANDERSON: But I think you have clear
4 templates for that as opposed to here, where we had no
5 template whatsoever.

6 An important thing that I really want to say,
7 too, is that the credit for this report really doesn't go to
8 me. It goes to all of those folks, particularly in the
9 working groups, and the work of Miles and of Margaret. And,
10 really, it was their resources. I'm really only the vehicle
11 here that brought it to you in the end. These folks did
12 extraordinary work.

13 And, likewise, the task force was very
14 participatory and worked very, very hard over a long period
15 of time to bring this into its condensed form.

16 VOICE: And, Bob, you should add, we got some
17 good support from NOP as well.

18 MR. ANDERSON: We got terrific support from NOP.
19 George.

20 MR. SIEMON: Yes, I need a reference. I heard --
21 in talking about amino acids, we've talked a lot about
22 whether fish could be a feed. And since we can't have
23 organic fish, we're being told that therefore we can't use
24 organic fishmeal, that it doesn't exist.

25 But I've been told that kelp will be allowed.

1 And I know it's not this, but where is it in the rule that
2 says kelp could be allowed because you're not controlling
3 the feed, you're not --

4 MR. ANDERSON: Well, you have to understand that
5 these are criterion that are for animals and livestock, and
6 we only reviewed that.

7 MR. SIEMON: I know. But is there a reference
8 that you could give me? I just need --

9 MR. SIDEMAN: Yeah, I can answer that for you.
10 The kelp is actually in a different section where it's
11 agricultural products that are nonorganic. And that's
12 something that the Livestock Committee has to address.

13 It says that kelp can be used in processed
14 products. If it's being used in livestock feed, the way the
15 rule is written now, kelp would have to be organic kelp
16 because it's recognized as an agricultural product, and
17 we're saying a hundred percent organic feed.

18 The Livestock Committee is going to put forth --
19 probably in October -- a recommendation that some nonorganic
20 agricultural products and natural products be allowed as
21 feed supplements.

22 MR. SIEMON: Okay. But what you just said was
23 there can't be organic kelp under the present rule.

24 MR. SIDEMAN: The way the rule is now, you can
25 feed kelp to livestock if it's organic kelp.

1 MR. SIEMON: But the rule also says you can't
2 have organic kelp.

3 VOICE: No, there's no provisions anywhere,
4 whether kelp can or can't --

5 VOICE: No, you can have organic kelp.

6 MS. BRICKEY: You can or cannot?

7 VOICE: Yes, you can have organic kelp, and that
8 would be required for livestock feed.

9 VOICE: But there aren't any standards for
10 organic kelp. There aren't any standards right now.

11 VOICE: That's right. We haven't written the
12 standards for it, but it would probably fall under the crop
13 standard guideline for wild harvest. There is a wild
14 harvest section -- remember -- that works for plants in the
15 wild.

16 Not that I agree with it.

17 MS. BRICKEY: Okay. Other comments or questions?

18 [No response.]

19 Thank you. Okay. We quickly have some votes
20 that we need to complete. I think I'm losing three members
21 in a few minutes. I'm unhappy about that, but I'm losing
22 them nonetheless.

23 So let's move to the items that we're going to
24 vote on at this point in time. Kim, you had one materials
25 item.

1 MS. BURTON: Yes.

2 VOICE: Madam Chair, could I ask about public
3 comments? I thought [inaudible]

4 MS. BRICKEY: It comes at 4:30. Yes, that was
5 what was published in our agenda in the Federal Register.

6 MS. BURTON: The one action item from the
7 Materials Committee is just recommending the procedures for
8 amending the National List. This is the same document that
9 I gave yesterday, except that I removed the 45-day public
10 comment period after the publication section, which is
11 number three.

12 There's no such thing as a public comment after
13 finally published.

14 So I move that we recommend this document to the
15 NOP.

16 MS. BRICKEY: Is there a second?

17 MR. CARTER: Second.

18 MS. BRICKEY: Is there discussion? Who seconded
19 it? Dave.

20 Is there discussion?

21 All those in favor, please signify by raising
22 your right hand. Opposed. All right. The recommendation
23 is adopted.

24 I believe there are two processing items; is that
25 right, Steve?

1 MR. HARPER: Well, actually there's one
2 processing and one technical correction. One is included in
3 technical corrections.

4 MS. BRICKEY: All right. Then we don't need to
5 address it. Let's just do --

6 MR. HARPER: Okay. The one that's under
7 processing at this point is the recommendations that I
8 presented on changing the -- adding the section, the
9 205.305, to close the potential loophole regarding labeling
10 misrepresentation for the label that has [unintelligible]
11 and information panel all on a single labeling panel.

12 Do you want me to go over the language? Do
13 people need to hear the language?

14 VOICE: We just went over it a few minutes ago.

15 MR. HARPER: If nobody needs to hear it, I will
16 not go over it again.

17 VOICE: This is the 305?

18 MR. HARPER: This is the addition to 205.305 on
19 restricting font size, style for a single panel label.

20 So I move that we make this recommendation to add
21 these additional regulations.

22 MS. BRICKEY: Is there a second?

23 MR. KING: Second.

24 MS. BRICKEY: Is there discussion?

25 All those in favor, please raise your hand.

1 Opposed. The motion is carried. This recommendation --

2 MR. HARPER: Then the other processing is under
3 technical corrections.

4 MS. BRICKEY: All right. This motion is adopted.
5 Now, Accreditation, do you have two items?

6 MR. LOCKERETZ: Yes. We have the peer review
7 panel, the plan for it which Jim presented a little earlier
8 today.

9 VOICE: I couldn't hear you.

10 MR. LOCKERETZ: The peer review panel plan which
11 Jim presented earlier today, which you have copies of.

12 MR. SIEMON: And we made a few changes, like
13 certification to accreditation.

14 MR. LOCKERETZ: Right. As amended, yes. I think
15 we've had discussion of that already.

16 So if someone wishes to move it.

17 MS. BRICKEY: You do it.

18 MR. LOCKERETZ: I move that we adopt that peer
19 review panel plan.

20 MS. BURTON: Second.

21 MR. LOCKERETZ: All in favor.

22 MS. BRICKEY: Is there discussion -- further
23 discussion?

24 All those in favor, please raise your hand.

25 Opposed.

1 This recommendation is adopted.

2 MR. LOCKERETZ: Hand up for opposed?

3 VOICE: No.

4 MS. BRICKEY: All right.

5 MR. LOCKERETZ: The second item concerned the
6 certifier's ability to comply with the accreditation
7 requirements as opposed to being in full compliance. We
8 discussed that this morning. I move that we adopt that
9 motion.

10 MS. BURTON: I'll second it.

11 MS. BRICKEY: Is there discussion?

12 All those in favor, please raise your hand.

13 Opposed.

14 All right. That motion is adopted. This
15 recommendation is adopted.

16 Now we have technical corrections. We are moving
17 a package of corrections I believe that contains 9 out of 14
18 items.

19 MR. RIDDLE: Right. And just for the record,
20 it's items 2, 3, 6, 7, 8, 9 with the amendment of changing
21 to 12 months as we discussed, and items 10, 12 and 13.

22 VOICE: Could you list those once more? I'm
23 sorry.

24 MR. RIDDLE: Sure. 2, 3, 6, 7, 8, 9 and it was
25 amended with a change to 12 months -- the previous 12 months

1 instead of year, and then items 10, 12 and 13.

2 MS. BURTON: 13 is the same as what Steve
3 proposed?

4 MR. RIDDLE: Yes.

5 MS. BURTON: So we're doing it twice?

6 MR. RIDDLE: No, we didn't vote on it then under
7 Steve's, because it's part of this package.

8 MS. BRICKEY: The chair will entertain a motion.

9 MR. RIDDLE: I so move.

10 VOICE: Second.

11 MS. BRICKEY: Any further discussion?

12 All those in favor of the package of technical
13 corrections and recommendations to the NOP, please raise
14 your hand. Is there objection? All right.

15 The technical corrections are adopted.

16 Now, we have also from Owusu and from Eric two
17 documents that they wanted to very quickly present to the
18 board.

19 MR. BANDELE: Yes, Madam Chair. I incorporated
20 several of the changes that we discussed yesterday in terms
21 of the greenhouse production system. Those we have in (b),
22 in terms of having the greenhouses as a part of a farm plan
23 which ensured sustainability.

