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**UNITED STATES DEPARTMENT OF AGRICULTURE  
NATIONAL ORGANIC STANDARDS BOARD MEETING**

Meeting held on the 23rd day of October, 2003  
at Radisson Barcelo Hotel  
2121 P Street, N.W.  
Washington, D.C.  
TRANSCRIPT OF PROCEEDINGS

1 MEMBERS OF THE BOARD:  
2 DAVID E. CARTER, CHAIRMAN  
3 MARK KING, VICE CHAIR  
4 JIM RIDDLE, SECRETARY  
5 KIM M. BURTON  
6 OWUSU BANDELE  
7 GEORGE L. SIEMON  
8 ANDREA CAROE  
9 GOLDIE CAUGHLAN  
10 REBECCA J. GOLDBURG  
11 DENNIS HOLBROOK  
12 NANCY OSTIGUY  
13 ROSALIE L. KOENIG  
14 MICHAEL LACY  
15 KEVIN O'RELL

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

October 23, 2003

1  
2  
3 THE CHAIRMAN: All right. If we can reconvene  
4 the meeting. I can only reconvene the meeting when  
5 Katherine lets me reconvene the meeting. We'll  
6 reconvene the meeting. Anyway, I want to welcome  
7 everybody back for day two of the NOSB. This morning we  
8 are going to spend dedicated exclusively to public  
9 comment. If you do want to comment, there is a signup  
10 sheet at the back. You need to sign up to give public  
11 testimony. We would ask that out of courtesy that  
12 everyone silence their cell phones, and if you have  
13 conversation you need to carry on please do that in the  
14 hallway so that we can stay focused on the folks that  
15 are presenting public testimony. For those of you that  
16 were not here yesterday, this meeting is really  
17 dedicated to two areas, and the over arching thing is  
18 materials, but today what we're looking at is a part of  
19 that. The other part of it is going through some of the  
20 materials that have already been reviewed by the NOSB  
21 and using a standardized format to kind of harmonize how  
22 we come to our decisions. But what we want to focus on  
23 today is the criteria that the Board utilizes in the  
24 materials review process that deals with the  
25 compatibility with organic agriculture. And we're going

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1 to be talking later on this afternoon about that  
2 criteria, and coming up with our guidance document or  
3 our instructions how we use that, and so we're  
4 particularly looking for input on that this morning.  
5 That being said, this is public comment and as members  
6 of the public you're free to say really whatever you  
7 want in your five minutes when you come forward because  
8 this is your time to give us some input. So everyone  
9 will be asked -- will be limited to five minutes on  
10 their comments. Jim is our official timekeeper here,  
11 and he will hold up the official NOSB authorized form  
12 X93-4, the one-minute speaking form. So just when he  
13 holds that up you'll know that it's time to wrap up your  
14 comments. So we'll start at the top of the list and  
15 work down, and leading off the comments this morning is  
16 Jim Pierce, Organic Valley, and then next up will be Dr.  
17 Mac Devin.

18 MR. PIERCE: How are we doing for sound on  
19 this microphone? Good morning. Like the swallows to  
20 the cliff of Capastrano or the buzzards to Hinkley, Ohio  
21 the NOSB has returned to the Barcelo Hotel in  
22 Washington, D.C. A lot of the usual bird watchers are  
23 here to witness his spectacle along with plenty of fresh  
24 curiosity seekers. Ever the optimist trapped in a  
25 cynic's body, I honestly hope no one leaves here

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1       disappointed but I am glad to have the opportunity to  
2       illuminate some concerns. For the record, my name is  
3       Jim Pierce, self-appointed certification czar at Organic  
4       Valley, a certified organic farmer owned marketing  
5       cooperative proudly boasting over 600 members moving  
6       over a million pounds of organic milk every day. My  
7       main interaction, one of my main interactions with your  
8       Board besides street theater has been to assist in  
9       championing 17 materials for inclusion on the National  
10      List for livestock use. My constituency is confused and  
11      frustrated. The messages they're hearing from the  
12      National Organic Program are mixed, muddled or non-  
13      existent, especially recently concerning livestock  
14      materials. I found it very disturbing to learn that the  
15      agenda for this meeting has been usurped, that nothing  
16      from your Board's committee work plans is going to be  
17      advanced, that two proposed rule amendments are still  
18      not published, and that the third docket, the one that  
19      matters most for the 600 plus Organic Valley farmers  
20      since it will presumably include livestock materials and  
21      recommendations is not yet scheduled for release. The  
22      challenge today is like a high school essay. We've all  
23      been given the same assignment, write a five-minute  
24      essay titled in substance review and evaluation, what  
25      constitutes compatibility to consistency with a system

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1 of sustainable agriculture, organic production, and  
2 handling. Better than what I did on my summer vacation.  
3 Fortunately for you all it's open book and the answers  
4 are right in front of you. God bless Jim Riddle, the  
5 policy committee, and everybody who assisted them to  
6 compile this draft document titled Compatibility with  
7 Organic Production and Handling. Friends, this wheel  
8 has been rolled. The 1990 Farm Bill defines sustainable  
9 agriculture to include an integrated system of plant and  
10 animal production practices. In 1994 in an NOP report  
11 to the NOSB titled Moving Toward Sustainability States  
12 organic management methods protect the environment,  
13 minimize pollution, promote health, and optimize  
14 biological productivity. And my favorite nugget of  
15 insight from the 2001 revised Codex guidelines, the  
16 consumer will not be deceived concerning the nature,  
17 substance, and quality of organic food. To this most  
18 helpful guideline I would offer you another quote first  
19 poorly pronounced in the native dialect and then  
20 translated, the life of the land is perpetuated in  
21 righteousness. That's the state motto of Hawaii, first  
22 quoted by King Kamama [ph] III in 1947 after being  
23 passed along countless generations part of the oral  
24 fabric, the life of the land is perpetuated in  
25 righteousness. Indigenous peoples, anyone in fact, who

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1 puts their hands into dirt on a regular basis  
2 understands this instinctually. Righteousness is  
3 sustainable and compatible. Righteousness can be  
4 synthetic or processed. Righteousness certainly can be  
5 a recent discovery, but righteousness is also  
6 availability. It's transparency. It's accountability  
7 and consistency and unfortunately what the farmers and  
8 handlers are getting from the National Organic Program  
9 is not entirely righteous. I urge you as a citizens'  
10 advisory board representing us to stand strong in  
11 solidarity and demand better service from the USDA  
12 program, which you have been mandated by law to advise.  
13 We need the tools and recommendations that you work so  
14 hard on now. The four-year sunset on the signing is  
15 over half gone putting the organic poultry industry in a  
16 very awkward spot. Ten other livestock materials are  
17 trapped in a semantical vortex between FDA and USDA,  
18 which could have and should have been resolved in an  
19 early September meeting that was unfortunately  
20 cancelled. Even though technical corrections like the  
21 reinstatement of carrageenan to the list has taken over  
22 three years jeopardizing the certification of otherwise  
23 righteous handlers. I repeat we need these tools now.  
24 I would also remind you that the paradigm of organic  
25 production is for better or worse practiced in the

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1 conventional world. Economic practicality must be  
2 weighed along side animal welfare and environmental  
3 sustainability. The National Organic Program celebrated  
4 its first birthday three years ago. An unruly infant,  
5 this baby is looking like it will be a terrible two for  
6 the record books. I shudder even to think what it's  
7 going to be like as a teenager. Maybe I'm being too  
8 critical. From a comfortable distance the NOP is  
9 working pretty well for most people in most situations.  
10 The USDA enjoys significant respect by consumers. The  
11 NOP Web site has improved dramatically, and at least one  
12 blatant attempt to circumvent NOP process through  
13 appropriation amendment was resoundly defeated, all with  
14 an NOP that is inarguably understaffed without adequate  
15 resources and forced to sail in uncharted waters. Stick  
16 those feathers in your cap understanding that there's  
17 still a lot of work to do. Paint a clear bright line.  
18 Don't leave here without determining exactly what  
19 constitutes compatibility with a system of sustainable  
20 agriculture, and you will have once again accomplished  
21 the excellent work that we have come to expect from you  
22 all. Thank you and God bless.

23 THE CHAIRMAN: Questions? Thank you, Jim.  
24 One of the things I forgot to mention in this part too  
25 is that under our policy is that a person may submit a

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1 written proxy to the NOP or NOSB requesting that another  
2 person speak on his or her behalf, but no person shall  
3 be allowed to speak during the public comments period  
4 for more than ten minutes, those people carrying  
5 proxies, so I just always like that line added at the  
6 outset. Okay. We got Dr. Mac Devin, and then following  
7 that will be Tom Hutcheson.

8 MR. DEVIN: Good morning, and hello again.  
9 The last time you guys met I talked to you about a  
10 compound that my company produces. I'm a veterinarian  
11 with Fort Dodge Animal Health. For the record, my name  
12 is Mac Devin, and I'm back here today to keep it before  
13 you. And interestingly enough in a nice fashion given  
14 what you've been talking about. Moxidectin as it turns  
15 out among the ivermectin and nobimycin [ph] compound  
16 family, which is all housed under the term  
17 macrocycliclactin [ph] happens to be a whole lot more  
18 friendly to the dung dwelling insects, and indeed that  
19 are affected by the excretion of these various compounds  
20 is parasiticides. As you have been told before, it is  
21 very friendly to the dung dwelling insects, primarily  
22 the scrabbidy [ph] which would be the ones we call the  
23 dung beetles, and in other people's terms the enviro  
24 beetles because these guys are the ones who are  
25 responsible for manure management out on the pastures.

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1 We talk about sustainable agriculture. That involves  
2 animal agriculture. And with the economic issues that  
3 Jim has just mentioned, that's important because if we  
4 have large populations highly concentrated on grazing  
5 lands then manure management becomes an issue. So  
6 consequently we have to have products that are not  
7 harmful, that encourage those populations so that we  
8 have adequate manure management. These beetles are very  
9 important in that they bury that waste and actually put  
10 it down in the root zone where the nitrogenous parts of  
11 that waste can be utilized by the plants to produce  
12 forage. Extremely enough the product that you currently  
13 have approved, ivermectin, is very damaging to those  
14 beetles at the excretion levels in the manure, eight  
15 parts per billion whereas moxidectin up to 260 parts per  
16 billion does not damage the emergence of the larvae. So  
17 I would encourage you to as you review these compounds  
18 to at least look at the importance of that manure  
19 management issue because if you look at animal  
20 agriculture, particularly where you have very high  
21 population densities, that is a very serious issue and  
22 certainly an environmental issue as we think about run  
23 off from pastures. Much of our grazing land in this  
24 country is land that is not necessarily flat. It's on  
25 quite a bit of slope, a lot of streams in the area, and

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1 those are things that you as a Board have to address as  
2 you select these compounds. That's really what I came  
3 here to say, and I appreciate your time. And I'll be  
4 glad to take any questions if you have any.

5 THE CHAIRMAN: Questions?

6 MR. DEVIN: That was easy. Thank you.

7 THE CHAIRMAN: Okay. Tom Hutcheson, and then  
8 we'll go to Mike Condon.

9 MR. HUTCHESON: A couple of items to hand out.  
10 I have 30 copies so there will be a bunch left when we  
11 get to the -- Tom Hutcheson, associate policy director  
12 for the Organic Trade Association. First,  
13 congratulations to all on this first anniversary of the  
14 publication of the final rule. It is very exciting to  
15 have come to a point at which we are led to move to more  
16 specifically articulate the principles of maintaining  
17 organic integrity through handling. Regarding  
18 compatibility with organic systems, please keep OTA's  
19 principles of organic production in mind along with the  
20 Codex principles, copies of which are circulating. OTA  
21 wishes the Board great success in refining these  
22 ecological system management principles, and OTA is more  
23 than willing to work with NOSB as it develops and  
24 refines specific handling criteria from these principles  
25 of the management of energy flow and material cycling,

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1 the basic parameters of ecological science. If it were  
2 an easy task it would have already been done. I for one  
3 do not expect any easy, simple, or quick solutions but  
4 it is very important work and every further step taken  
5 will make NOSB's decisions more robust. Thank you.