24 I'll quickly read, "The producer operating a
25 greenhouse with a bench system must establish within the

1 farm plan strategies which enhance the use of ecologically
2 sound production practices. Components of the farm plan
3 must include provisions for the recycling of
4 [unintelligible] and [unintelligible] plant materials, the
5 reduction of the use of off-farm inputs and provisions for
6 minimizing soil erosion and the pollution of soil, water and
7 air."

8 I also included a few other changes yesterday.
9 If you look on page 2, number 3, somebody brought the point
10 up about pesticides and water systems, so that -- number 3
11 would take care of that.

12 Someone else from the audience pointed out that
13 some growers alternate between conventional and organic
14 during different times of the year. So number 4 addresses
15 that, in terms of a system of preventing contamination.

16 And I think Michael pointed up possible problems
17 with GMO. And as I interpreted that, that would primarily
18 be due to cross pollination of conventional and organic
19 crops. So (i) addresses that.

20 The only skepticism I have -- it's ready to go.
21 The only skepticism I have about the whole document is that
22 it was really a response to the draft from NOP, and NOP did
23 not really respond to this.

24 So we could [unintelligible] it up, if the board
25 chooses, as a crops recommendation. But in thinking about

1 it, it may be more appropriate to wait.

2 Rick, could you give us a feel for that?

3 MR. MATHEWS: I'd be very happy to take a
4 recommendation from the board on this at this time.

5 MR. SIDEMAN: My comment would be it still isn't
6 strong enough for the objections that I made yesterday about
7 addressing the principles of organic agriculture, and I
8 would much rather have a sentence in the beginning that a
9 bench system greenhouse operation must address the
10 principles of organic agriculture.

11 MS. BRICKEY: Willie.

12 MR. LOCKERETZ: I have an objection, too. I'm
13 sorry for bringing it up now, but yesterday I saw this for
14 the first time. It was laid in front of us. We immediately
15 went into discussion, and I wasn't prepared to discuss it.

16 But having read it overnight -- the previous
17 version overnight, I have an objection. If it's in order
18 I'll raise it now, but I would really favor delaying action
19 on the whole thing on the grounds that this thing is a dense
20 document that was so hurried up that I don't think it got
21 adequate discussion.

22 If you want to hear my substantive discussion --

23 MS. BRICKEY: I understand this is a committee
24 document. This is not a final board recommendation.

25 VOICE: So this is to go just out for input.

1 MS. BRICKEY: For comment, that's right.

2 MR. SIDEMAN: Can I make a comment?

3 MS. BRICKEY: Please.

4 MR. SIDEMAN: I would suggest that we put it up
5 on the web, as probably these other two documents we're
6 going to look at, as committee recommendations rather than
7 board recommendations.

8 MS. BRICKEY: That was always the plan.

9 MR. LOCKERETZ: I have an objection to this
10 document which is I question the validity of dividing a
11 greenhouse into an organic and a nonorganic section, even if
12 you can guarantee non-movement of prohibited materials.

13 I wonder why a person would want to do that. I
14 would doubt the motives of a person who wanted to do that.

15 With a farm, you might run two farms. One might
16 be here, and one might be there, and it takes years to make
17 the transition, and you might have very valid reasons for
18 saying, I'm running this farm organically, but this farm
19 over here I'm running conventionally, at least for now. The
20 land may be different, the situation may be different.

21 So I accept split operations on the farm level.
22 But with a greenhouse, when you have one greenhouse, why you
23 would put up a barrier in order to be able to run half a
24 greenhouse conventionally, to me I can't accept that.

25 So I think rather than recommending that they be

1 grown in separate greenhouse structures, I would say they
2 must be grown in separate structures.

3 MR. BANDELE: Willie, I really felt the same as
4 you did until yesterday when Zia pointed out that some
5 operations in California did in fact have those and were
6 certified. So that's why I left that part in.

7 MR. LOCKERETZ: Well, we're free to state it our
8 way.

9 MS. KOENIG: Yeah, but I just want to point out
10 that on some large operations, a greenhouse can be an acre,
11 an extension of a greenhouse. I just think that -- and it
12 is possible. So it's just by definition. Unless you
13 clarify what type of greenhouse, it's hard to --

14 MS. BRICKEY: This is not the time of course we
15 want to debate this. My question to you, Owusu, is whether
16 this will be a recommendation from the committee at this
17 time.

18 MR. BANDELE: Yes, it will be.

19 MS. BRICKEY: All right. So we'll put it up on
20 the web for comment.

21 MR. LOCKERETZ: So we won't vote on it as a
22 board?

23 MS. BRICKEY: No, we were never voting on it.

24 MR. LOCKERETZ: Okay.

25 VOICE: Today.

1 MS. BRICKEY: Right. We were never voting on it
2 today. Thank you.

3 MR. SIDEMAN: But the plan is to have a 30-day
4 comment period and then go back to the committee with those
5 comments and the committee come up with a final draft to
6 present in October for a vote. Is that my understanding?

7 And that's the way I would like to handle the
8 pasture document, the mushroom document that we're going to
9 look at. And then the vaccines with antibiotics document
10 that I'm going to have out.

11 MS. BRICKEY: Let's move to the mushroom
12 document.

13 MR. SIDEMAN: Okay. The mushroom document was
14 just handed out to everyone --

15 VOICE: Wait a minute. Can we get a date for the
16 comment on this? Is this also a July 31 date?

17 MR. SIDEMAN: That would be great.

18 MS. BRICKEY: Can we discuss that at the end when
19 we get all our items --

20 VOICE: Sure.

21 MS. BRICKEY: Make sure we're not confusing.

22 MR. SIDEMAN: The mushroom one has the same flaws
23 that Willie points out for the greenhouse one, that it was
24 put together very quickly.

25 I took the NOP recommendation and I added the

1 comments from yesterday's discussion, and I doubt anyone
2 wants to hear me read it. I think we'll put it up on the
3 web for comments, and people who want to comment should get
4 them in.

5 MS. BRICKEY: The same process that --

6 MR. SIDEMAN: The same process as the greenhouse.

7 MS. BRICKEY: All right. Your third item?

8 MR. SIDEMAN: This one is from the Livestock
9 Committee. This one is in response to a request we got from
10 industry, and I think that it could be answered relatively
11 quickly.

12 The Livestock Committee actually voted on this
13 already and passed it as a recommendation from the Livestock
14 Committee. So I want to present it to be put up on the web
15 for more comment from the public and consideration from the
16 board members since it's being handed out at the last
17 minute.

18 And this one I can read since it's very short.
19 The reason we're putting this forth is that many vaccines --
20 and it turns out semen that's used in artificial
21 insemination -- are preserved with antibiotics. And it's
22 considered -- it was agreed upon among the Livestock
23 Committee -- I believe it was a unanimous vote -- that since
24 these antibiotics are not being used to treat animals, we do
25 not want to see antibiotics listed as a synthetic material

1 or in any other way on the National List, but would rather
2 do it in a single sentence to allow vaccines and semen to be
3 preserved using antibiotics.

4 And so we wrote this sentence that reads, "The
5 Livestock Committee recommends that vaccines and semen that
6 have had antibiotics (antimicrobials) added for the sole
7 purpose of preservation of the vaccine or the semen be
8 permitted in organic livestock production systems."

9 I don't know if you want comments or just let
10 people comment.

11 MR. SIEMON: This is just going out for input
12 also?

13 MR. SIDEMAN: Input also to be finished --
14 polished up and then voted on in October.

15 MR. SIEMON: My only concern is that we've
16 discovered there's a lot of other similar issues, and should
17 we at the same time ask for input for similar issues to get
18 some examples, like we did of the WAY colostrum on our tour?

19 MR. SIDEMAN: I'd like to. I just don't see that
20 we're ready. I think we need a way of putting that up as a
21 statement from the Livestock Committee, and we just don't
22 have it. There are just so many different categories, as we
23 talked about before.

24 MS. BRICKEY: Jim.

25 MR. RIDDLE: Would this go into the regulatory

1 text of the rule, or would it be an annotation to vaccines
2 under the list?

3 MR. SIDEMAN: It would be an annotation to
4 vaccines under the list because vaccines are already listed.

5 MR. RIDDLE: Okay. Maybe that should be made
6 clear in like an introductory sentence before it's posted on
7 the website?

8 MR. SIDEMAN: Can you do that, Rick?

9 MR. MATHEWS: I'd prefer to have you write the
10 introductory sentence.

11 MS. BRICKEY: I think that's good, to put a
12 context into it.

13 MR. SIDEMAN: Okay. I can do that.

14 MS. BRICKEY: But you took note of George's
15 comment about wanting to look at some of these issues more
16 broadly?

17 MR. SIDEMAN: Well, I don't think we can do it in
18 this one because this is so clear cut and the other ones are
19 really broad items.

20 MR. SIEMON: I just wanted you to have a
21 commentary -- you know, saying --

22 MR. SIDEMAN: If somebody could come up with a
23 way right now to present it, I'd be glad to put it up on the
24 web. I have no objection to it. I just don't have the
25 ability to write something now.

1 MS. BURTON: We were going to look at it through
2 the Materials Committee, but I'm not prepared to talk about
3 it today. I did note it to discuss with materials.

4 MS. BRICKEY: Becky, did you have a comment?

5 MS. GOLDBURG: Yeah. I was just going to suggest
6 that if we have an introductory sentence for this, we just
7 add another introductory sentence that if there are examples
8 of other products that people would like brought to the
9 Livestock Committee's attention, would they please bring
10 them forward, and see what comes in.

11 I think there is something to George's
12 suggestion.

13 MR. SIDEMAN: George, can you write such a
14 sentence and send it to me?

15 MR. SIEMON: Yes.

16 MR. SIDEMAN: And then I will include it with my
17 introduction that I'm writing to this and will send them
18 both to be put up on the web.

19 MR. HARPER: Just a point of clarification.
20 George, your concern is specifically the livestock, or is it
21 regarding this whole discussion we had this morning about
22 excipients, incidentals and all that sort of stuff?

23 MR. SIEMON: Yeah, I know it's all related and
24 connected so --

25 MR. HARPER: So it is the larger discussion that

1 you're talking about?

2 MR. SIEMON: It is the larger discussion, but I
3 was just talking about livestock. But it is the larger
4 subject. So maybe it's materials.

5 MS. BRICKEY: If you're only seeking comment,
6 it's not a problem if you don't capture everything --

7 MS. GOLDBURG: I think it's useful to capture
8 more examples.

9 MR. SIDEMAN: Uh-huh. And it may wake people up
10 to the fact that there are problems out there.

11 MS. BRICKEY: All right. Anything else on your
12 item?

13 Okay. So I think we don't have any other items
14 to go over; is that correct?

15 All right. I have a list here of documents that
16 are going to appear on the web for comment: the greenhouse
17 standards, the mushroom standards, pasture recommendation,
18 the antibiotics and vaccines and semen that are in your
19 broader request for comment, principles of organic
20 production and handling and aquatic animal task force
21 recommendations, which the board will look at and vote on at
22 our October meeting.

23 VOICE: What was the third one?

24 MS. BRICKEY: I don't know. The pasture?

25 VOICE: Yeah, that was it.

1 MS. BRICKEY: Is that an exhaustive list or does
2 anyone else have any other items to add?

3 Oh, come on!

4 MR. CARTER: This is a question. I'm starting to
5 work on some stuff on these vitamins. How do we handle
6 that? Is that just circulated --

7 MR. SIDEMAN: Well, in the past at the end of the
8 meeting we went over what each committee has for a work
9 plan, and I was going to bring that up then, but I don't
10 know if we're going to do that today.

11 MS. BRICKEY: That will be the first item for our
12 next executive call is committee work plans. All right?

13 MR. SIDEMAN: All right. Can you bring it up
14 then, Dave?

15 MR. CARTER: Yeah, that's fine.

16 MR. RIDDLE: I just want to be careful about the
17 wording on the instructions for comments that we say to be
18 considered at the October meeting, but not to say to be
19 voted on because there's always a chance of deferring
20 something.

21 And if we've led people to believe there's going
22 to be a vote --

23 MS. BRICKEY: Point well taken.

24 VOICE: Can you say "may be voted on," so they
25 know that they may be voted on?

1 MR. LOCKERETZ: And, Carolyn, we would also post
2 the things we just voted on as a board; correct?

3 VOICE: That's the list she just did I think.

4 MR. LOCKERETZ: No, those are to be posted.

5 MS. BRICKEY: No, these are documents for
6 comment.

7 MR. LOCKERETZ: But the ones that we have taken
8 action on just now, would those get posted as well?

9 VOICE: I certainly hope so.

10 VOICE: They should.

11 MS. BRICKEY: I'm hesitating because --

12 MR. LOCKERETZ: Is the full text included in the
13 minutes?

14 VOICE: Yes, as an attachment.

15 MS. BRICKEY: Okay.

16 VOICE: Two more things that belong there, Emily
17 and Zia's matrices, are they going to get posted on the web?

18 MS. BRICKEY: Right.

19 VOICE: Very good. But are you seeking comment
20 on them?

21 MS. BRICKEY: Well, yes, but not -- you know,
22 only in the sense that we want people to provide corrections
23 or additions that need to appear on the documents, right?

24 VOICE: Or anything that might be missing.

25 MS. BRICKEY: Okay. Now the comment was made

1 earlier, which I thought was an excellent suggestion, was
2 having a section on the website that says -- you know -- I
3 don't know what the right wording is, but recommendations or
4 issues about which the board is seeking comment.

5 So one of the questions is what kind of comment
6 period do we want for these documents? It certainly makes
7 sense to have a common comment period if possible, because
8 it's confusing to people if you say 30 days for this --

9 MR. LOCKERETZ: Well, we said 30 days after
10 notice earlier.

11 MS. BRICKEY: Well, we did for a couple of items
12 and then we talked about July 31st, if you recall.

13 VOICE: I think it should be 30 days after
14 posting, but I think they should stay up there until a
15 decision is made.

16 MS. BRICKEY: Right.

17 MS. GOLDBURG: I want to say, as someone who
18 frequently writes public comments to federal agencies, 30
19 days is seldom enough to provide real public input, because
20 it usually takes people a couple of weeks to find out that
21 something is actually available to comment on, and then that
22 doesn't leave a lot of time for comment.

23 So I would suggest a minimum of 45 days, and
24 actually 60 is preferable, if that fits our other schedule.

25 MS. BRICKEY: Well, there's two issues. One is

1 when will the documents actually be posted, you know.
2 Because of some technical difficulties, that has been
3 somewhat of a problem.

4 And the other is, how much time will be left for
5 the committee or the board to work on the comments and use
6 them, you know, before our next committee meeting.

7 MR. RIDDLE: I'm concerned -- if it's a set
8 number of days, that the date of posting is very clear in
9 order to establish the deadline --

10 MS. BRICKEY: Right.

11 MR. RIDDLE: -- so that people know what the
12 deadline is.

13 MS. BRICKEY: Mark.

14 MR. KING: I would just further suggest that
15 while we state the time period -- whatever it is, 30, 45
16 days -- that you don't even -- it's that deadline date. I
17 mean, it doesn't have to be -- you know --

18 VOICE: That's what Jim was saying.

19 MR. KING: Okay. I just wanted --

20 VOICE: A clear deadline date.

21 MR. KING: Right. July 31st.

22 MS. BRICKEY: Yes.

23 MR. KING: All right. Never mind. Forget that
24 last comment.

25 VOICE: No, it's right on.

1 VOICE: [unintelligible] take it from both ends.
2 What's the last date that you would be able to work with a
3 public comment and still be able to have the committee
4 [inaudible] his best estimate on when the earliest date of
5 posting could be. And then you have a window that's left
6 [inaudible]

7 MR. MATHEWS: We will shoot for posting by the
8 end of this next week on all of these. The only one I can't
9 guarantee you is the one that Eric is supposed to modify and
10 submit to us, which was the Livestock Committee's last
11 action, because all the rest of them we have them.