6 THE CHAIRMAN: Questions for Tom? All right.  
7 Mark Condon, and then Liana Hoodes.

8 MR. CONDON: Good morning, everyone. I'm  
9 representing the American Seed Trade Association. Let  
10 me just give you a little background of our group.  
11 Founded in 1883, the American Seed Trade Association is  
12 one of the oldest trade organizations in the United  
13 States. Its membership consists of over 800 companies  
14 in North America. We have many members that are very  
15 much involved in development of organic seed or organic  
16 agriculture production. I have three issues that I  
17 would like to bring to your attention today that we have  
18 reviewed. The first one is the current exception  
19 allowing the use of conventional untreated seed in  
20 organic production. The second issue is the inclusion  
21 of seed pelleting, film coating, and priming services  
22 within organic seed production, and lastly the  
23 acceptance of food grade permitted substances in organic  
24 crop production system. AST wishes to point out that  
25 the permitted use of convention and untreated seed is a

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1 major exception to the required use of organic inputs in  
2 organic crop production. While we acknowledge that the  
3 availability of seed varieties produced organically is  
4 still limited continuing to allow crop producers to use  
5 cheaper untreated conventional seed will now only  
6 perpetuate low supplies from organic seed. Currently  
7 the majority of producers of organic seed are failing to  
8 sell sufficient quantities of their inventories. The  
9 current exception serves as a disincentive now to  
10 growers to purchase more expensive organic seed. The  
11 situation is also causing many organic producers to  
12 consider dropping out of the organic seed production at  
13 the current time. ASTA therefore feels now it is time  
14 to establish formal deadlines where organic seed is  
15 mandatory for organic crop production. To facilitate  
16 the move toward mentor use of organic seed AST would  
17 like to assist USDA in establishing a national data base  
18 of organic varieties to be published on the Internet.  
19 We point out that it currently has a target date of the  
20 end of this calendar year as all members are going to  
21 develop national data bases to promote the use of  
22 organic seed stocks. AST also believes there's a need  
23 to have an additional section of the NOP rule developed  
24 for seed technology companies that provide pelleting,  
25 film coating, and priming services. Currently such

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1 technology is being evaluated under Sections 205.601,  
2 205.602, and even 205.605. However, these things only  
3 refer to processed organic foods. The difficulty is  
4 that film coats and pellets are processed products,  
5 which cannot be labeled under the current language.  
6 This oversight needs to be addressed due to the  
7 complexity of pelleting and film coating formulations.  
8 The seed industry must have the option of labeling  
9 organic seed with these technologies as 100 percent  
10 organic or made with organic. And lastly the seed  
11 industry advocates acceptance of food grain permitted  
12 substances in organic crop production systems.  
13 Currently those allow food grade synthetics in Section  
14 205.605 must be evaluated again for the use in organic  
15 crop production. And as supported by NOP staff there  
16 needs to be immediate acceptance, not re-evaluation of  
17 materials permitted in food processing for use in  
18 organic crop production. We appreciate the opportunity  
19 to present our views to the National Organic Standards  
20 Board, and remain at your disposal for any clarification  
21 or additional information on these or other seed-related  
22 topics. Thank you.

23 THE CHAIRMAN: Thank you. Questions? Yeah.  
24 Kim, then Jim, then Mark.

25 MS. BURTON: I'm trying to take notes at the

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1 same time. It's very challenging.

2 MR. CONDON: Yes. I can imagine.

3 MS. BURTON: You had mentioned that synthetics  
4 should be reviewed for crop production, and just a  
5 reminder the process for us to review any material would  
6 be to petition it.

7 MR. CONDON: And we intend to in the future.

8 MS. BURTON: So somehow we need to know what  
9 you're looking at or what exactly you're talking about  
10 before we can do any action, so I encourage you to go to  
11 the Web site and look at the petition process for those  
12 materials.

13 MR. CONDON: Thank you. We will do that.

14 THE CHAIRMAN: Jim.

15 MR. RIDDLE: And I just want to add to that  
16 you made a reference to the 205.601 and 602, and those  
17 are materials used in crop production. It's the 605  
18 that is food handling, food processing, so that would be  
19 the appropriate point to petition for inclusion on 601  
20 with the synthetic allowed for use in crop production,  
21 and seed treatments is a category under OPFA, which can  
22 be considered so the door is open for consideration.  
23 That's not a given that something will end up on the  
24 list but the door is open. The question I have concerns  
25 the production of organic seed from foundation or

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1 certified stock, which from my understanding is often  
2 treated to preserve germination and storage. So how do  
3 you get to organic seed when that parent stock can't be  
4 used under the regulation and prohibition of treatments.  
5 I mean that's an issue I hear from seed producers.

6 MR. CONDON: It's a very big issue, and  
7 actually it is the number one issue that we believe is  
8 limiting the supply of organic seed. Our position  
9 simply is we believe that seed treatment should be  
10 allowed in the breeding process of seed. We do not  
11 advocate treatment of the finished product that would be  
12 available to producers, but we believe there would be no  
13 residue in the breeding process, and so therefore it is  
14 really a moot issue. And that one specific regulation  
15 is basically preventing many seed companies from  
16 developing many organic varieties, and I highly  
17 encourage you to look at that particular proposal as  
18 well.

19 MR. RIDDLE: And to follow up on that, that  
20 could be part of a petition itself that the limited use  
21 of a certain material be requested with a restriction on  
22 its use only in the production of organic seed but not  
23 in the breeding program.

24 MR. CONDON: I'm sure you'll be seeing our  
25 petition shortly.

1 THE CHAIRMAN: Mark.

2 MR. KING: Could you speak a little bit more  
3 in detail to the demand for organic seed versus  
4 conventional price difference? You talked about  
5 inventories, seed companies considering dropping out.

6 MR. CONDON: Well, just in general seed is not  
7 a homogenous commodity in terms of pricing. I couldn't  
8 really respond because quite frankly different varieties  
9 have different price structures. But the general fact  
10 is that the process verification steps that people need  
11 to go through to certify organic seed does constitute  
12 additional regulatory and other type of processing  
13 steps, which will in fact increase the price of seed.  
14 And what we see now currently happening is that because  
15 of the current exemption people are basically still  
16 relying on conventional seed because the producers  
17 prefer to have a cheaper seed, and this is actually  
18 reeking havoc in the process. The growth in organic  
19 seed is still modest. I think it's one to two percent  
20 of what is generally produced, and that's a very, very  
21 estimate figure. We don't envision it to be a major  
22 portion of the seed industry but it is a segment of the  
23 industry that there are specific entities that wish to  
24 address that and to become very specialized in that.  
25 And for that reason it's that segment we wish to

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1 represent their interest and make sure that whatever the  
2 rules and regulations are that at least this segment of  
3 the industry is giving a good opportunity to at least  
4 comply with what we believe is the sound ideals of  
5 organic seed production.

6 THE CHAIRMAN: Other questions? Yeah, Rose.

7 MS. KOENIG: I actually did a presentation  
8 this past summer on seeds and had the opportunity to  
9 look at the data bases and also speak with some of the  
10 seed companies that were currently engaged in organic  
11 production. And as far as the data base there are  
12 actually through the Organic Materials Review Institute.  
13 I think there's a number of organizations that if you go  
14 to the Web there is access at least of the companies.  
15 It doesn't list every single variety. So if you're in  
16 the process of preparing something like that, I think  
17 there are -- there's information out there already  
18 compiled. I guess the point when I spoke to some of the  
19 companies that were producing seeds there were a few  
20 major points that I recall that the heads of those  
21 companies told me. One was more of a quality issue that  
22 they hadn't convinced themselves yet that they could  
23 bring -- get the quality because they were dealing with  
24 many smaller producers. It was more of a quality  
25 control issue at the company, not necessarily a material

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1 issue that I heard from that particular producer. Just  
2 locating the growers that already were certified and  
3 figuring out the mechanism to work with a lot of -- a  
4 large number of producers to get the same quality  
5 control. So I think that's very different than  
6 necessarily materials aspect of it. And then  
7 additionally one of the concerns was the technologies  
8 for some of the crops, more specialization, such as the  
9 greenhouse cucumbers or seedless watermelon where you  
10 need to use certain techniques and chemicals in that  
11 process to actually produce a seedless. So I spoke to  
12 that person and said those types of things would  
13 definitely have to be petitioned. And then, you know,  
14 again I recommended similar to what Jim is saying if  
15 it's really a very specific use if you narrow down the  
16 use to that specific purpose, I think it's just a matter  
17 of then you can really explore the alternatives. So I  
18 think if your group does do that application process to  
19 certainly be very definite and provide some of the  
20 background and technical information. And then as far  
21 as the seed coats go, I know again the Organic Materials  
22 Review Institute isn't the USDA but they have one seed  
23 company, Harris has a coat that I think is -- well, it's  
24 a natural material that is already on there so there are  
25 some pelletization techniques that do use natural,

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1 more of a natural process, and if those do exist, and  
2 Harris is a major company, you have to look at again are  
3 there alternatives out there, if there are companies  
4 that are producing alternatives using natural products.  
5 You have to consider that when you're doing your  
6 petition.

7 MR. CONDON: I will do that. It's just that  
8 organic seed production is a major departure from  
9 conventional seed production. It's going to take some  
10 time to kind of move it in that particular direction. I  
11 think you all appreciate that. Just two things. One,  
12 please view our Web site, [www.amseed.org](http://www.amseed.org). We have a  
13 very comprehensive policy position paper on organic seed  
14 that outlines many of the concerns and what we can  
15 comply with and what we cannot comply with. And that's  
16 listed on my thing. And also just to be aware that the  
17 American Seed Trade Association has established an  
18 organic, a standing organic committee, within the  
19 association so the first meeting of this committee will  
20 occur in January in Savannah, Georgia. So at that time  
21 we will be reviewing a lot of that, and I'm sure get the  
22 consensus from all segments. We represent not just  
23 vegetable seeds but corn seed, soybean seed, and a whole  
24 lot of seed, and hopefully they'll be bringing to you a  
25 consensus position on many of these issues in the

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1 future.

2 MR. RIDDLE: And just one quick comment. You  
3 mentioned your Web site, and I was going to ask about  
4 that. I'm glad to hear there's a committee and you got  
5 policy up there. Do you have listings yet of the  
6 companies producing organic seed and varieties through  
7 your Web site?

8 MR. CONDON: Not at the current time.

9 MR. RIDDLE: Okay. But, yeah, as Rose  
10 mentioned ATRA has some of that. Are you familiar with  
11 ATRA?

12 MR. CONDON: Uh-huh.

13 MR. RIDDLE: And then OMRI does but it really  
14 comes down to a certification issue at this point, and  
15 there is a complete listing of all accredited certifiers  
16 on the NOP Web site, and if they're aware of all the  
17 availability that's going to help move it forward as  
18 well, so you certainly are free to provide information  
19 to accredited certifiers.

20 MR. CONDON: As a matter of fact, the chairman  
21 of that committee is an organic certified of seeds so we  
22 have industry plus, you know, organic certifiers  
23 involved in this committee.

24 MR. RIDDLE: Thanks.

25 THE CHAIRMAN: Thank you very much. Any other

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1 -- okay. Next up is Liana Hooded, followed by Emily  
2 Brown Rosen.

3 MS. HOODES: Good morning. I'm Liana Hooded  
4 with the National Campaign for Stable Agriculture. I'm  
5 at a real disadvantage. I have to read my own  
6 handwriting here. It's quite a challenge. I'd like to  
7 start by congratulating you all and the NOP on the one  
8 year anniversary of the implementation of this program.  
9 While we don't want to make light of the years of work  
10 which have come before, you both have completed the one-  
11 year mark of a really Herculean effort of launching this  
12 new and innovative program for a national standard and a  
13 label. This is just an amazing amount of work and has  
14 really moved forward quite a bit in the past year. At  
15 the NOP you've done a lot of work with few staff with  
16 greatly increased Web communication to joining hands  
17 with the community to face the assault on the livestock  
18 feed standard, and initiating the one-time internal  
19 audit with ANSI. To you on the Board, we know that the  
20 federal advisory committees in government are usually  
21 made up of dedicated volunteers. I believe that you all  
22 have raised that bar the work of a volunteer. It is  
23 amazing and we are all out here often stunned at the  
24 level of work that you perform in the program on behalf  
25 of us all. Your work has not only been on standards,

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1 materials, and the National List, but for us the work is  
2 really important in continuing to uphold the public  
3 trust, listening, responding, and giving voice to the  
4 concerns of us out here. That is a major piece that we  
5 thank you for and consider as a big part of your job.  
6 And we at the National Campaign Organic Committee along  
7 with many, many other groups have been out there on the  
8 Hill and elsewhere advocating for increased funding and  
9 increased attention to the work of this Board and to the  
10 program. In that light I ask you to consider the  
11 growing pains of a program in its infancy, continue to  
12 evaluate and improve the program while we all celebrate  
13 its success. In the spirit of the one year look at the  
14 program we have produced this short piece on some  
15 emerging trends and challenges in the program. It is a  
16 very short case study that concludes with six  
17 recommendations that we ask you to take to the  
18 department and to your congressional delegation. These  
19 recommendations to USDA are, 1, publish a time line  
20 process and protocols for USDA in addressing NOSB  
21 recommendations made since the final rule. 2, establish  
22 a permanent peer review panel. The NC audit addresses  
23 the international norms for an internal audit but it  
24 does not as far as we know meet the requirements for  
25 establishing a peer review panel. 3, bring the NOP into

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1 full compliance with ISO 61 and ISO 65 guidelines. 4,  
2 develop a program manual for the NOP's accreditation  
3 program in compliance with ISO 61, which is approved by  
4 the NOSB and made available to the public. 5, recognize  
5 third party accreditation programs as recommended by the  
6 NOSB to reduce the expense and time consuming burden to  
7 certifiers of double accreditation. 6, recognize that  
8 all entities involved in organic, producers, handlers,  
9 certifiers and consumers must have full appeals rights.  
10 The process for these appeals procedures must be  
11 promulgated through notice and comment rulemaking.  
12 Finally, know that when all is said and done the failure  
13 of USDA to implement congressional intent jeopardizes  
14 consumer confidence in organic. Thank you.