12 VOICE: [inaudible] second week in October, the
13 [inaudible]

14 MS. BRICKEY: The next board meeting --

15 VOICE: 16 and 17 I believe.

16 MS. BRICKEY: 15th, 16th and 17th. The reason is
17 it attaches to the Expo meeting, so we're not doing our
18 traditional travel day on Monday.

19 VOICE: If you [inaudible] nine weeks [inaudible]

20 MS. BRICKEY: So that would be about 45 days?

21 VOICE: That would be 45 days.

22 VOICE: July 31st will be about 45 days.

23 MS. BRICKEY: So, Becky, Rick says that he can
24 have everything up on the web by the end of next week. If
25 we said July 31st, that would be about 45 days.

1 MS. GOLDBURG: Yeah, I think that's okay. I just
2 think that 30 days is not generally sufficient. And I think
3 we do ourselves well by giving people adequate time.

4 MS. BRICKEY: I agree. So then, Rick, you and I
5 will consult next Friday and make sure things are up on the
6 web, and then we'll use the July 31st date, if that's all
7 right.

8 All right. Any other business, ladies and
9 gentlemen?

10 MR. RIDDLE: Our next meeting, is that the one
11 beyond that or are we going --

12 MR. SIEMON: I'd like to talk -- are we going to
13 talk about schedules today?

14 VOICE: The very next one is set for October
15 15th/16th --

16 MS. BRICKEY: And possibly 17th.

17 VOICE: And possibly 17th. Shall we decide if
18 that possibly is indeed needed?

19 MS. BRICKEY: We cannot decide that today.

20 VOICE: We can't?

21 MS. BRICKEY: No. We will try to decide that
22 within the next couple of weeks.

23 VOICE: Okay. Executive or through e-mail
24 circulation?

25 MS. BRICKEY: Right.

1 VOICE: Okay.

2 VOICE: [inaudible]

3 MS. BRICKEY: We're into 2002, so we usually meet
4 in March. We've been meeting in California for the Expo
5 West, but we don't have to do that. We've also had a
6 request from OTA to connect our meeting to their next trade
7 show meeting, which will be --

8 VOICE: Mother's Day weekend.

9 MS. BRICKEY: Which date?

10 VOICE: [inaudible]

11 MS. KOENIG: I will suggest -- I think Marty
12 would help -- if we wanted to do farm tour components
13 similar to that, to try like Tampa, Tampa or Orlando. But
14 the only thing with Orlando is that if you do it in March,
15 depending on spring breaks, you can run into a lot of
16 problems.

17 VOICE: Or Jacksonville.

18 MS. BRICKEY: What are your comments? We're
19 talking in terms of just timing.

20 VOICE: I don't understand your question.

21 MS. BRICKEY: I'll have to explain it to you
22 later then.

23 VOICE: Is mid February okay with you?

24 VOICE: That's fine with me.

25 VOICE: I think that's early. Late

1 February/early March.

2 MR. LOCKERETZ: But that's a five-month
3 separation.

4 VOICE: February is four months.

5 MR. LOCKERETZ: We've been doing March for no
6 apparent reason. February would even everything out.

7 VOICE: How about the 6th, 7th and 8th of
8 February?

9 VOICE: Let's do it later.

10 VOICE: I'd like to have it close to a weekend so
11 that people in the audience -- the cost of the flight. If
12 people want to stay over, they could.

13 VOICE: So how about the 21st and 22nd then?

14 MS. BRICKEY: Of what?

15 VOICE: February.

16 VOICE: That's Thursday/Friday or a
17 Monday/Tuesday. I'd just like to do it close to a weekend.

18 VOICE: That's going to be school vacation week
19 probably. I don't know if that's a problem.

20 MS. BRICKEY: No, not for most people it's not.
21 I don't mean that because of their children, I mean, when
22 the vacations are. Many people here have children.
23 Children are great! Don't misunderstand me.

24 And you want to have it in Florida? Are you
25 agreed on that?

1 VOICE: Well, the only thing is you avoid some of
2 the weather problems coming in. But you still may have
3 weather problems getting there.

4 MS. BRICKEY: All right. Did we say the 21st and
5 22nd of February?

6 VOICE: That's Thursday and Friday.

7 MS. BRICKEY: Okay. What else? What about a
8 town? Do you want to go Tampa or do you want to do Orlando,
9 or do you want to look at that?

10 VOICE: Why don't we look at it because if you do
11 want to do farm associated stuff, I can check with Marty and
12 find out what city is the best for that.

13 MS. BRICKEY: Okay.

14 VOICE: We would also like to put in some input
15 on that so we can kind of see what air fares are like for
16 the city pairs.

17 We should be looking at a board retreat day or
18 half day time of some unofficial work I think. We should be
19 looking at that.

20 VOICE: For the October meeting?

21 VOICE: Well, possibly October, but for sure
22 February.

23 MS. BRICKEY: Steve.

24 MR. HARPER: Will we have five new board members
25 for the February meeting?

1 MS. BRICKEY: We don't know. Please let's not
2 get into this now.

3 MR. MATHEWS: The bottom line is that Toni has
4 already drafted the paperwork to get moving on notification
5 of the availability of five positions. Our goal would be to
6 have the Secretary make those appointments at the beginning
7 of January, so the terms would start on January 24th.

8 Ideally, yes, you would have five new members
9 showing up at your February meeting.

10 MR. SIDEMAN: And the old members would not have
11 to be there?

12 MR. MATHEWS: We've always invited them to come
13 along for the transition for continuity.

14 VOICE: So I should try to be there.

15 MR. MATHEWS: It's optional for you.

16 VOICE: Okay.

17 MR. KING: So are we perhaps suggesting an extra
18 day tacked on the front of this, and should we --

19 MS. BRICKEY: Those of us who are optimistic
20 about this process of appointment are.

21 MR. KING: I'll include myself in that then.

22 MS. BRICKEY: All right.

23 MR. RIDDLE: I'd like to suggest, if we are
24 looking at farm tours, that maybe they could be on the
25 Saturday after the meeting concludes because that would work

1 better for flights and stuff, too. It's just a suggestion,
2 but Rosie is not here.

3 MS. BRICKEY: All right.

4 MR. CARTER: I'm wondering, too -- and I don't
5 want to get this thing too lengthy -- but with the new
6 members coming on -- I'll be an optimist and see
7 [unintelligible] and with the fact that now we've really had
8 this big turnover in the last two years, I think it would be
9 very helpful for the board to do more than just a half day
10 planning.

11 I think we could benefit from a more
12 concentrated, strategic planning session and really help us
13 determine some priorities so that we're making the best use
14 of our time from here on out.

15 And then if we're going to do a farm tour, do
16 that on Saturday because that would be kind of a time to
17 unwind and eat, drink and be merry.

18 MS. BRICKEY: We've never built that into our
19 schedule before, especially the merry part.

20 All right. Anything else about scheduling?

21 Michael, quickly.

22 MR. SLIGH: Did USDA say when they would post the
23 notice of the new members? I didn't catch that.

24 MS. BRICKEY: Well, she has drafted the --

25 MR. MATHEWS: It has been drafted. I've got to

1 review it. I'll review it next week. We'll get it into the
2 clearance process. When it will be published is anybody's
3 guess, but we will be putting it in the process.

4 MR. SLIGH: As Willie says, it's not a profound
5 question.

6 MS. BRICKEY: Okay. I want at this time to move
7 into our comment period.

8 VOICE: No break?

9 MS. BRICKEY: Yes, I'm going to give people a
10 break. Just relax, you guys. Let's take a ten-minute
11 break. We'll come back. We'll begin our comment period.

12 [Brief recess.]

13 MS. BRICKEY: I want to apologize to our
14 speakers. We have lost a few of our board members. The
15 problem we have here is it is very difficult to get in and
16 our of this place. If you don't know that now, you'll know
17 it soon.

18 So we've just unavoidably lost a few of our
19 members, and I do apologize for that. These folks are very
20 good about staying and listening to public comment and very
21 much appreciate your input, so know that.

22 I'd like to introduce our first speaker who is
23 the Honorable Fran Ulmer who's lieutenant governor of the
24 State of Alaska. We thank you very much for being with us
25 today. We welcome you and look forward to your remarks.

1 raised in Wisconsin, a little town called Horicon, where
2 John Deere has a manufacturing plant. So I was sort of
3 surrounded by farmers and farm country growing up as a kid.

4 I'll tell you as I was flying here, I was
5 reflecting upon how much farmers and fishermen have in
6 common. And they really do. They really do. They're
7 obviously engaged in the process of providing food for
8 America and food for the world.

9 Often, they are small independent businessmen.
10 Sometimes they're large. Sometimes they're family operated.

11 Sometimes they're part of a bigger organization. They tend
12 to be pretty fiercely independent. They're very interested
13 in the quality of their product and they work hard at it.

14 And in some instances, you know, they're treated
15 fairly. In some instances they're not treated exactly the
16 same, and this is one in which they're not treated exactly
17 the same. Farmers have access to something that has a lot
18 of value, and it's the certification as organic. And
19 fishermen at least to date have not had the opportunity
20 provided by the Federal Organic Foods Production Act to have
21 their product, a very wonderful food source, be certified as
22 organic.

23 There's really nothing in the law, as I read it,
24 that precludes fishermen and the product -- this wonderful
25 food product of fish -- from having the benefit of an

1 organic designation.

2 And of course you've heard a little bit about
3 that this afternoon because you had an advisory committee
4 that spent some time thinking about it and talking with
5 others about it. But, you know, I went back to the
6 definition of organic food from the Senate Report from the
7 bill. I'm sure you've heard this many times. Organic food
8 is food using sustainable production methods that rely
9 primarily on natural materials.

10 Well, so far there's nothing there that would
11 preclude fish, particularly from the perspective of Alaska
12 wild fish, from being organically certified.

13 It goes on to say, "The organically produced
14 label authorized under this bill therefore pertains to the
15 production methods used to produce the food rather than to
16 the content of the food."

17 I want to emphasize it says produced. It does
18 not use the word "grown." It does not use the word
19 "raised." It uses the word "produced."

20 And so a lot of this debate about whether wild
21 fish, wild seafood, can in fact obtain an organic
22 certification comes down to some of the other words you
23 heard in the report as it was presented this afternoon and
24 as it's written.

25 Words like control, degree of management, fixed

1 boundaries. These are things that are not found in the act.

2 And I urge you as an advisory board to the department to
3 think carefully about going beyond where you have been in
4 the past, envisioning the opportunity to add a very
5 important food to this list of organic food.

6 And I would argue that that would be good for
7 consumers. We know that wild seafood has extraordinary
8 health values. Omega-3s were talked about earlier. I could
9 go on and on. We don't have time to.

10 It would be good for producers and certainly for
11 retailers because it's an additional business opportunity.
12 It could expand greatly the amount of food that is
13 organically certified and sold.

14 We know that it would be good for coastal
15 communities. I might just take a moment here to say that in
16 Alaska most of our coastal communities rely upon seafood
17 harvesting and seafood production to really exist.

18 You would wipe out seafood harvesting and pretty
19 much wipe out the coastal communities of Alaska.

20 I would argue it would also be very good for the
21 environment and for the wild species that would be certified
22 as organic. Why? Because in the process of certifying a
23 production regime, a management system as being worthy of
24 the organic certification, you would be rewarding, through
25 market mechanisms, sustainability, because a system -- a

1 management, a production system for wild seafood that has as
2 part of it a sustainability criteria is the kind of good
3 best practices we want to reward.

4 It's the kind of thing that is good for the
5 environment, good for the wild species, good for the coastal
6 communities and the people who harvest these species. It
7 creates a set of positive incentives. It uses the
8 marketplace to reinforce those positive incentives in a way
9 that really establishes a new model for aquatics and for
10 sustainable aquatics.

11 You know, it's a paradigm shift. This is the new
12 millennium. I think it's time for this board, time for this
13 department and time for national organics to go beyond the
14 concept of land-based food.

15 That's really what we're talking about here,
16 isn't it? Back to that fundamental difference between
17 farmers and fishermen. We've been about a land-based
18 system.

19 Now maybe that's not surprising. After all,
20 we're land-based creatures, aren't we? Human beings feel
21 comfortable with the land. They feel comfortable looking at
22 farms and things that we can, quote/unquote, control,
23 although that is a pretty naive concept, because of course
24 we can't control what persistent organic pollutants the rain
25 might bring down out of the air and put upon our crops that

1 we, quote/unquote, control, can we?

2 But, you know, we've been land based, and I think
3 it's time to reach beyond that and recognize that there is a
4 way of providing a management system that is consistent with
5 the notion of producing organic foods.

6 And so in the few moments that I have left, I
7 would just like to briefly talk about the Alaska experience
8 to illustrate one natural resource management regime which
9 could and should be certified as organic, which has already
10 been certified by other organizations, recognizing, for
11 example, the Marine Conservation Stewardship Council was --
12 Alaska was the first ever to receive their award for a
13 sustainable fisheries management regime.

14 Alaska. Just very briefly. I have handed out to
15 you -- in addition to my comments, I have handed out a
16 simple overhead which walks you through a little bit about
17 what makes Alaska's fisheries management system unique, and
18 it looks like this.

19 In Alaska's constitution there is a requirement
20 that fish be managed on a sustainable basis. To the best of
21 my knowledge, we're the only state in the nation that does
22 that. It's in our natural resources section of our
23 constitution.

24 And since we became a state in 1959 we have taken
25 very seriously that mandate to manage for sustainability.

1 As a matter of fact, our statutes -- our entire system of
2 how we organize allocation versus scientific research and
3 management decisions recognize the importance of having a
4 system whereby good behavior is rewarded.

5 I won't take the time to walk you through all of
6 this, but you'll see in our sustainable salmon fisheries
7 policy -- you can see in terms of our enhancement programs,
8 our harvest practices, our in-season management regimes,
9 Alaska actually has a system which in my opinion, in reading
10 the act that governs you -- a sustainable management process
11 to develop food based on natural systems.

12 You know, I realize that we don't really have the
13 time, but in Alaska we take very seriously water quality.
14 We pass stringent requirements that far exceed national
15 standards. We have in place systems whereby we protect our
16 water bodies.

17 We have opted not to dam our rivers in order to
18 provide for the ability of salmon to return to their natural
19 spawning areas. We have opted for strict habitat
20 restrictions, so that we don't have a lot of the urban
21 sprawl which collides with this naturally sustainable system
22 of the naturally produced salmon habitat.

23 We've made a lot of those choices because we
24 recognize the importance of assuring the kind of habitat and
25 the entire ecological system of a sustainable system for our

1 fisheries.

2 And it just seems to me incredibly ironic that
3 given all those choices that the State of Alaska has made,
4 we might be in a situation where fish -- farmed fish --
5 might get an organic label, and this extraordinarily pure,
6 pristine, wild, wonderful, unadulterated food -- Alaska wild
7 salmon -- wouldn't get the organic label.

8 It's like saying a goldfish in a bowl that swims
9 around in its own feces and is fed little pellets -- yes,
10 you can, quote/unquote, control it, you can look at it, you
11 can have that sense of power because you're controlling what
12 you give it, that that would somehow have better quality
13 than a free trout in a pristine river, unadulterated by
14 concrete embankments or encroaching suburbia, or all of
15 those other things that those of you who live in urban
16 America think of as somehow normal. Well, it's not.

17 And there are many places left in the world --
18 thank God -- and Alaska is one of them where we have still
19 natural habitat, natural ecosystem, natural watersheds,
20 where these incredibly beautiful and incredibly healthy fish
21 live, reproduce, come back and are part of a system again
22 that needs to be encouraged and rewarded.

23 Good practices -- good management practices like
24 those in existence in Alaska need to be rewarded by the
25 marketplace and not punished in a sense.

1 So I know I've taken more than my fair time, and
2 I appreciate your generosity with my being able to make
3 these comments.

4 I would draw your attention to the longer version
5 of testimony that deals more specifically with the
6 requirements as set out in the act. I've also provided you
7 an interesting article that was made available to me on the
8 subject of what goes into farmed salmon.

9 You probably don't know this if you've ever eaten
10 a farmed salmon, they're actually gray. You have to choose
11 which color -- which food dye you want to add. There are
12 about two dozen different colors, that you can go from pink
13 to very, very red.