15 THE CHAIRMAN: Thank you. Questions for  
16 Liana? Okay. Thanks. Emily Brown Rosen, followed by  
17 Dave DeCou.

18 MS. ROSEN: Hi. My name is Emily Brown Rosen.  
19 I'm glad to have another opportunity to address you  
20 today. A couple of things first before I talk a little  
21 bit about compatibility just based on what happened  
22 yesterday. I think we had a really nice opportunity  
23 with the FDA coming in. I'm really glad that that  
24 happened, and that discussion was very productive. I  
25 think that this is a real break through, and I think we

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1 got some clear signals from them that they're willing to  
2 work on language and it is a matter of semantics on a  
3 lot of these products that you've worked hard to review  
4 and recommend. I think that work could be done very  
5 expeditiously to scrap some language and revise some of  
6 those annotations, send them back over there, get them  
7 to sign off, and get it in a docket and get it out. I  
8 think there would be no reason to slow down on that now,  
9 and it is something that really needs doing. I also  
10 want to talk briefly about the whole idea of the sunset  
11 review. I know there's been ideas floating around how  
12 to handle that. It's going to be a huge project  
13 obviously, and the process is long. We see the process  
14 takes long to review materials, so I would suggest this  
15 idea of I think it came from NOP to publish a Federal  
16 Register notice announcing the eventual sunset review,  
17 and just letting the public sign up for items that they  
18 think deserve attention. And I would recommend not  
19 waiting to do that. I recommend doing that as soon as  
20 possible considering that, you know, it's been taking  
21 three years to get dockets published. I think we should  
22 start that now. Then the critical ones that need review  
23 can be addressed, and then we can -- and also from the  
24 point of view of the contractors who said yesterday that  
25 it's hard to budget their time. They don't know when

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1 the assignments are coming in, and they have a certain  
2 amount of money to work with. You know, you have this  
3 reserve. If you identify some critical ones that need  
4 doing, then they can budget their time better, their  
5 staff better, and get the work done in a more timely  
6 way. So I'd just ask you to consider that. Moving  
7 ahead, compatibility. This is clearly a really  
8 important role for the NOSB under your authority of  
9 reviewing materials to the OPFA criteria. And I think  
10 it was initially written into that also with the concept  
11 of this is criteria of flexibility of criteria that  
12 compatibility is not a hard and fast thing. It's  
13 basically -- urge you to consider basing it on  
14 principles of work and production as your Board did in  
15 1994 recommended how to evaluate this criteria based on  
16 principles of organic production. And there was some  
17 developed at that time and your Board has developed them  
18 again now. You have a good set of principles to work  
19 from. It's similar to Codex principles and Codex also  
20 has, I'd like to remind you, has moved forward with  
21 their criteria for input evaluation this year. So we  
22 have a new draft there, and I highly advise you to  
23 incorporate that into the whole compatibility thing.  
24 The number one criteria under Codex is any substance  
25 must meet the following general criteria. It's

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1 consistent with principles of organic production as  
2 outlined in these guidelines. I think that gives you a  
3 lot to hang on, a lot of good considerations to work  
4 from. Let's see. You know, the general principles we  
5 all know, and this is the point where you get to on the  
6 TAP review to say does it meet all these principles,  
7 does it meet most of these principles, do we have doubts  
8 about some of the suitability here, and that's why I  
9 also urge you to consider the precautionary principles,  
10 which has been widely applied in Codex, IFOM [ph], and  
11 international considerations. And it grants you a  
12 little bit of flexibility and a protective nature for  
13 the organic consumer. I'd just like to read this. When  
14 an activity raises the threat of harm to human health  
15 and the environment precautionary measures should be  
16 taken even if some cause and effect relationships are  
17 not fully established scientifically. In this context  
18 the proponent of the activity rather than the public  
19 should bear the burden of proof. I think this is where  
20 it's your job to protect the organic consumer when  
21 something doesn't appear to be fully warranted to  
22 meeting all the criteria for the organic rules. And  
23 that's really it. Any questions?

24 MS. KOENIG: I had a question on the  
25 viewpoints on this concept of the sunset provision and

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1 publishing a list. I kind of thought about the same  
2 system myself, and I guess the only question to you  
3 would be if you publish a list and you don't get any  
4 comments does that mean that the product is accepted or  
5 -- you know, needed or not needed. How do you interpret  
6 some of the comments -- certainly we get comments, you  
7 know -- if there are no comments when we publish  
8 something, does that mean everyone is satisfied and  
9 therefore it stays on or does it mean that...

10 MS. ROSEN: Well, then it would probably be --  
11 that's probably a legal question. I mean, you know, you  
12 probably are -- you'd have to look at the statute and  
13 required to review the list, but there's probably many  
14 ways to do that, not with TAP reviews. So I probably  
15 wouldn't be -- you'd have to get NOP to give you counsel  
16 on that. I'm not sure what you would be required to do.  
17 I have a feeling you'd get comments. I personally know  
18 you'd get comments on the rules. There's a number of  
19 things that we've identified that just need  
20 clarification or reconsideration. And I think if we had  
21 that list on the table up front it would be easier for  
22 you to divide up the work over the next couple of years  
23 and get started on it.

24 MS. KOENIG: I guess your -- there's two ways  
25 to look at it. I think the approach of publishing that

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1 list when it's certainly to facilitate so that we don't  
2 have to use a lot of funds to perhaps repeat a lot of  
3 work or look at things...

4 MS. ROSEN: Right. You can identify the  
5 things that are generally acceptable, yeah.

6 MS. KOENIG: Right, but so what -- what I'm  
7 hearing from you is you see the utility of that  
8 publication in terms of time management.

9 MS. ROSEN: Well, I think it makes it a public  
10 process too. It's not like you've chosen exactly what  
11 needs -- I know that's something you've been struggling  
12 with. It gives the public -- you know, and you can see  
13 the volume and quality of these comments, and you can  
14 judge -- you know, give you a guide to what's really  
15 critical.

16 THE CHAIRMAN: Kim.

17 MS. BURTON: We have gone through like four or  
18 five versions of how to review the sunset, and the  
19 latest one is pretty much doing exactly what you say,  
20 just publish the list, receive the public comments, and  
21 then start reviewing them that way. We couldn't really  
22 determine a fair way or an accurate way or  
23 prioritization or anything other than...

24 MS. ROSEN: I mean I don't know if it has to  
25 be a Federal Register notice but a notice of some sort

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1 and then get it started, yeah.

2 MS. BURTON: So we do have another draft on  
3 the table.

4 THE CHAIRMAN: Jim.

5 MR. RIDDLE: Yeah, just a comment to the  
6 Board. You brought up, Emily, the Codex guidelines, and  
7 I just wanted to point out to Board members that there  
8 are excerpts from Codex in the draft on compatibility  
9 that I handed out yesterday under addendum F so there's  
10 excerpts from the Codex principles, and then the  
11 complete new revised criteria for materials review.

12 MS. ROSEN: Do you have them in there because  
13 I have some more copies right here.

14 MR. RIDDLE: Oh, okay. Yeah, they're already  
15 in. I pasted them in.

16 MS. ROSEN: Oh, okay.

17 THE CHAIRMAN: And also the precautionary  
18 language is included in one of the documents that the  
19 policy development committee distributed yesterday too.  
20 Other questions for -- okay. Thank you, Emily. Dave  
21 DeCou, and then Hubert Karreman.

22 MR. DECOU: Good morning. My name is Dave  
23 DeCou. Thank you for the opportunity to talk with all  
24 of you. I got to speak to you for a few moments  
25 yesterday. Among many other things, I am an organic

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1 grower, and one of the issues around concepts of  
2 consistency and compatibility with sustainable  
3 agriculture or organic handling or whatever the other  
4 terms are it's imperative from a grower's point of view  
5 that flexibility be maintained in the working actions of  
6 those rules. As a grower, I've watched other growers  
7 convert to organic, and the first inclination is always  
8 to go for a substitution. Well, I used to use this.  
9 What can I substitute that's organic. In the end almost  
10 everybody who succeeds as an organic grower goes beyond  
11 that, and comes up with an entirely new system, a new  
12 way of looking at it and that requires flexibility on  
13 their part and flexibility within the parameters that we  
14 are given. So I see the same thing being necessary  
15 probably in the food handling, organic food handling  
16 level, with that flexibility in new systems. We need to  
17 leave opportunities for people to find another way to  
18 achieve a product of whatever the product may be of  
19 equal quality, if it's organic probably higher quality.  
20 I see that in the organic produce industry that our  
21 organic produce is typically always equal to and often  
22 higher than conventional produce, not that I'm promoting  
23 anything. Then I'd like to reiterate several other  
24 things that were stated earlier. Look at the  
25 international standards. Don't go in opposition to them

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1 at all. In the long run as growers what do you want to  
2 do. Most of us sell locally. A few of us ship out of  
3 the country. We want to be able to do it without having  
4 to go, oh, my God, I got to keep track of this other  
5 little detail here in my paperwork because when I ship  
6 it to Japan I can't use this or that or whatever it may  
7 be, so let's not deviate from the possibility of  
8 harmonization so that we can all have a very similar  
9 definition of organic across the globe. And the  
10 precautionary principle just makes a great deal of sense  
11 to me. Our consumers are considering that the products  
12 that we provide are as healthy as they can possibly be  
13 and let's be pretty cautious about that. Thank you.

14 THE CHAIRMAN: Questions for Dave? Thank you,  
15 Dave. Hubert Karreman, and then Urvashi Rangan.

16 MR. KARREMAN: Good morning. Hubert Karreman,  
17 Pennsylvania. If the Board is willing, I'd like to  
18 finish up something from yesterday. That was an  
19 excellent session. I'm really glad that happened. I'd  
20 like to maybe emphasize that please streamline the  
21 process for the veterinary materials you already voted  
22 on last year that were already endorsed by this Board,  
23 those troubled items. Please include the items with the  
24 simple annotation under veterinary directive with a  
25 valid client patient relationship, and this will enable

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1 the Amduga [ph] clause. And please create one category  
2 under livestock materials. You've already set precedent  
3 for that with the one category under the processing  
4 materials. Then items won't be tagged as Madisons  
5 technically and the FDA will not need to assert their  
6 regulatory authority over them as we heard right from  
7 them yesterday. As this process is hammered out, I'm  
8 hoping that the NOP might grant some latitude, perhaps  
9 as the FDA would put it regulatory discretion to the  
10 accredited certifiers regarding these materials. Since  
11 these were already voted on to be allowed and it's  
12 basically a technical rewriting for them to pass into  
13 the Federal Register, I'm hoping that you could maybe  
14 give them the accredited certifiers just a little wiggle  
15 room or so until they're in the register. It kinds of  
16 freaks out farmers when they treat a cow with gluconate  
17 and they get a noncompliance. It just really freaks  
18 them out. It freaks me out too. So perhaps regulatory  
19 discretion may be the most important term that came out  
20 of yesterday's meeting. Now in substance review and  
21 evaluation what constitutes compatibility consistency  
22 with the system of sustainable agriculture, organic  
23 production and handling. I think we all agree that  
24 humane treatment of certified organic livestock is  
25 paramount but let me quote 205.238(c)(7). "The producer

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1 of an organic livestock operation must not withhold  
2 medical treatment from a sick animal in an effort to  
3 preserve its organic status. All appropriate  
4 medications must be used to restore an animal to health  
5 when methods acceptable to organic production fail.  
6 However, livestock treated with a prohibited substance  
7 must be clearly identified and shall not be sold,  
8 labeled or represented as organically produced." That's  
9 quite a vexing statement especially for guys like me  
10 that are out in the field and for all the farmers.  
11 Basically a farmer cannot withhold appropriate medical  
12 treatment, yet if he or she uses prohibited materials  
13 the animal will be removed from the herd. In essence,  
14 the farmer is being punished for doing what's best for  
15 the animal. That's quite the Catch 22. In agriculture  
16 we humans are in control, but is it control with  
17 compassion for the animals under our care when they're  
18 hurting or is it by cold calculation in a purely  
19 mechanical reductionness way. In order to keep  
20 compassion high in the standards for humane care, I  
21 would suggest a line of treatment with a prohibited  
22 material within the first year of life when the young  
23 animals' immune systems are still developing. This is  
24 much more scientifically based than the no prohibited  
25 materials after the last third of gestation. The last

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1 third of gestation clause has absolutely no scientific  
2 basis. It is a number pulled out of thin air, and it  
3 should be done away with. Do require the strict organic  
4 feeding and management from birth with the allowance of  
5 therapeutic use of perhaps prohibited material but only  
6 for individual cases diagnosed by a veterinarian. And I  
7 will virtually guarantee you'll hear a collective sigh  
8 of relief from both small farmers and large farmers. To  
9 guard against cold calculation and reductionist  
10 extremism please also free yourselves from the excipient  
11 and preservative quagmire. Please stay focused on the  
12 active ingredients when it comes to veterinary compounds  
13 for the relief of pain and suffering. Excipients will  
14 hog tie many of the compounds that are critical in  
15 helping to paint the big picture of organic agriculture  
16 as compassionate and truly caring for the animals within  
17 the system. Thanks.

18 THE CHAIRMAN: Okay.

19 MS. BURTON: Can you repeat your simple  
20 annotation for me?

21 MR. KARREMAN: Yeah, in the beginning there?

22 MS. BURTON: Yeah, under veterinary directive  
23 with.

24 MR. KARREMAN: I think it's simple. I mean  
25 it's straight up. It's a few words. Under veterinary

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1 directive with a valid client patient relationship, and  
2 that enables the Amduga clause to kick in.