14 You know, I think there's a lot of
15 misunderstanding about seafood. And coming back to that
16 difference between farmers and fishermen and land-based
17 versus water-based, you know, we don't understand a lot
18 about the ocean. And yet we should probably call this
19 Planet Ocean instead of Planet Earth because of course two-
20 thirds or something like that of the surface of this planet
21 is water.

22 We as human beings -- you as an advisory board,
23 the Department of Agriculture as the responsible statutory
24 entity -- needs to become better informed about fish, about
25 oceans, about migratory systems, about natural systems and

1 about seafood and how we can in fact establish systems --
2 management systems that can assure that an organic label not
3 only has meaning, but continues the fine tradition that this
4 board and the department and the entire national organic
5 labeling system has initiated.

6 We don't want to do anything to tamper with that.

7 We simply want you to take the next step and go beyond land
8 and go to the ocean. And we encourage you, Madam Chairman
9 and members of the board, to seriously consider not
10 accepting the advisory committee's recommendation on wild
11 aquatics, but taking the additional step to consider an
12 additional advisory committee that would bring before the
13 board enough information about a management regime that
14 would satisfy the statutory requirements of the production
15 system, that isn't based on the terrestrial system that
16 limits your vision, limits your creativity, limits your
17 ability to innovate in this important area.

18 We encourage you to do that. Paul Payton has
19 presented to you in the materials in your backup one example
20 of how you could structure such a management system for wild
21 aquaculture, for wild seafood, for wild kelp as you were
22 discussing earlier.

23 And I would encourage you to have an advisory
24 committee look at that question of how could you as a board,
25 how could the department go beyond terrestrial-based

1 methodology and go to a wild ocean-based methodology that
2 would set up a system -- a production system that would give
3 you the kind of assurances that you are in fact doing what
4 the act requires you to do: organic food, using sustainable
5 production methods that rely on natural materials.

6 Thank you very much, Madam Chairman and members
7 of the board.

8 MS. BRICKEY: Thank you.

9 Our next speaker is Deborah Brister.

10 COMMENTS BY DEBORAH BRISTER

11 MS. BRISTER: Good afternoon. My name is Deborah
12 Brister. I'm an organic inspector and member of the
13 Independent Organic Inspectors Association. I'm also the
14 sustainable aquaculture project manager at ISEES, the
15 Institute for Social, Economic and Ecological Sustainability
16 at the University of Minnesota.

17 I'm speaking today on behalf of ISEES Director
18 and Professor of Fisheries and Conservation Biology, Ann
19 Kapuscinski, and myself.

20 We would like to comment on the recommendations
21 put forth by the NOSB's aquatic animal task force. We at
22 ISEES would like to commend you on a fine job overall.
23 These recommendations are a significant improvement from the
24 draft standards proposed two years ago. It's clear that all
25 the hard work put in at the workshops and the working groups

1 over the last year or so has paid off.

2 While we're impressed with the progress made, we
3 do not agree with the task force recommendations that
4 disallow farmers of molluscs an opportunity to market their
5 product as organic. The task force's rationale is
6 inconsistent with terrestrial organic standards in three
7 specific areas: feed, health and differentiation between
8 organic and conventionally reared animals. We would like to
9 address each of these individually.

10 First, the task force has acknowledged that
11 molluscan feeding is a natural process and benefits the
12 environment by cycling excess nutrients. They have also
13 acknowledged that production areas with specific
14 environmental qualities are selected. Unfortunately, the
15 task force has failed to recognize that these areas are
16 selected for not only water quality conditions such as
17 temperature and salinity, but also for the most suitable
18 feed available for farmed molluscan animals.

19 The location of these operations is a specific
20 management decision and these decisions should be considered
21 comparable to that of the organic livestock farmer
22 designating organic pastureland for grazing livestock. That
23 designated pastureland is what the organic livestock will
24 feed upon, not a specific feed ration, such as 10 pounds of
25 grass, 5 pounds of leaves and 1 pound of dandelions.

1 The terrestrial livestock feed ration includes
2 forage growing in the delineated area the farmer has
3 selected and to which the animal has access. This is
4 identical to algal and microorganismal feeds growing in the
5 delineated area of a mollusc culture operation.

6 It's the manager's decision to permit the
7 molluscan animals to graze upon or filter-feed the foods in
8 the selected area.

9 In addition to managing access to feed consumed
10 during grow-out periods, molluscan farmers proactively
11 provide specific feed rations in more enclosed rearing units
12 to juveniles at pregrow-out stages and especially to
13 broodstock during conditioning in preparation for spawning.

14 For example, they select combinations of algae
15 that provide specific polyunsaturated fatty acids that are
16 essential in gonad and egg development. If the mollusc
17 culture operations are land based throughout the production
18 cycle, the farmer must provide specific types and amounts of
19 feed rations for each stage of the molluscan animals.
20 Mollusc aquaculturists clearly make many feed management
21 decisions.

22 Secondly, the aquatic animal task force has also
23 stated in their recommendations that "there appears to be
24 little to no proactive health care management." The reality
25 is that health care management is extremely proactive, both

1 through the site selection of the operation in order to
2 provide optimal environmental conditions -- for example,
3 adequate tidal flushing to replenish dissolved oxygen and
4 remove wastes -- and through decisions about the density of
5 the animals per unit volume of grow-out waters and placement
6 of animals in the water column.

7 A major goal for terrestrial livestock producers
8 is to minimize the amount of administered medication by
9 providing a healthy environment. Molluscan aquaculturalists
10 strive for this as well. When the environment is
11 substandard relative to the animal's needs, the animal's
12 health is compromised, thereby increasing the animal's
13 susceptibility to disease and infection.

14 The mollusc farmer therefore proactively selects
15 his sites and animal stocking density and placement in the
16 water column with that very consideration in mind.

17 Substandard water quality will adversely affect
18 aquatic animals often resulting in death because of their
19 inherent high level of environmental sensitivity.
20 Predators, parasites, bacterial and viral infections can
21 impair the health of molluscs, and it is up to the manager
22 to make proactive decisions to protect his or her aquatic
23 livestock.

24 Finally, the task force suggests that
25 differentiation between organic and nonorganic mollusc

1 farming operations is insignificant. Again, this is
2 incorrect.

3 One of the most important distinctions between
4 terrestrial organic and nonorganic operations is the
5 restriction on applications of toxic chemicals, including
6 many pesticides and herbicides that may be harmful to the
7 environment. For example, in southwestern Washington state,
8 mollusc operators may apply synthetic chemicals such as
9 Carbaryl to their grow-out areas to combat pest species of
10 burrowing shrimp.

11 Unfortunately, applications of this chemical can
12 kill other non-target invertebrate species. And so in all
13 likelihood the chemical would never be approved for use in
14 organic operations. The disallowance of toxic chemicals in
15 organic production is a significant and very important
16 distinction between organic and nonorganically produced
17 molluscs.

18 We at ISEES believe that it's imperative that
19 organic standards for aquatic animals be as consistent with
20 terrestrial livestock standards as possible. We recommend
21 careful re-examination of the exclusion of organic mollusc
22 production as stated in the task force recommendations,
23 keeping in mind that organic standards for aquatic animals
24 should be no more or no less restrictive than standards for
25 terrestrial organic production.

1 Thank you.

2 MS. BRICKEY: Our next speaker is Dennis Phelan.

3 COMMENTS BY DENNIS PHELAN

4 MR. PHELAN: Thank you. I can't see anymore.

5 My name is Dennis Phelan. I'm vice president of
6 the Pacific Seafood Processors Association. This is a trade
7 association based out in Seattle of seafood processing
8 companies operating up in Alaska. I work for them in
9 Washington, D.C.

10 The member companies produce a wide variety of
11 seafood products from the state: salmon, crab, halibut, a
12 number of ground fish species, shellfish. As I like to say,
13 anything we can lose money on, we will produce.

14 MS. BRICKEY: That seems to be true for
15 agriculture in general, doesn't it?

16 MR. PHELAN: Yeah. That's another thing we have
17 in common.

18 The member companies of our association, along
19 with non-member companies who also operate up in Alaska, are
20 supporting my appearance here today. We also want to thank
21 the lieutenant governor for coming all the way down from
22 Alaska. Hopefully, that gives you an idea of how important
23 this issue is to the fisheries in the state.