3 MR. BANDELE: I just had a question. One  
4 concern that I would have would be that if you put that  
5 under veterinary directive then veterinarians with more  
6 training in conventional would be more apt to recommend  
7 those synthetics. Could you respond how you see that?

8 MR. KARREMAN: You mean it would kind of open  
9 up the door that way?

10 MR. BANDELE: Yeah.

11 MR. KARREMAN: Okay. I stand in front of you  
12 here, and I know how to use alternative veterinary  
13 medicines. There's probably in all honesty maybe six or  
14 ten of us in the country that know how to use them for  
15 livestock. There's a lot of alternative veterinary  
16 medicine in cat and dog and horses. So when I come to  
17 you and last year I came to you asking for these  
18 products, I'm thinking about my colleagues out there  
19 that have no clue about alternative medicine but they're  
20 out there any time of the day or night, and they want to  
21 do what's best for the animal. And it still would be  
22 only like for emergency uses. It's not like a routine  
23 daily thing. I mean keep all the feed and all that  
24 stuff as strict as you can make it, and I mean it. But  
25 it's to relieve that occasional pain and suffering when

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1 a veterinarian, not me or even me, says, gee, this  
2 animal needs some synthetic morphine or whatever to  
3 relieve pain. First, there's no alternatives to that in  
4 the holistic world, and secondly most vets are  
5 conventionally trained, and they wouldn't know anything  
6 else. Does that answer your question? I don't think it  
7 opens the door because there's such a few compounds.  
8 It's not like they're going to be dispensing it. It  
9 would be the use at the time for that animal, and it  
10 would be recorded.

11 MR. BANDELE: But I think what you said in a  
12 way kind of goes along with my concern that if they  
13 don't know alternatives then they would be more apt to  
14 deal with the synthetics. Not you because in terms of  
15 being in tune with organics, but the other folks out  
16 there.

17 MR. KARREMAN: Well, all I can say is I truly  
18 hope that there's an educational process for other  
19 veterinarians out there that are working with an  
20 occasional organic farmer too. I have a high  
21 concentration. I got 53 certified organic dairies and  
22 three beef certified farms. Most guys only have one or  
23 two in their area. So they're not going to really stay  
24 up on it. And, believe me, I try when they call me from  
25 Illinois, when they call from Wyoming, whatever, I talk

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1 with them. And, you know, I try to teach them stuff but  
2 there's only so much you can do but there will be an  
3 educational process. That's a matter of time. But we  
4 need these things right now. I can go home tonight and  
5 be called out for an emergency, and I may need to use  
6 one of these compounds. And so I'm hoping that the NOP  
7 will not throw a noncompliance on the certifier of that  
8 cow because I used a synthetic or a colleague did. That  
9 ties into the timing thing. I mean time is of the  
10 essence.

11 THE CHAIRMAN: Mark and then Kim.

12 MR. KING: Yeah. Just a quick real life  
13 example of something that happened, so a question for  
14 you. A local dairy farmer called me a couple weeks ago  
15 and had a cow that had they thought either hip  
16 dysplasia, injured spine, something kind of, you know,  
17 conditions were slick in the pasture. Maybe the cows  
18 were playing, romping, whatever, slid.

19 MR. KARREMAN: She was down?

20 MR. KING: Yeah, couldn't walk, couldn't do  
21 anything, in extreme pain, that sort of thing. Can you  
22 elaborate on an example like that?

23 MR. KARREMAN: What I would do, let's say?

24 MR. KING: Yeah.

25 MR. KARREMAN: Okay. What I'd do on a cow

1       like that, I'd probably do electro acupuncture, and I'd  
2       probably give it homeopathic hyperokin [ph] and coniumac  
3       [ph]. And what a conventional practitioner would do,  
4       would immediately reach for flunixin [ph] and  
5       dexamethazone [ph]. Dexamethazone is a steroid so  
6       that's way out. So the flunixin [ph], which is one of  
7       those items, could be used for your guy's cow and his  
8       vet out there -- her vet, sorry. Whoever, you know,  
9       because they might not have learned acupuncture, and  
10      maybe they don't even care to but at least they're  
11      helping that animal and the organic consumer wants  
12      humane treatment. Because if they find out that there's  
13      animals out there not being treated to relieve pain and  
14      suffering, that's going to give a black eye to organics.  
15      And you're also going to find if you don't allow any  
16      synthetics, none let's just say to be absolute, you're  
17      going to have veterinarians slipping in things or you're  
18      not going to have good record keeping. We're under the  
19      assumption there's going to be proper record keeping  
20      with the hope that the veterinarian respects the  
21      farmer's right to be organic. But if you really say no  
22      to all that you're possibly going to run into that, and  
23      that would be terrible.

24                   THE CHAIRMAN: Kim.

25                   MS. BURTON: My comment to your question would

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1 have been that as a Board when we review material, we  
2 should be looking at alternatives and if there's a  
3 better alternative then we should be giving that  
4 recommendation. So only the materials that are on the  
5 list could a veterinarian use anyway so we already  
6 looked at those. It's not carte blanche to all  
7 medicinals.

8 MR. KARREMAN: Oh, no, not at all. No. The  
9 materials you are grappling with and the NOP has to get  
10 through or not or whatever, I honestly don't think  
11 you're going to see a whole lot more of medicinal  
12 compounds from the veterinary perspective trying to get  
13 in the door. I really don't think you're going to see a  
14 whole other 15 of them all at once come at you. Last  
15 year was critical because the rule was being  
16 implemented.

17 THE CHAIRMAN: Andrea.

18 MS. CAROE: Are you suggesting that this  
19 annotation under veterinarian directive be for all the  
20 medications on the list, and the reason I ask is are you  
21 suggesting it should be for aspirin and things that the  
22 farmer could administer himself?

23 MR. KARREMAN: Well, they also can buy aspirin  
24 over the counter. I guess strictly maybe from a self-  
25 serving standpoint but also for the animals, I'd say it

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1 would be good if a veterinarian were to be involved with  
2 the decision, but that's not going to always happen, you  
3 know, because farmers can take care of little problems  
4 themselves. I don't know. I would say at least on the  
5 prescription label things, at least that. Okay.

6 Thanks.

7 THE CHAIRMAN: Thank you. We have Urvashi,  
8 and then followed by Doug Crabtree.

9 MS. RANGAN: Good morning. Some of you may  
10 not be able to see me behind this but good morning. My  
11 name is Urvashi Rangan. I'm from Consumers Union.  
12 We're the publishers of Consumer Reports magazine.  
13 We're a nonprofit independent research institute, and  
14 our sole mission is just to provide information to  
15 consumers so they can make better informed purchasing  
16 decisions. I'm the director of the Eco Labels project.  
17 Our goal is to rate the credibility of environmental  
18 labels in the marketplace. And as many of you well  
19 know, we've been watching the organic label for some  
20 time, and all the organic labels are posted at  
21 ecolabels.org. I first want to thank everyone for all  
22 the work in the past year, and to say congratulations  
23 for the one year anniversary markets. It's pretty  
24 remarkable, and obviously sales of organic are doing  
25 very well. And Eco Labels has given the organic label

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1 on food a highly meaningful rating. The concern that  
2 the Consumers Union has, and we remain having, is that  
3 sales should not be driving the standards of the organic  
4 label. And we are concerned about the cashing in on the  
5 organic label and exemptions that are granted to the  
6 standards in order to make the label custom fit the  
7 product or the ingredient. I want to talk about  
8 materials review, and more specifically I want to talk  
9 about materials that just aren't reviewed as a result.  
10 And I'd also like to point out in the August issue of  
11 Consumer Reports we have written an article on the  
12 challenges to the organic program, and what consumers  
13 should be watching out for in the coming year with  
14 regard to the standards. And I'm happy to hand that out  
15 to you. The first thing I want to focus on is cosmetic  
16 labeling and personal care products. Consumers Union  
17 has been testifying on this at the last NOSB meeting,  
18 and we continue to be concerned about this. The  
19 labeling that is being used on cosmetic products is  
20 egregious. It is not following the labeling regulations  
21 on food. Consumers Union has made repeated inquiries to  
22 the National Organic Program over the last several  
23 months asking who is regulating the word organic on  
24 cosmetic products. We have yet to receive a response  
25 from the National Organic Program, and we would like a

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1 response to that. There are several problems with  
2 cosmetic products labeled as organic. First of all,  
3 they do not comply with several of the standards that  
4 are present for food. Water is of course the one  
5 ingredient that is exempt if you add water and food. It  
6 doesn't seem to be exempt in cosmetics. I know there's  
7 a lot going on in the background as to hydrosols and  
8 added water and what is added water, and will it be used  
9 in the calculation of organic ingredients, but none of  
10 this information is being publicly disclosed. I'm  
11 chasing down this information in the shadows, and  
12 consumers have the right to know what's going on  
13 especially since labeling has already been allowed on  
14 these products. Any ingredient that is nonorganic seems  
15 to be able to be used in these products whether it's a  
16 heavy synthetic like hydrogenated castor oil, and one  
17 could ask could we see an organic label on anti-  
18 bacterial soap. I wonder, and I'm concerned that that  
19 will be able to happen based on the lack of standards  
20 that are in place right now, and the lack of enforcement  
21 going on in the labeling. Where are the standards for  
22 cosmetic labeling? Why is labeling being allowed before  
23 the standards are fully formulated, and who is enforcing  
24 the standards on it? As a result, I'm sad to report  
25 that Eco Labels has rated the organic label as being not

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1 meaningful on cosmetic products, and that is what we are  
2 showing now on our Web site, and that is what we are  
3 going to be telling consumers. So if there's any lesson  
4 to be learned from that, we hope that when we get to  
5 labeling fish that standards will be in place before the  
6 organic label is allowed on fish. Consumers Union is  
7 still concerned about the fact that fish that is laden  
8 with mercury and PCBs will be able to carry the organic  
9 label. We hope and encourage you to develop those  
10 standards and submit them for public comment so that the  
11 aquaculture standards for organic will not end up in the  
12 same morass that cosmetics are in. Chasing down all of  
13 these problems takes a lot of time and work, and a lot  
14 of us come here time and time again because we're  
15 chasing down these problems. I'm not sure if this is a  
16 symptom or truly part of a more systemic problem with  
17 oversight, but a one year, one time audit of the  
18 National Organic Program is not oversight. It is not  
19 what the Organic Food Production Act states, and  
20 consumers need accountability from this program. They  
21 need to know that it is transparent, and as a result a  
22 one time audit this year is not sufficient to meet  
23 oversight for the National Organic Program. Thank you.

24 THE CHAIRMAN: Thank you, Urvashi. The other  
25 thing you mentioned the article you had in the Consumer

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1 Union. I notice this month also Progressive Grocer has  
2 got a fairly extensive article on the debate surrounding  
3 organic cosmetics. So it was a good article as well.  
4 Questions? Yeah, Jim.

5 MR. RIDDLE: A quick comment. At the May  
6 meeting I had brought along and had in front of me a  
7 bottle of Ground Forest organic herbicide. Well, since  
8 then I was in Maine at my sister's and there in her  
9 bathroom was a spray bottle of Organic Power bathroom  
10 cleaner.

11 MS. RANGAN: That's right. Cleaners are next.

12 MR. RIDDLE: What's organic about that?

13 MS. RANGAN: That's correct.

14 MR. RIDDLE: Is the consumer being misled by  
15 use of the term organic on these kind of products?

16 MS. RANGAN: I think there's no question that  
17 they're being misled and that it is in fact deceptive  
18 labeling on those products. The fact that all sorts of  
19 other ingredients could be used that are not certified  
20 organic ingredients is absolutely just because it's  
21 exempt now from review or it will be exempt doesn't make  
22 that product an organic product to the consumer, and  
23 frankly this focus on whether the ingredient is organic  
24 is one question but if you're looking at the product as  
25 a whole you have to assess whether the product as a

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1 whole is also meeting organic standards.

2 THE CHAIRMAN: Questions? Thank you. Doug  
3 Crabtree followed by John, oh, boy, I'll butcher this  
4 one, Immaraju. Is Doug here? He's signed in. Okay.  
5 John. Okay. Then we have Dan Leiterman followed by  
6 Brian Leahy.