24 One of the things I've been struck by, just
25 sitting here watching the meeting and the give-and-take

1 between the board and the audience is the amount of -- not
2 just institutional memory, but commitment and history that's
3 in the room here on the organic industry. I'm not terribly
4 familiar with organic agriculture, but obviously there are a
5 lot of people who have been in this for quite a while who
6 put their hearts and souls into it.

7 And I just wanted to kind of state up front that
8 I find the commitment to this method very impressive.
9 Obviously, there are people who decided a long time ago
10 there was a better way of doing things.

11 And I imagine it was rather lonely for some of
12 you back at the beginning who were probably looked at as
13 sort of outcasts or whatever in the agricultural community,
14 but you stuck with it, and it has now blossomed into
15 something that's a huge industry and growing very rapidly.

16 And I'm here to tell you that as far as the
17 seafood industry in Alaska goes, we share that same
18 commitment to sustainability and to doing things the right
19 way.

20 We were distressed therefore to see the report
21 from the aquatic task force suggesting that wild seafood not
22 be eligible for an organic certification, because it seems
23 to us that probably many of the very things that the folks
24 who got in on organic agriculture in the early days, the
25 things you didn't like, the things you were trying to

1 correct, trying to do things a better way, are things that
2 we share in the seafood industry in Alaska.

3 In going through the report of the task force,
4 there are a few things that struck me that I just wanted to
5 point out. On the livestock feed issue, it talks about
6 providing aquatic animals with a feed ration consistent with
7 the animal's natural dietary preferences.

8 Well, we happen to have a huge advantage there.
9 The animals get to find their own food and find obviously
10 what they prefer to eat in the ocean. We don't have to
11 provide them anything.

12 In terms of maintaining preventive health care
13 practices, we again have a benefit. We do not need to
14 provide any antibiotics or medical treatment or anything
15 else to the animals. They are in the ocean. The occasion
16 where the animals may become sick, they disappear.

17 The animals that survive and are healthy are the
18 ones that ultimately we have access to for harvesting.

19 It says that organically managed aquatic animals
20 must be raised within a secure, defined production system
21 that accommodates the animal's natural behavior and minimize
22 the risk of escape. Well, there's nothing more natural to
23 their behavior than being able to swim in an open ocean.
24 Escape isn't the problem. Obviously, we need to catch them
25 at some point. But we seem to be able to do a fairly good

1 job of that.

2 Again, it goes on -- the report -- to say that
3 the final rule focuses on living conditions that allow
4 animals to express their natural behavior by providing free
5 movement and access to a suitable outdoor environment.

6 Well, once again we have the good fortune of
7 having nature on our side on that.

8 And the last thing I could point out here, it
9 says that the task force concludes that operations that
10 capture wild aquatic animals do not reflect the degree of
11 producer management, continuous oversight and discretionary
12 decision-making that are characteristic of an organic
13 system.

14 And to conclude, it says, "The task force
15 acknowledges the point of view that sustainable natural
16 systems is the functional model for organic production."
17 That's what it says, the functional model for organic
18 production.

19 What organic production is trying to be is what
20 we have naturally.

21 But it then goes on to say, "Because there is a
22 lack of control, that wild seafood would not appear to be
23 eligible."

24 All I can conclude from this is it seems that the
25 way the rules have developed or the way the task force did

1 their work, they're saying that wild seafood products are
2 unable to attain organic status because we never had the
3 problems that all of you took the initiative to solve in
4 agriculture.

5 And because we don't have the problems, we can't
6 come in and provide the solutions which seem to be the basis
7 for qualification. And that seems to me to be -- let's just
8 say inconsistent.

9 Also, the fact is that there are wild foods which
10 do currently qualify for organic status. And, really, all
11 we're asking is the same treatment that they are receiving.

12 I know that most of you have been involved in terrestrial
13 systems over the years, and it seems kind of odd coming back
14 in to a -- worrying about an ocean-based system, but the
15 fact is that we believe that it is possible to produce rules
16 that would effectively cover the products that we produce.

17 Finally, the public's view of what is organic --
18 as I'm sure you know -- is generally that it's a product
19 that would be natural and pure, unadulterated, that was
20 produced in a sustainable manner.

21 I don't think the public gets to the concept of
22 control that seems to be so important here.

23 And from that sort of public point of view, the
24 seafood products that we produce, the wild products
25 certainly qualify and fit into that category.

1 To conclude, we hope that the board will not
2 simply accept the report of the task force and say there's
3 no way this can be done. The law, remember, does require
4 the Department of Agriculture to produce regulations for
5 seafood products. They have to do it. It's going to happen
6 one way or another.

7 So the issue then is, is the board going to be
8 involved in that and be proactive and come up with
9 suggestions and proposals to help steer it in a productive
10 direction, or is the board going to say, no, we simply think
11 it shouldn't be done, look the other way and let the
12 department do it on their own.

13 We hope that you use your expertise to
14 participate. I think I will leave it there at that. Thank
15 you.

16 MS. BRICKEY: Tony Dryak.

17 COMMENTS BY TONY DRYAK

18 MR. DRYAK: Thank you for this opportunity to
19 present. I had very short notice, so I don't have a
20 prepared statement for you.

21 I represent a number of poultry producers from
22 this north central area of Wisconsin who produce organic
23 brown eggs. I wanted to report to you the effect of
24 implementing the proposed rules and recommendations with
25 respect to feed and the impact on the flocks.

1 The flocks represent producers on a very small
2 scale from 300 birds on up to around a thousand. Back in
3 January of this year, the feed source that was providing
4 feed to these producers began implementing the rule which
5 required, as you heard yesterday, the taking out of
6 methionine, removal of fishmeal.

7 And at all the different locations of these
8 farms, we had a precipitous drop in production and chicken
9 health. It was such a concern because these producers who
10 are attempting to diversify on these smaller farms were
11 trying to shore up an agricultural income stream, which as I
12 hear you acknowledge, is a challenge.

13 And within the organic brown egg business and any
14 commercial operation, there are parameters by which an
15 operator is profitable and then not profitable. And the
16 elimination of these feedstuffs which are critical to the
17 health of the birds brought the birds in the early cycle of
18 production down to an uneconomic and unsustainable status.

19 We urge -- or I urge on behalf of these producers
20 who happen to be Amish and would not be at a meeting to
21 present comments, we urge that you strongly consider the
22 recommendations heard yesterday and those of our experience
23 and come up with a reasonable approach to allowing us to
24 provide a feedstuff that will allow the bird to produce.

25 If we pull back a moment, I'm one of those

1 farmers who spent some time overseas. In the past three
2 years I've been promoting US agricultural organic products
3 in Europe and in Japan. And it's very clear in being
4 involved -- and I know some of you have been doing this too
5 -- being involved on the other side of the ocean looking
6 back at our country and what we're trying to promote in
7 terms of agriculture -- that the rest of the world does not
8 always look to the United States as the example and the
9 leader.

10 And after a recent trip to Europe this past year,
11 I was taken aside by the executive director of IFOAM, and he
12 said, well, you're an organic poultry producer in the
13 states. I bet you're going to talk to me about X, Y and Z.

14 I said, you're right, I am.

15 And his comments were, well, you American poultry
16 producers don't know how to raise chickens.

17 I said, well, it's interesting that you say that.
18 What are you referring to?

19 He said, well, you don't have the right kind of
20 breeds in your country. Well, I don't know if you're aware,
21 but the kind of poultry breeds we have in this country are
22 -- we have a chicken today that has been built for the
23 commercial industry. We have a chicken that was designed to
24 sit in a cage at a density that far exceeds what our
25 standards are, and we've developed a personality in that

1 chicken that is designed for that environment.

2 When you take that chicken out of a cage and try
3 to provide a chick to an organic poultry producer or a
4 [unintelligible] and say, now, you know, you're free
5 roaming, you have this organic feed, that doesn't solve the
6 problem because you still have a personality.

7 This country has allowed the wholesale sale of
8 all the breeding -- the chicken breeding. Not one American
9 company has any significant chicken breeding left. We are
10 being supplied -- and I know the crop farmers are being
11 supplied -- principally by chickens that were designed by
12 companies outside this country.