7 MR. LEITERMAN: Good morning. I'm Dan  
8 Leiterman with Crystal Creek representing organic  
9 farmers all over the United States. And thank you very  
10 much for having me here. We had a lot of good education  
11 yesterday with the FDA, and I think I want to reflect on  
12 a lot of the comments you heard this morning. I don't  
13 want to repeat them but I want to reiterate too. Last  
14 year in October we had a deadline to get some materials  
15 accomplished and reviewed, and I want to applaud the  
16 wisdom and the leadership that this Board and NOP had.  
17 It offered our industry in dealing with livestock  
18 materials a great guidance, and we proceeded during the  
19 year very nicely. The certifiers out in the field had  
20 flexibility. They used common sense, and even though  
21 there's a lot of questions and some discrepancies on  
22 interpretation there is the ability to work through  
23 that. Consequently, there is a movement forward.  
24 However, just recently in the last month or so there's  
25 been a great deal of confusion with the issuance of the

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1 comment that materials cannot be used unless it's on the  
2 national registry and finalized by the NOP. It threw  
3 turmoil into the materials handling process again. Last  
4 year we had leadership and direction from the NOP that  
5 if the materials were voted on by the NOSB that it could  
6 be used they were considered in transition, and that was  
7 very, very helpful. And I think you've heard comment  
8 this morning requesting for some kind of intermediate  
9 stage, administrative discretion, however you want to  
10 term it, but you have a train going down a track at this  
11 point and it's proceeding very nicely, and at this point  
12 we see there's a couple of rails being punched out. And  
13 for somebody to come and say, well, we'll put those  
14 rails back in in about three to six months might not  
15 answer the problem. You see, so we would request that  
16 something be looked at for the voting that you've  
17 already undertaken and it's been working nicely. We  
18 understand the process, and I'm talking about materials  
19 that have been voted on already. I understand the  
20 process for new petitions bearing in mind that the  
21 petitions that you voted on have gone through the  
22 process, and even though the TAP reviews may have been  
23 questionable the process was worked on, and, you know,  
24 it worked pretty good. So what I'd like to recommend is  
25 that some kind of intermediate acceptance period,

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1 administrative discretion, call it what you will for the  
2 next three months or however long it takes. Don't punch  
3 the rails out. We got a lot of things to do out there  
4 for the livestock in maintaining health. I liked the  
5 clause comment in recognition that the FDA is out there  
6 and the EPA. We function under those guidelines. We  
7 work understanding that they have claims requirements  
8 and labeling requirements. And if the Board looks at  
9 their mandate and makes recommendations what they feel  
10 is allowable for organic under the context of FDA and  
11 EPA that's fine with us so we're looking for that  
12 guidance. The second comment on Anduga. I've got two  
13 veterinarians on staff. We're an educational company.  
14 We try very hard to teach producers how to prevent  
15 issues. I think that takes us a long ways towards  
16 avoiding the use of crisis management with antibiotics  
17 and drugs and hormones. But I want to caution you on a  
18 couple points that there's a lot of material that's  
19 dietary that I would hope does not come under the  
20 inclusion of Anduga that producers can be allowed to use  
21 materials at their discretion if they're allowed for  
22 organic use and they meet FDA requirements. Let's  
23 please not include them as a drug. And I found  
24 yesterday there's a fine line relative to claims on  
25 dietary material. And I don't want to have that fogged

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1 up too much. I mean if it's a dietary material and it's  
2 good for the animal and it's preventative in nature, and  
3 the claims are not there and they're not minimal, let's  
4 not make that an Anduga issue. So that's all I had to  
5 say for today. Thank you very much.

6 THE CHAIRMAN: Questions for Dan? Okay.  
7 Brian Leahy followed by Marty Mesh.

8 MR. LEAHY: That's a hard act to follow. I'm  
9 Brian Leahy. I'm the president of California Certified  
10 Organic Farmers. We own a certification agency but we  
11 represent producers for the most part. I came here for  
12 a little history lesson and concerns. The really  
13 organic farmers are really just conventional farmers,  
14 the guys I learned to grow from were large scale  
15 conventional Republican guys, tried the chemicals, and  
16 just said this is a lousy way to farm, you know. This  
17 toxic chemistry base is not the way to go for farming.  
18 They are really innovative people, and that's who we're  
19 really attracting right now in our program is some of  
20 the most innovative corporate farms in the country, and  
21 they're trying organic. And they need the same tools to  
22 compete with their conventional program, and that's the  
23 real concern is that we lock organic into a system  
24 that's really outdated. By the time we start attracting  
25 Brian Baker and the materials people we had already lost

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1 50 years of good biological base research. And, you  
2 know, we're starting from a behind position at it is,  
3 and we need to catch up, and we need the tools to  
4 compete with conventional agriculture. You know, in the  
5 marketplace which has driven organic for a long time  
6 we're already seeing real reductions in premiums. This  
7 year in the vegetable production there was a couple of  
8 months when the conventional guys were getting a better  
9 price than the organic, and the good organic farmers  
10 were just swapping their organic lettuce and what not  
11 into the conventional market. On carrots right now you  
12 can buy organic carrots for about the same price in the  
13 larger retailers, and we're seeing that in the farmers  
14 markets too because so many people now are in farmers  
15 markets. So what we need to remember is this biological  
16 based farming is really the best way to farm, and we  
17 need to encourage it and to do that we need the  
18 technology and the innovation that our science can  
19 provide so this is just a plea not to lock ourselves  
20 into some sort of time warp. The other -- I also get a  
21 lot of calls from people trying to come up with new  
22 innovations for agriculture, and they are really getting  
23 discouraged because they are doing what they believe  
24 fits into the organic philosophy that they're not seeing  
25 their materials improve, and they're spending lots of

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1 money on research. And if we don't allow them a  
2 consistent program that they know if they do these steps  
3 they can get this thing approved and then used, we are  
4 going to really stop the flow of innovation, so that's a  
5 main concern. Another concern that our producers are  
6 really calling me about is a lack of consistency in the  
7 applications of rule where the rule is clear. A simple  
8 example is the rule for one reason or another says that  
9 the USDA still needs to be a certain color. And so we  
10 have told our producers that, and one producer alone  
11 spent a million dollars to get into compliance, and then  
12 other certifiers have allowed their clients to go with a  
13 color scheme that fits their marketing. That's a simple  
14 thing but it creates a lot of hardship and ill will for  
15 the program as a whole. Things are more complicated  
16 such as the use of antibiotics in existing herd for  
17 milking. A lot of certifiers are saying you cannot use  
18 that. Some are, and it creates real confusion among the  
19 producers. And that's why we did this federal rule was  
20 for consistency in the marketplace, and so everyone  
21 feels they're on the same playing field. So that's my  
22 concerns, and thank you.

23 THE CHAIRMAN: Questions? Rose.

24 MS. KOENIG: I guess I just need some  
25 clarification as far as those -- you know, in terms of

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1 materials. I'm not quite sure what you're suggesting.

2 MR. LEAHY: What I'm suggesting is that we,  
3 you all, keep an open mind that -- we figure out what  
4 the basic philosophy of organic is. It's a biological  
5 process. We're trying to work with the soil, rejection.  
6 It was easy to really reject the inappropriate  
7 technology, organic phosphates, the really harsh  
8 fertilizers. So then we have to say, well, how are we  
9 going to give the farmers the tools to grow food in this  
10 marketplace and compete with the conventional people  
11 that are using these chemical tools. That enhances soil  
12 life, that creates a healthy environment for the food.  
13 The whole basis of organic was that you create a healthy  
14 soil, and a healthy soil leads to a healthy plant and  
15 healthy food, nutritious food. And it's easy to get  
16 locked into not using new approaches and new techniques.  
17 So I guess I'm asking for an open mind and just  
18 remembering the very basis of organic, which was giving  
19 the farmers tools to work with nature to create the  
20 healthy soil. Does that answer it at all?

21 MS. KOENIG: Well, I mean the techniques and  
22 such. I guess our charge is really the materials, and I  
23 guess if there's specific things in terms of the  
24 petition process or criteria that we use or now that  
25 we're re-evaluating kind of some of those methodologies,

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1 and how we're looking at things, I think those are fair  
2 suggestions and such. I think you have to be really  
3 careful about just tailoring the needs of a program to  
4 solely the marketplace. I think you have to have a  
5 consistent philosophy instead of criteria, and then if  
6 those aren't working, that's what I'm saying, if you  
7 have some suggestion as to some of the specific  
8 materials and where there were areas in the criteria  
9 that you think perhaps maybe not fairly judged it, I  
10 think those are useful comments but just blanketly  
11 saying that we need more tools it's really hard for us  
12 to kind of judge what you're saying. So I'm saying your  
13 comments are good but please be more specific. Maybe  
14 you could forward those.

15 MR. LEAHY: Yeah, really I'm talking -- I mean  
16 some of it is just a plea not to get locked in. You  
17 know, when we started organics and said, well, it's just  
18 not synthetic, we'll go to synthetic, and if we start  
19 doing more research on soil biology and soil health, we  
20 may find that there are certain fertilizers that don't  
21 disrupt soil life, but they allow farmers the nitrogen  
22 that they need. So as time evolves, as research evolves  
23 and we start learning more about what is healthy soil  
24 and what's going on in the soil then let's figure out  
25 what really works and what isn't. Even the term

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1 synthetic sort of like in botany right now the whole  
2 filo planning, all that kingdom, that's out the window  
3 and innovation is in recategorizing. You know, it's not  
4 stagnant. And I don't want organic to be -- that's  
5 probably the main plea. Let's use -- we know what we  
6 want, which is we want a healthy soil, we want a healthy  
7 farmer, farm worker, and we know it was easy to say --  
8 phosphates and DDT and all that. That was nonsense, and  
9 we can get rid of that. And that was an easy day's  
10 organic. But now we need to grow as our science and our  
11 knowledge grows, so I guess that's what I'm saying.  
12 Definitely the marketplace -- the consumers, most of  
13 them have no clue really what organic is but they kind  
14 of know in their heart what it is, and we can't play  
15 with that, you know. We have to respect that. We build  
16 that marketplace. They have certain expectations, you  
17 know. They keep saying keep organic organic. We can't  
18 just say we can make it easy for the producers but we do  
19 have to allow the producers to grow and use science as  
20 it comes along.

21 THE CHAIRMAN: Okay. Jim and then Mark.

22 MR. RIDDLE: And, Brian, one of the last  
23 things you said in your formal comments really caught my  
24 attention. I just want to make sure that I heard you  
25 correctly. What I thought I heard you say was that

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1       you're aware of some accredited certifiers that are  
2       allowing the use of antibiotics in existing organic  
3       dairy operations?

4               MR. LEAHY: Yeah. There's a spirit of the law  
5       and there's the letter of the law. Now when we read --  
6       we and many other certifiers when they read -- our  
7       certification company, when they read the rule it says  
8       you can use -- if an animal comes from outside that  
9       dairy herd, it could have had the use of antibiotics on  
10      it. We also see it as if that animal is inside that  
11      herd you cannot use antibiotics on it, and then continue  
12      in that dairy herd and eventually milk it a year later.  
13      And we see the herd as a closed system. It's on one  
14      farm. The herd is the herd. And then other certifiers  
15      see it as that animal is not really part of the herd  
16      until it's milking. And we see that as really -- I  
17      don't read it that way. I don't read the letter of the  
18      law that way, and I definitely don't read the spirit of  
19      the law that way.

20             MR. RIDDLE: Yeah. There's a separate section  
21      of the rule which deals with the ongoing prohibition of  
22      antibiotics. There's the door and there's, you know,  
23      varying interpretations of that conversion issue, but  
24      once the herd is converted and the animal is on the farm  
25      it cannot be treated, I'm surprised to hear this. And

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1 if you're aware of something or any of your producers,  
2 anyone, there are complaint procedures to document that,  
3 and I would encourage use of those.

4 THE CHAIRMAN: Mark.

5 MR. KING: It sounds like some of what you're  
6 saying, Brian, and correct me if I'm wrong, is in  
7 looking at the materials review process and the  
8 structure of that, if you will, we need to consider new  
9 developments, science, things that are happening in the  
10 industry, and so my question is related to that. And  
11 understanding what Jim and so many others have said on  
12 this Board over time that organic agriculture is really  
13 a systems approach inputs can be part of that system so  
14 can you speak in your opinion to the system's approach  
15 from an education ongoing sort of perception in the  
16 industry, if you will.

17 MR. LEAHY: Sure. I mean that's a good -- we  
18 have -- you know, there's only a handful of organic  
19 farmers that have more than ten years of experience.  
20 They came to -- almost every one of them came from a  
21 chemical approach, so they are learning. It's an  
22 incredible learning curve, and in California we don't  
23 have -- the land grant universities are just backing  
24 into organic now so there's no way to turn to find out  
25 how to do this. So what the farmers are doing is

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1 they're taking their existing mentality and they're  
2 applying that to organic. And, you know, the hope is  
3 that after doing this for 20 years or so, that's how  
4 long it really takes to learn to integrate, they will  
5 start to see this as a holistic system, and the real  
6 advantages in the crop rotations and using all the tools  
7 of organic. So we backed into organic. We were just  
8 biological farmers because we were into wildlife and  
9 plant diversity and all that, and our neighbor said, you  
10 know what, what you're doing happens to fall under the  
11 Organic Act of -- California Act of '79. But most of  
12 the farms you go on to them that are organic, it's still  
13 fence row to fence row farming. They are proud of these  
14 farms. And that's the kind of stuff eventually we need  
15 to get out of that cycle. But, you know what, these  
16 guys are courageous as it is, and what we see with the  
17 larger farms is they start organic in a small way, and  
18 they start learning a lot in their conventional. They  
19 really start to reduce the most toxic chemicals. They  
20 start looking at soil again. So when I got this guy,  
21 George Tantomental [ph], he's like 80 years old.  
22 They're farming 60,000 acres for God's sake of  
23 vegetables, and then he started organic. And it was  
24 like, George, I said, you know what, this is making  
25 farming fun again, and they're taking what they know and

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1 they're applying it to other places. So that's the kind  
2 of stuff that we want to encourage. The goal of organic  
3 was always to return agriculture back to a biological  
4 base. That's the goal. If you keep that, keep your eye  
5 on that ball, it's simple. What we all do is simple.