13 And if you want to look at maybe a non-tariff
14 trade barrier, they can design a chicken and bring it into
15 this country -- the genetics -- and hope that's all we're
16 going to use. But we need access to something else than
17 what we have.

18 But I came here to mainly transmit the experience
19 of trying to implement what your rules are requiring in
20 terms of the feed and its disaster.

21 Thank you very much.

22 MS. BRICKEY: Ms. Goodman.

23 PUBLIC COMMENTS BY DIANE JOY GOODMAN

24 MS. GOODMAN: Good afternoon. Most of you -- all
25 of you -- know me. I'm Diane Goodman, for those of you in

1 the room who don't know me. I'm a consultant to the organic
2 industry with a long history in production and following
3 regulatory moves in and around this industry for many
4 years.

5 I have two points that I want to talk about, and
6 primarily I want to address the National Organic Program
7 about these two concerns. These are not, as I understand
8 them to be, either technical corrections or requiring rule
9 change. But they are two issues that I have been fixated on
10 for a while, and I just don't seem to feel like I've had
11 them resolved yet, so I'm going to bring it up again.

12 If you would note in section 205.603 under the
13 livestock feed section, subsection D(1) and (2), under the
14 requirements for allowed vitamins and minerals in livestock
15 feed, they are stated to be allowed if they are approved by
16 FDA.

17 In doing some research on behalf of the organic
18 livestock community for the interpretation of FDA approval
19 for various vitamins and minerals that are allowed -- excuse
20 me -- that are in current use as livestock feed supplements,
21 what we determined -- what I was able to determine was that
22 there were substances that were allowed by FDA -- that were
23 approved by FDA.

24 There are also substances called allowed by FDA,
25 discretion as listed by AFCCO -- American -- Association of

1 Feed Control Officials. It seems that there is comment that
2 exists by an FDA staff person who clarified for one of our
3 manufacturers and producers that the definition of FDA
4 approval in this case in fact meant the inclusion of those
5 substances on AFCO's list.

6 So my first request is to get clarification that
7 in fact this is so, that FDA approval also includes those
8 materials on AFCO's list.

9 My second point refers to -- just a second -- a
10 resolution that the board voted on on November 17, 2000, in
11 Washington, D.C., that reads, "The NOSB recommends that
12 unless otherwise specified in the annotation, any substance
13 on the National List of nonagricultural substances allowed
14 as ingredients in organic processed food product also be
15 allowed for use in organic animal feed, provided it is
16 approved by FDA in 21 CFR for livestock feed, or allowed by
17 FDA discretion as stated by AFCO."

18 And that passed 11 to nothing to nothing on
19 November 17th as a recommendation from the board. We
20 haven't heard anything about it since.

21 So my suggestion and hope with this comment that
22 there might be some followup and we could get
23 determination that would clarify these two particular
24 issues, and they could be in fact listed on the NOP Q&A page
25 on the website as questions that have been raised, and the

1 answers could then be posted for the industry to use as
2 guidance.

3 That's it. Thank you very much.

4 MR. MATHEWS: Diane, could you e-mail both of
5 those issues, please?

6 MS. GOODMAN: Yes, I'd be glad to. Thank you.

7 MS. BRICKEY: Thank you. Loni Kemp.

8 COMMENTS BY LONI KEMP

9 MS. KEMP: Hello. I'm really happy to be able to
10 address the National Board -- yes?

11 VOICE: Will you state your name?

12 MS. KEMP: Sure. Loni Kemp. I'm with the
13 Minnesota Project. I live about 50 miles due west of here
14 in southeast Minnesota, so it's nice to come to a national
15 board meeting and not have to travel very far, unlike most
16 of you.

17 I'm also the -- in addition to being a full-time
18 policy analyst for the Minnesota Project, which works on
19 rural sustainability issues, I'm also the co-chair of the
20 National Campaign for Sustainable Agriculture.

21 You hear from us all the time on organic issues,
22 but I'm coming today to just raise to your attention another
23 opportunity that I think could have tremendous significance
24 for the organic industry, and that's the Conservation
25 Security Act, which is being taken up by Congress as they

1 consider rewriting the farm bill.

2 The Conservation Security Act was reintroduced in
3 both the House and Senate about two weeks ago. There's
4 currently 37 co-sponsors, bipartisan. This is a piece of
5 legislation that is designed to really become the center
6 piece of the next farm bill.

7 It's fundamentally different from past
8 conservation programs because it's going to include all
9 kinds of farmers, not focused on commodity growers. And
10 it's also going to reward current and new practices that
11 farmers implement.

12 A couple of words if you haven't -- are all of
13 you familiar with this bill? Not necessarily.

14 Basically, the structure of the bill is to offer
15 financial rewards to farmers who develop conservation plans
16 for their farms. And tier one is sort of the entry level
17 for farmers that develop plans for parts of their farms and
18 includes a nutrient management plan and a pest management
19 plan.

20 So of course all organic farmers have to have
21 that. Up to \$20,000 per year is what the farmer could
22 receive for the environmental benefits of those practices.
23 If they want to go up to the next level, tier two, they
24 would have to implement some kind of rotational farming
25 system.

1 As I understand it, virtually all organic farms
2 have to have a farming plan that involves crop rotations,
3 cover crops, resource-conserving crops, pasture, hayland.
4 In addition, they have the opportunity to be rewarded for
5 other kinds of practices that take land out of production,
6 like grass, waterways, buffer strips, things like that. Up
7 to \$35,000 a year.

8 I believe that virtually all certified organic
9 farms would qualify for a tier two plan under the
10 Conservation Security Act.

11 Tier three is the highest level that a farmer
12 could aspire to, up to \$50,000 a year reward, for developing
13 a whole farm plan that addresses all the resource
14 opportunities on their farm.

15 I suspect that most organic farmers maybe would
16 have to do a little more work: to add some wildlife habitat
17 and other kinds of prairie restoration, wetland restoration
18 or other practices. But on the other hand, many may already
19 be there and could qualify now.

20 We're really excited with Senator Harkins
21 stepping up to chair the Senate Agriculture Committee. He
22 is the chief author of this bill and has committed to
23 including it in the Chairman's Mark as they move forward
24 with developing the farm bill.

25 The House had hearings just yesterday on the

1 conservation provisions of the farm bill. They say they're
2 on a fast track. They might enact a commodity and
3 conservation program as early as August, although it's kind
4 of hard to believe they'll meet that goal, but that's what
5 they're aiming for.

6 I think in reality it's highly likely this will
7 be discussed over the next year and a half as Congress tries
8 to pass a new farm bill before the current one expires.

9 So I wanted to bring it to your attention. I
10 think it's extremely exciting for organic farmers because it
11 rewards them for the things that they're doing for the
12 environment, which is at least half the reason I think that
13 so many Americans are committed to organic agriculture.

14 Another thing it does is it equally rewards
15 current practices, as well as new. So it avoids this
16 problem of plowing a lot of resources into the newly
17 certifying farmers, while the old organic farmers -- if I
18 can call them that -- had to make the investment
19 completely on their own. It puts everyone on an equal
20 footing.

21 I think it could help farmers deal with
22 certification costs. It could reward them for even going
23 beyond their organic certification plan.

24 So I bring it to your attention. I'm not really
25 sure what your board can do with it. As individuals I

1 MR. HUTCHENSON: Tom Hutchenson, OTA.

2 45 days, please.

3 We very much like the process of posting things
4 on the web and would request 45 days instead of 30 for
5 public input because of our committee process.

6 MS. BRICKEY: Okay. At this time the chair would
7 entertain a motion to adjourn this meeting.

8 MR. CARTER: I would so move.

9 MS. GOLDBURG: I second.

10 MS. BRICKEY: Without objection, this meeting is
11 adjourned.

12 Whereupon, at 5:15 p.m. the meeting was
13 adjourned.]

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

REPORTER'S CERTIFICATE

IN RE: National Organic Standards Board
Public Meeting
DATE: June 7, 2001
LOCATION: LaCrosse, Wisconsin

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the United States Department of Agriculture.

Date: June 25, 2001

Carolyn Dawley
Official Reporter
Heritage Reporting Corporation
1220 L Street, N.W.
Washington, D.C. 20005