6 THE CHAIRMAN: Thank you, Brian. Marty Mesh,  
7 followed by Michael Sligh.

8 MR. MESH: Marty Mesh with the Florida Organic  
9 Growers Qualify Certification Services. First, thanks  
10 to the department for standing firm on their actions on  
11 the feed issue, posting denials and revocations, as well  
12 as continuously trying to make the Web site more  
13 functional. For example, I think the transcripts of the  
14 NOSB meetings are up there. I also want to appreciate  
15 the actions of the department on the continued progress  
16 towards getting a peer review panel established by  
17 taking the important first step of having an external  
18 review done of the USDA accreditation program. Partly  
19 because of the National Organic Program, we do have  
20 better response and action on the parts of land grants  
21 that Brian just mentioned, and on the parts of NAS, RMA,  
22 EPA and FDA, so I appreciate the NOP a lot and know that  
23 they're a small staff with very limited resources has  
24 essentially accomplished a great deal. I believe that  
25 those limited resources could be made more effective by

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1 having an NOSB executive director to move the Board work  
2 forward on a day-to-day basis and provide consistent  
3 interaction with the NOP staff. I believe the NOP could  
4 take better advantage of what I call a hyper  
5 participatory industry, which is open to volunteering  
6 when they feel the work is in line with their work and  
7 values is respected, and is actually taken into  
8 consideration. I am one of the founding board members  
9 and retiring board members of OMRI, and was impressed  
10 with the staff and board's time just to develop a  
11 response to the request for input. You guys were handed  
12 this yesterday. It's quite a well thought out, well  
13 written document that took an incredible amount of time,  
14 and I wonder if it's just going to be put somewhere and  
15 that's it. So the NOP could make better use of those  
16 organizations with the industry and people willing to  
17 give their time. The memorandum of understanding  
18 between OMRI and the National Organic Program should be  
19 moved forward, finalized, and the NOP should take  
20 advantage of national nonprofit organizations that are  
21 willing to help. This Board, the National Organics  
22 Standard Board, volunteers their time. Committees get  
23 input from stakeholders and make programmatic  
24 recommendations which many times seem to go nowhere.  
25 And I realize that the regulatory process takes a long

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1 time but this contributes to disconnect between the  
2 industry, the community, the National Organic Program  
3 staff, and even what I perceive as even between the NOSB  
4 and the NOP staff. I believe the Board is supposed to  
5 deliberate and make recommendations, which the National  
6 Organic Program staff should find ways to put into  
7 regulation. They need to take more advantage of your  
8 willingness to do a lot of work, which you do. There  
9 needs to be a better and consistent communication and  
10 dissemination of information between the National  
11 Organic Program and its certification agent so that all  
12 certifiers find out information not from the people that  
13 certify or from the press but from the department. The  
14 inconsistency on what's going on is disheartening for  
15 those of us that deal with the stuff every day, day-to-  
16 day on the ground. And livestock issues especially are  
17 problematic. Brian just mentioned antibiotics being  
18 used on young calves by some certifiers and not by  
19 others. Those types of issues are huge issues when  
20 you're on the ground trying to explain to some producers  
21 why they can't do something every day. Does the NOSB  
22 have direct communication with agencies like EPA and  
23 FDA? I found yesterday very helpful, and it would seem  
24 like you could do your job better by having more  
25 effective and better direct communication. I'm not sure

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1 if Jim Pierce's statement earlier that methiamine is  
2 halfway through its time period on the list is accurate  
3 if indeed the register hasn't even been published, and  
4 it won't go into effect until the day after publication.  
5 I know that Barbara was on the agenda, and I didn't get  
6 a chance to -- and didn't get a chance yesterday to do  
7 an update but I think the NOP update to the Board and  
8 the public is very important. Old presentations have  
9 included even the NOP presenting its budget, its budget  
10 and expenses which help give a better understanding for  
11 someone like me who is going to meet later on with the  
12 congressmen on the Appropriations Committee who, believe  
13 me, ask very tough and hard questions when I always go  
14 there saying the program needs more resources. I still  
15 have 30 seconds left. Yeah. It's incredible. I'll  
16 give it up to Michael.

17 THE CHAIRMAN: Questions, comments for Marty?  
18 Okay. Thank you, Marty. Michael Sligh, followed by  
19 Rachel Jamison.

20 MR. MESH: Are you all going to address the  
21 question whether you have direct communication with  
22 agencies like FDA and EPA?

23 THE CHAIRMAN: Yes. We are having that  
24 discussion as we go forward about how does -- we brought  
25 this up yesterday in our work session, how does the

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1 Board interface with the agencies.

2 MR. MESH: Because those guys were incredibly  
3 impressive yesterday.

4 THE CHAIRMAN: You bet. No, it's an important  
5 point at least -- in the discussion that we've had with  
6 the Board is we move things forward, how can we have  
7 that direct interface to fulfill our role. So now  
8 you've cut into the 30 seconds that you allotted to  
9 Michael.

10 MR. RIDDLE: He's down to one minute now.

11 THE CHAIRMAN: Go ahead, Mike.

12 MR. SLIGH: Well, thank you for allowing this  
13 opportunity. I'm Michael Sligh. I'm policy director  
14 for the Rural Advancement Foundation International, and  
15 I'm co-chair of the National Organic Committee for the  
16 National Campaign, and what seems like an ancient member  
17 of this illustrious body. And I'm glad to see the  
18 discussion that took place yesterday. I thought the  
19 presentations were excellent. I thought you got a lot  
20 of good guidance. I bring praise to the department and  
21 to this Board, as well as words of encouragement and  
22 some words of caution. I won't reiterate the six points  
23 of architectural deficiency that we worked very hard to  
24 elaborate to you, but we do ask that you take those  
25 points seriously, and that you put those points on your

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1 agenda of your next meeting in anticipation to really  
2 understand and get to the bottom of those deficiencies  
3 before it does jeopardize organic integrity. I also  
4 want to speak a little bit about the materials review,  
5 and recognize that I thought Rich's point was important  
6 yesterday when he said that it's important to find TAP  
7 reviewers who have real life experience with material.  
8 But I also think it's going to be terribly important to  
9 find real life TAP reviewers who understand the seventh  
10 criteria, and that you must also create a bench mark for  
11 this seventh criteria in a meaningful way that will  
12 provide advice for future boards as this goes forward in  
13 time. I think that when we envision the seventh  
14 criteria, we were thinking about the principles of  
15 organic and sustainable agriculture. We were thinking  
16 about the precautionary principle. We were thinking  
17 about does this material cause scale bias. Does this  
18 material support a particular size scale over another.  
19 Does this material encourage product substitution  
20 opposed to a knowledge based approach to organic. As an  
21 organic farmer myself, that was what I saw powerful was  
22 that it could be knowledge based, that we were looking  
23 not to have to buy more and more materials and to use  
24 more and more things. We were looking for how can we  
25 use our knowledge of that natural systems to apply that

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1 toward prevention and toward health. And I caution us  
2 that we want to be conservative. We want to think  
3 carefully about a never ending list of materials that  
4 may be more aimed at convenience or at a particular  
5 scale opposed to a real need out there to move the  
6 system forward. I also think that the ongoing role of  
7 the Board -- I want to kind of put back on my former  
8 Board member hat and just say a few remarks about in  
9 envisioning this Board we saw this Board as being a new  
10 fresh approach to a partnership between government and  
11 the public and the industry, and that you have dual  
12 responsibilities that must be taken equally seriously.  
13 Yes, indeed, you must provide timely publicly vetted  
14 thoughtful and concise and consensus advice to the  
15 department. You must meet their needs on a timely  
16 basis. They're under a set of pressures, and you must  
17 be able to meet their needs. You also must be  
18 continually accountable to the broad civil society and  
19 to the broad stakeholder community that was outlined so  
20 clearly in the statute. It's very important that you  
21 continue to commit on an annual basis to get out in the  
22 countryside. The farmers don't live here in D.C. or in  
23 Chicago or in Austin. You got to commit one time a year  
24 to go to an annual conference of the farmers or to the  
25 countryside and ask how is this program working, how can

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1 we improve it, what's good about it, what needs to be  
2 changed, and to take that information and translate that  
3 into recommendations to the department. It must be a  
4 two-way street. That is an equal part of your  
5 responsibility. I think the need for a closed session,  
6 there's a rare need. I would hate to see the classic  
7 school board technique become a norm for this Board  
8 where you have your real discussions in private, and  
9 then come with a face to the public. That's not -- that  
10 was not our vision for this Board. We intended it to be  
11 very transparent. We had few tough questions in our  
12 day, and we managed to do them in the public way, and I  
13 think it will build confidence for both you and the  
14 department if you continue to go the direction of public  
15 meeting. Oversight of the TAP review is in your  
16 jurisdiction including the development of convening that  
17 body and overseeing that body, and you must take that  
18 statutory authority seriously. Marty has already said  
19 about the issue of the budget. Give them an opportunity  
20 to talk about the budget because if they're short on  
21 resources that needs to be a part of the public record  
22 so that we can help defend that and encourage that  
23 direction. So put it in writing, and put it on the  
24 agenda.

25 THE CHAIRMAN: Okay. Thank you, Michael.

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1 MR. SLIGH: Thank you.

2 THE CHAIRMAN: I would just like to follow up  
3 with your suggestion about getting to the countryside  
4 because I think that that is something that however it  
5 can be accomplished not only for NOSB but for NOP. I'm  
6 wondering what suggestions you might have. I'm thinking  
7 about some other FACA boards like the Small Farm  
8 Commission when it was put together and how it went  
9 around. But what suggestions might you have for getting  
10 out to the countryside?

11 MR. SLIGH: Well, I mean exactly that was the  
12 tact that we took at the founding board was to say let's  
13 go out across the country and hear because we know it  
14 costs a couple thousand dollars to come here. And if  
15 you're on a farming schedule it's just not going to be  
16 real. I look at the upper Midwest that has that organic  
17 conference. Over several thousand people are coming to  
18 that event. You could have a listening session there.  
19 You could have a board meeting there. You need to look  
20 for those opportunities to take advantage of where  
21 farmers do gather and tap into that. One-third of the  
22 farmers don't have access to Internet. The Web thing is  
23 a great deal but one-third of the farmers don't have  
24 access. You got have a hard copy mailing list. You got  
25 to communicate with the broad people out there that are

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1 not going to come to Washington and not find the Web  
2 based. So I hate to see you go just strictly to a Web  
3 based approach.

4 THE CHAIRMAN: Okay. Kim.

5 MS. BURTON: Mike, you commented on the closed  
6 sessions, and you had heard some rumblings over the last  
7 few days on that, so I just wanted to kind of give you  
8 my opinion on it. It's not that they're closed sessions  
9 other than it's a chance for this Board to work on our  
10 relationships with each other and to spend some time  
11 together...

12 MR. SLIGH: Yeah. Yeah.

13 MS. BURTON: ...developing that, and there has  
14 been past boards have done that, and Caroline Brickey  
15 was adamant about at least a half a day prior to the  
16 meeting for this Board to get together just to relate  
17 one on one versus in a public setting. And a lot of  
18 times like we had a dinner last night. It was great  
19 just working on those communications. So I am the one  
20 who advocates that because I think it's important for us  
21 to have a little bit of time. We all have very busy  
22 schedules. We fly in. We fly out. We work, work,  
23 work, work, and we don't get to know who we really are  
24 on this Board, and I think that's imperative that we  
25 have that.

1                   MR. SLIGH: Well, I think social time, a bus  
2 ride out to see a farm, and getting out in the  
3 countryside are good ways to bond, and we use those  
4 tools to bond but making a formal closed session I think  
5 on a regular basis sends a message that's probably not  
6 that helpful to build trust, so I'd just look for  
7 informal ways to do that opposed to making it some  
8 formal part of your normal -- you know what I mean.

9                   MS. BURTON: We're kind of bound because if we  
10 don't say we have to be here at a certain time then half  
11 of us won't show up because we have other lives so it's  
12 a tough thing.

13                   MR. SLIGH: Yeah, I appreciate that.

14                   THE CHAIRMAN: Other comments, questions?  
15 Thank you, Mike.

16                   MR. SLIGH: Thank you. Keep up the good work.

17                   THE CHAIRMAN: Rachel Jamison, followed by  
18 David Engle.

19                   MS. JAMISON: Hi. I'm Rachel Jamison. I'm  
20 here today on behalf of the Washington State Department  
21 of Agriculture Organic Food Program, and on behalf of  
22 the National Association of State Organic Programs. I  
23 have statements from both. I will start with a  
24 statement given to me from my supervisor Miles on behalf  
25 of NASOP. The National Association of State Organic

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1 Programs requests that the NOSB include the following  
2 points in the NOSB statement that would define what is  
3 "compatible with the system of sustainable agriculture  
4 and are consistent with organic production and  
5 handling." The NASOP board would like to offer these  
6 brief points to address the relationship of production  
7 and handling inputs within the larger context of this  
8 statement. A substance must, 1, not be harmful or  
9 damaging to the environment including soil, water, and  
10 air by its intended use and manufacture and transport,  
11 2, not negatively impacts human or animal health by its  
12 intended use, manufacture, or transport, 3, be necessary  
13 for the production or handling of a given product, 4,  
14 not have an allowed natural substitute, and, 5, not be a  
15 substitute for loud and effective mechanical, cultural  
16 or biological methods or practices. I think a lot of  
17 those issues were addressed yesterday anyway but I had  
18 to say it anyway. So the next statement is on behalf of  
19 WSDA Organic Food Program. It's a lot more specific.  
20 NOP 205.404 granting certification B3 requires that  
21 organic certificates list categories of organic  
22 operation including crops, wild crops, livestock or  
23 processed products produced by the certified operation.  
24 The NOP currently does not require an organic  
25 certificate to include a list of the specific crops

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1 and/or processed products produced or handled by the  
2 certified operation. As I just said, NOP 205.404 B3  
3 requires that only categories be listed. The WSDR  
4 Organic Food Program would like the NOSB to recommend  
5 that organic certificates be required to list specific  
6 crop varieties and/or process products for two main  
7 reasons. One is the inspection audit. When inspecting  
8 a certified handler verifying that a product being  
9 handled is in fact certified is difficult without a  
10 certificate that lists specific varieties. For example,  
11 certified food processor making a frozen mixed vegetable  
12 pack consisting say of peas and carrots when an  
13 inspector goes and asks to see certificates verifying  
14 the organic compliance of those ingredients if the  
15 certificate only reads mixed vegetables as an inspector  
16 we don't have a way of verifying that mixed vegetables  
17 includes the carrots and peas that are being processed.  
18 Two regards -- the other reason is international  
19 certificates, and this I've had some recent experience  
20 with. When inspecting a certified handler verifying  
21 that imported products being handled that have been  
22 certified by the NOP accredited for an agency are  
23 compliant with the NOP and not another governing body  
24 standard is difficult. Many ISO guide 65 accredited  
25 certifiers inspect multiple international standards.

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1 Unless otherwise specified, the default standard to  
2 which the products will be inspected is the standard of  
3 the governing country within which that certifier is  
4 based, not necessarily the NOP. NOP accreditation of a  
5 certifying agent does not mean that the certifier is  
6 always certifying to the NOP. For example, with coffee  
7 most coffee grown is grown outside of the United States  
8 and certified by foreign NOP accredited certifiers. If  
9 while inspecting a coffee roaster certificates indicate  
10 that a foreign NOP accredited agent has certified  
11 organic coffee it's hard for the inspector to verify  
12 that, A, the coffee has been inspected to the NOP and  
13 not to say EEC 209291, and, B, the specific varieties of  
14 coffee being roasted are in fact certified. With the  
15 current certificate requirements a potential exists for  
16 coffee being roasted by a U.S. based company certified  
17 by a U.S. based NOP accredited certifier to be roasting  
18 coffee that if it is actually certified because the  
19 certificate doesn't require that the specific variety be  
20 listed that it's been certified to a standard other than  
21 the NOP. Without requiring that organic certificates  
22 list specific varieties of crops produced and/or handled  
23 issuing NOP compliance certificates is like issuing a  
24 driver's license without a name. They indicate without  
25 question that someone is able and legal to drive. They

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1 just don't specify who.

2 THE CHAIRMAN: Questions?

3 MS. KOENIG: I guess it's a question. I just  
4 don't quite understand, and I can understand, I guess,  
5 with the larger -- when you're processing something but  
6 I mean if I list a variety of Mazuna [ph], how the heck  
7 is the inspector going to know is it some -- is it  
8 variety A. I mean Mazuna is Mazuna, and unless you're a  
9 geneticist or really understand a variety, a variety is  
10 just a kind. I mean it's not even a nomenclature.

11 MS. JAMISON: I think that's a really good  
12 point. The National Organic Program doesn't do well to  
13 address the needs both of larger producers and their  
14 processors, and of smaller producers and processors  
15 because obviously for a small mixed vegetable farmer,  
16 you know, it is laborious to list 50 or some odd  
17 varieties of vegetables, and they obviously might and  
18 more than likely will change out of season. But also as  
19 an inspector it's my responsibility to verify with the  
20 larger operations that a processed product or processed,  
21 you know, where we're using ingredients that are from  
22 other countries have in fact been inspected to the NOP.  
23 We owe it to the consumers of the product, and we owe it  
24 for our own integrity as a certifying agent to know that  
25 when our tag goes on a product that all of the

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1 ingredients have in fact been certified and inspected to  
2 the NOP standard. It's a good question. I don't know  
3 how it can be addressed.

4 MS. KOENIG: I mean it just doesn't seem like  
5 variety is a solution in my mind. I mean if somebody is  
6 doing a proper inspection at the farm level shouldn't  
7 they be verifying those kinds of things? Isn't that  
8 what the whole process is about?

9 MS. JAMISON: Right. It's hard, however --  
10 yes, it is what the whole process is about. Recently  
11 just to use an example, I was doing an inspection of a  
12 fairly large coffee roasting facility. In doing the  
13 audit of all the certificates, I noticed that one of the  
14 certificate, Kraubs [ph], who is in fact NOP accredited,  
15 when I looked at the certificate and it identified what  
16 standard the bean was produced to it was produced to the  
17 European standard and not to the NOP, and I've seen crop  
18 certificates that list the NOP. So I mean when it's  
19 only organic coffee then how can I say, well, you cannot  
20 sell your Costa Rican bean, your Mexican bean, and your  
21 Nicaraguan bean because those are certified by this  
22 agency. You know, there needs to be a way that I then  
23 can differentiate what is in fact allowed.

24 MS. KOENIG: Those are not varieties. Those  
25 are origins of production, right?

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1 MS. JAMISON: Those are actually varieties of  
2 beans. There's a Nicaraguan bean, a Mexican bean.  
3 Yeah, they are varieties.

4 MS. KOENIG: Okay. So those actually are  
5 beans that -- Costa Rica can be producing a Nicaraguan  
6 bean.

7 MS. JAMISON: Exactly. Yes.

8 THE CHAIRMAN: Okay. Jim, Mark, and then  
9 Owusu, and then Kim.

10 MR. RIDDLE: Thanks, Rachel. I really  
11 appreciate the comments that you shared about the  
12 deficiencies or limitations on the amount of information  
13 that's on certificates. As a long-time inspector I've  
14 looked at a lot of certificates, and I don't think that  
15 the mandatory categories necessarily limit the  
16 information. There can be additional information such  
17 as produce according to NOP, but it's not mandatory at  
18 this point. And the compliance, accreditation, and  
19 certificate committee is aware of those deficiencies,  
20 and did some work on it earlier this year, constructed a  
21 draft recommendation that was circulated amongst the  
22 committee, and discussions with NOP. You know, there's  
23 several options, I would say, to address this but I  
24 think probably the most promising is electronic  
25 certificate data base where all certifiers enter more

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1 complete information into the same data base for the  
2 generation of certificates, and then that -- certain  
3 fields of that are available to buyers so anyone can go  
4 on and find out just what's certified to what standard  
5 by whom, and on what date, so it's available in real  
6 time. So it is an ongoing issue that the Board is aware  
7 of. Certainly NOP is working on trying to address as  
8 well from my understanding.

9 MR. KING: Strictly from the promotion of  
10 trade, which is what you're talking about with the  
11 certificate, I understand that in some cases listing  
12 like in the coffee bean would be appropriate, and I  
13 think there's an example of that. But beyond that, I  
14 think looking at the farm plan and the application all  
15 of the supporting information as an inspector is a way  
16 to accomplish that as well.

17 MS. JAMISON: Oh, it definitely is. I mean  
18 I'm not in any way saying that the farm inspection  
19 doesn't do well, but when that farm inspection  
20 translates into a certificate, and that certificate  
21 needs to be used in an inspection of a processing or  
22 handling facility it needs -- because in our program we  
23 have inspectors that do a lot of producers. We have  
24 inspectors that do a lot of processors. And so I'm not  
25 there to look over the farm plan and be at the farm of

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1 this place knowing that, oh, yeah, mixed vegetables  
2 covers peas, carrots, plus 1,000 other varieties. So  
3 there needs to be some way of really efficiently tying  
4 the two together.

5 MR. BANDELE: I just wanted a clarification.  
6 When you're saying varieties, are you talking like for  
7 example let's take the vegetables. Are you talking  
8 about species or are you talking about cultivated  
9 varieties?

10 MS. JAMISON: Cultivated varieties. For  
11 instance, carrots. I mean there are thousands -- I  
12 guess cultivated varieties. Instead of mixed vegetables  
13 it would be carrots. You wouldn't have to...

14 MR. BANDELE: That's not a variety, a  
15 cultivated variety. You're just talking about species.

16 MS. JAMISON: Right. Okay. Species. Sorry.

17 MR. BANDELE: Okay. Now to follow up on that,  
18 do you see any distinction between the need to do that  
19 on the international versus the national? I'm thinking  
20 in terms of what we're talking about like a small mixed  
21 producer here. Do you still see the need to list every  
22 particular species, and then what would happen in the  
23 case of a farmer changing his plan due to crop failure?  
24 Does that mean that he grew something different under  
25 your scenario that that would not be certifiable

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1 organic?

2 MS. JAMISON: I think that it will be  
3 applicable more to the larger producers as opposed to  
4 the small mixed variety but again with the need for  
5 consistency there needs to be some way that these  
6 certificates capture all of the crop categories that are  
7 being grown.

8 THE CHAIRMAN: Okay.

9 MS. BURTON: As a producer, that kind of  
10 scares me because we used to have to list everything  
11 that we manufactured. When we go through an organic  
12 handling plan and we submit our application to our  
13 certification agency we have to provide to them  
14 formulas, certificates for every raw material ingredient  
15 profile reports, and we submit that to the certification  
16 agency who in turn should give that to an inspector. So  
17 to have to list every single product on our certificate,  
18 I think there's pros and cons to it. Every time we add  
19 a new product or delete a product we have to update our  
20 certificate so where it may be handy for the producer it  
21 certainly isn't for the manufacturer or the processor.

22 MS. JAMISON: Yeah. I don't know specifically  
23 how to address it but I do believe it needs to be  
24 addressed whether there be a certificate or a data base  
25 or a requirement on the part of the certifier to have

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1 available to other certifiers complete list, and have  
2 the certificates remain generic, I don't know, but  
3 something needs to happen so that when those products  
4 are being traded among certified entities their  
5 compliance to that national standard can be verified.

6 THE CHAIRMAN: Andrea.

7 MS. CAROE: Okay. I fully understand that the  
8 requirements of the rule in regards to what is printed  
9 on the certificate is minimal. That said, the  
10 requirement is also there that a manufacturer have an  
11 organic system plan, and in that they have to show  
12 evidence that they're compliant with the regulation  
13 which requires them only to use ingredients that are  
14 certified to this regulation. So whether that's on the  
15 certificate or not there still needs to be evidence to  
16 support that part of their compliance. So in that I'm  
17 not sure that the certificate is going to be the answer  
18 to require a long dissertation of detail of the  
19 certification or if that can be provided another way  
20 that gives them the flexibility and ability to provide  
21 other types of documents that facilitate trade in the  
22 marketing of those organic products.

23 MS. JAMISON: Yeah. I mean I definitely do  
24 believe that it is also the responsibility of the  
25 certified handler to insure that all the products

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1 they're sourcing are certified to the NOP. However,  
2 even those of us in the industry know that it can be  
3 confusing trying to differentiate what products have  
4 been certified. I mean in Washington State, for  
5 instance, we have farms that are certified with three  
6 different standards.

7 MS. CAROE: But the requirement of the vendor  
8 to provide to the manufacturer is something that shows  
9 up and it's before they market that product so...

10 MS. JAMISON: You're correct, yes.

11 MS. CAROE: So I think as an inspector going  
12 to a manufacturer you should be able to see evidence of  
13 that. If that's deficient then that's a different issue  
14 than the certificate. That's an issue of compliance  
15 with appropriate organic ingredients.

16 MS. JAMISON: I can see that, yeah. I think  
17 it's more complex. I think there are more complex  
18 issues especially when you're dealing with products  
19 being traded internationally especially when our  
20 handlers are told source products from NOP accredited  
21 certifiers, so if the certifier is accredited to the NOP  
22 it's an easy assumption to make that a certificate for  
23 the product that you're getting is in fact certified to  
24 the standard.

25 MS. CAROE: I don't believe that that

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1 statement that source from NOP accredited certifier is  
2 appropriate. It's source NOP certified products.

3 MS. JAMISON: Uh-huh.

4 MS. CAROE: And the assumption that all  
5 accredited certifiers certify only to the NOP is false.

6 MS. JAMISON: No, I actually that  
7 misstatement. Yeah, that isn't true, but it's hard and  
8 it's going to be an educational curve for our handlers  
9 to fully understand that.

10 THE CHAIRMAN: Okay. Thank you. All right.  
11 I know it's 10:00. That's when we have a break listed,  
12 but we have David Engle. We have Kelly Shea, who has  
13 submitted a proxy to allow Dr. Karreman to provide an  
14 additional comment, and I have one written statement to  
15 read in so if you're game we'll stay here for that, and  
16 then take a break or if you want to take a break now.

17 MR. RIDDLE: So that's it?

18 THE CHAIRMAN: Yeah.

19 MR. RIDDLE: No more signups?

20 THE CHAIRMAN: No. No more signups.

21 MR. RIDDLE: Well, ask if anybody who hasn't  
22 signed up.

23 THE CHAIRMAN: No, we're not going there.

24 MS. CAUGHLAN: Dave, are you going to go back  
25 to the two no shows?



1       been said even though as Richard Matthews said yesterday  
2       a lot of what we hear is repetitive. We're here talking  
3       about the same things it seems time and again. But I  
4       also want to thank everybody, the NOP, the staff, the  
5       NOSB and all of us representing our various organic  
6       industry counterparts, our community counterparts, and I  
7       too would like to celebrate the one-year anniversary  
8       that we've come to, and if you would allow me to share  
9       in a somewhat different format what I feel is the same  
10      thing that everybody has been saying, but I'm going to  
11      try to do it in a different way. I've never done it  
12      before but we'll see. He said just don't do it off key.  
13      This is called an organic anthem, To Farm This Land  
14      Organic. It's written to the tune, a Stan Rogers tune,  
15      Northwest Passage. How many of you have heard of Sir  
16      Albert Howard, Aldo Leopold, Rachel Carson? Good. But  
17      if for just one time we would farm this land organic,  
18      and see the hand of Howard reaching for the horizon it  
19      would be so fine there would not be all this panic in  
20      sweat and mud with tears and blood, this truth we set  
21      our eyes on. For 50 years the chemicals and sprays have  
22      harmed the planet. For 50 years we've taken Mother  
23      Nature for granted. Now the time has come to be more  
24      humble and wise. Lest one day we awaken to a rather  
25      rude surprise. Ah, but if for just one time we would

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1 farm this land organic, and see the hand of Howard  
2 reaching for the horizon, it would be so fine. There  
3 would not be all this panic in sweat and mud with tears  
4 and blood. This truth we set our eyes on. Leopold and  
5 Carson both wrote and warned about stuff like this, that  
6 the web of life and a silent spring simply cannot co-  
7 exist. And still we're so dang wrapped up in our  
8 technology and greed. We think we're cool but we are  
9 fools to play God with the seed. Ah, but if for just  
10 one time we would farm this land organic, and see the  
11 hand of Howard reaching for the horizon, it would be so  
12 fine. There would not be all this panic in sweat and  
13 mud with tears and blood. This truth we set our eyes  
14 on. And so many of us now around the world are trying  
15 hard to farm in tune with Mother Nature we're trying not  
16 to harm. The life in the soil and in the water and in  
17 the air, we're learning lots of new things and what  
18 we're learning we share. And but if for just one time  
19 we would farm this land organic, and see the hand of  
20 Howard reaching for the horizon, it would be so fine.  
21 There would not be all this panic in sweat and mud with  
22 tears and blood. This truth we set our eyes on. And  
23 for those of us who do not farm, let us have no fear.  
24 We can choose to buy our food from those whose farms are  
25 near. And if that food is organic then how wonderful,

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1       how great, but if we wait for all who eat to care then  
2       it will be too late.    But if for just one time we would  
3       farm this land organic, and see the hand of Howard  
4       reaching for the horizon, it would be so fine.    There  
5       would not be all this panic in sweat and mud with tears  
6       and blood.    This truth we set our eyes on.    And so it is  
7       our time will come, our time will come just so for each  
8       of us one by one our time will come to go.    And when we  
9       meet St. Pete he'll ring that bell, and he will say dear  
10      friend, you farmed organic.    You did very well, let us  
11      pray that more folks will take and farm their land  
12      organic, and see the hand of Howard reaching for the  
13      horizon, then it will be so fine.    There will not be all  
14      this panic in sweat and mud with tears and blood.    This  
15      truth we set our eyes on.    Much of what we're talking  
16      about...

17                    THE CHAIRMAN:    What I say is your time is up  
18      but, David, what were you saying in your...

19                    MR. ENGLE:    I was just going to say much of  
20      what we're talking here today about today, one of which  
21      is by request to the National Organic Program is  
22      compatibility, the issue of compatibility and criteria  
23      for it, and then the other thing that's coming to me is  
24      process.    And I think we're doing well.    We need to  
25      remember as Brian was indicating where this comes from

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1 and what the final result is that we want. We want good  
2 organic food, and it comes from land, and it comes from  
3 a farmer, and as Michael said many of them cannot access  
4 this form here, and yet this form here has so much  
5 effect on the farms and how they do things. So keep up  
6 the good work.

7 THE CHAIRMAN: Thank you. Okay. Kelly Shea,  
8 who has proxied or asked to bequeath her time to Hubert  
9 Karreman for...

10 MR. KARREMAN: Well, I certainly can't follow  
11 David's moving song. I apologize. You don't even want  
12 me to try. But I did -- I wanted to just respond a  
13 little further to Owusu's question regarding opening up  
14 the barn door, so to speak, to a lot of synthetics, that  
15 all veterinarians just use synthetics instead of having  
16 the incentive to look into alternative treatments, which  
17 of course we want for soils, crops, and livestock. And  
18 I guess I'd give you the example of like coughing  
19 calves, very typical on dairy farms up in the Midwest,  
20 Northeast, wherever. And let's just say -- and this  
21 would be on the thought I had which apparently I found  
22 out is the OTA position on raising young stock, that  
23 you're allowed to use a prohibited material, let's just  
24 say up to the first year of life. I'll just say that.  
25 Maybe six months, eight months, a year. Let's say that

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1 prohibited material is an antibiotic. Okay. I can tell  
2 you from my experience when I'm called out to my farmers  
3 you have a pen of coughing calves. The farmer is tipped  
4 off that there's one calf sick, and that calf will have  
5 its ears drooping, it will have wet lung sounds, it'll  
6 have a fever of 104, 105, and it will die if you don't  
7 give it an antibiotic. But chances are if there's like  
8 15 calves the other 14 are quite happy. They're eating.  
9 They cough a little, a little dry cough, low grade  
10 fever. But they're still looking good. That's when I  
11 definitely use the alternative treatments. We don't  
12 just bang them all up with an antibiotic, just that one  
13 really sick one. And there's various conventional tools  
14 and vaccines, stimulants that would be allowed to do  
15 that. So, you know, perhaps you could have it if you  
16 were to go there as a one-time treatment in life for  
17 that animal within the first year of life when their  
18 immune system is still developing. You would have  
19 caring compassionate, you know, treatment for livestock.  
20 You'd have the veterinarian tending to the young animal  
21 whether it's a little sheep, a pig, calf. I do believe  
22 the organic consumers would like that. I don't really  
23 think they're going to rally and protest that that  
24 animal should necessarily be banned forever from  
25 production. That's my own feeling. I grow up in the

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1       suburbs outside of Philly. I know how a lot of  
2       consumers think that way, the organic folks. I just  
3       wanted to really kind of touch on that. And the other  
4       thing -- I guess I do have five minutes but I don't  
5       think I'll take the whole five minutes. Yeah, that will  
6       be an educational process, okay, of those other  
7       veterinarians, you know, that only know conventional  
8       stuff. I know Dr. Detloff [ph] from Crystal Creek, he  
9       has a book coming out. There's a book I have a chapter  
10      in coming out from Iowa State on holistic livestock  
11      management. Hopefully, that's a kind of academic book.  
12      I have my own book coming out which is hopefully a  
13      neutral kind of thing on pharmacology of plants and how  
14      do use them. So there's things happening but we  
15      definitely need to keep in mind, you know, the one  
16      animal, the two animals that need that treatment even if  
17      it's an antibiotic type thing in the first year of life.  
18      And I don't think you can prove that the antibiotic if  
19      it is in there would be in the milk a year later even by  
20      easing the FDA regression scheme of figuring out the no  
21      effective limit or whatever even if you were to bump  
22      that up six months, eight months, whatever. I don't  
23      think scientifically it would be there. The Europeans  
24      allow occasional use. However, you have to watch that  
25      because if you use an antibiotic or prohibited material,

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1 I shouldn't hit on antibiotics that much, sorry, a  
2 prohibited material too often you will have a  
3 disincentive for companies like Dan's to make things.  
4 Okay. But like once in a lifetime, I think that's  
5 pretty reasonable. So hopefully that answers your  
6 question a little further.

7 THE CHAIRMAN: Yeah, Jim.

8 MR. RIDDLE: Just a clarification but I heard  
9 you say that you thought that the organic trade  
10 association allowed or would recommend the use of  
11 prohibited material, antibiotic, in the first six months  
12 or one year. Is that accurate what you said, correct?

13 MR. KARREMAN: I thought I understood that to  
14 be the case. May I...

15 MR. RIDDLE: Well, if I could ask Tom  
16 Hutcheson from the OTA...

17 MR. KARREMAN: I don't know for sure.

18 MR. RIDDLE: ...what the AOS, the American  
19 Organic Standards, says about that.

20 MR. KARREMAN: Yeah, perhaps.

21 MR. HUTCHESON: This is a policy post AOS that  
22 was developed by the livestock subcommittee of the QAC  
23 in concert with the QAC chair and OTA's executive  
24 director and was expressed last year at an NOSB meeting.

25 MR. RIDDLE: Okay. So that is an OTA policy.

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1 MR. HUTCHESON: Yes.

2 MR. RIDDLE: Okay.

3 MR. HUTCHESON: And that's medicines, not all  
4 prohibited materials.

5 MS. CAUGHLAN: Would that include antibiotic?

6 MR. HUTCHESON: It would, yes.

7 MS. CAUGHLAN: On the OTA?

8 MR. HUTCHESON: For the first year only.

9 THE CHAIRMAN: Okay. Other questions? Okay.

10 MS. GOLDBURG: Can I ask one, Dave?

11 THE CHAIRMAN: Yeah. I'm sorry. I didn't see  
12 you had your hand up.

13 MS. GOLDBURG: Yes. That's okay. Hugh,  
14 you're proposing a policy for the first year of an  
15 animal's life. Clearly you're talking about dairy cows,  
16 I think. Would you extend this policy to other sorts of  
17 animals like chickens that don't live all that long?

18 MR. KARREMAN: You'd probably have to be  
19 species specific. I'd say for poultry...

20 MS. CAUGHLAN: But you would still extend it  
21 with a different time limit.

22 MR. KARREMAN: Well, you know, to be really  
23 honest I've never understood this but beef cattle are  
24 treated very differently than dairy cattle. I'm not  
25 really a beef practitioner but it's the same genus and

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1 species as dairy cattle. I don't see why they're  
2 treated so purist like compared to dairy cattle because  
3 you have a beef animal that's going to live to be about  
4 18 or 24 months. You could cut back perhaps that  
5 emergency one-time use for pneumonia when it's 2-1/2  
6 weeks old until for beef cattle, I don't know, until  
7 five months instead of a year. I don't know. But still  
8 you have to take into account certain scientific  
9 realities with animals. Their immune systems are not  
10 confident. They're under passive immunity with  
11 colostrums until about three months of life, and then  
12 they're on their own. And that stress time is when they  
13 get hit bad. And you can have great organic management  
14 and might have a few farms that they don't have problems  
15 with calves but a lot of them, they don't look good.  
16 They look pretty ratty, but then they'll come out of it  
17 at about a year's time, time and again, and they look  
18 good. They're a little smaller because maybe they were  
19 parasitized or had some problems but they're sleek,  
20 shiny and everything at about a year. Before that, I  
21 don't think they got all the strength or reserves that  
22 an adult animal would.

23 THE CHAIRMAN: Okay. Thanks. Robert Hadad.

24 MR. HADAD: Good morning. My name is Robert  
25 Hadad, and I'm the director of farming systems for the

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1 Humane Society of the United States. I'd also like to  
2 applaud the NOSB's efforts for doing such a great job  
3 under I think extreme duress, and I hope that your  
4 efforts will continue if allowed to. I'm very concerned  
5 about the quagmire surrounding livestock medication  
6 situations, and I think there's a lot of great  
7 suggestions that have been brought up today. There's a  
8 lot of great expertise out here that could really help  
9 in addressing the situation, and I think these resources  
10 need to be tapped into. So I really emphasize that we  
11 really need to fix this problem because as mentioned  
12 before there's kind of this paradox going on where you  
13 can't use things but you have to use things that's not  
14 organic, so I mean you got to deal with this. There's  
15 still the issue of outdoor access for poultry. Those  
16 things are still up in the air, and believe me porches  
17 and balconies for chickens just don't cut it. And when  
18 consumers find out what's going on, they're not going to  
19 buy it literally. This whole thing is undermining  
20 consumer confidence. I mean just as it's starting to  
21 build up, you know, to have this thing being torn down  
22 underneath them is not acceptable. The issues of  
23 interpretation of the regulations as just haphazardly as  
24 whoever comes in the door as we've seen in certain  
25 circumstances is just not acceptable either. We need

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1 transparency and we need consistency. The issues of  
2 inconsistency again in the whole certification process  
3 is quite serious. Some certifiers are allowing some  
4 practices, others not. Some certifiers are not doing  
5 what they should be doing while others are being forced  
6 to do things that they know don't follow the spirit of  
7 organic practices. And I've been involved in organic  
8 agriculture for 25 years. I farm organically, and I am  
9 not certified because I'm not going to at this point.  
10 There are many, many farmers that are jumping ship, but  
11 I'm a supporter but I don't like seeing my role change  
12 as being a watchdog. And some of the suggestions have  
13 been to deal with some of the situations as, well, we've  
14 got a process that we got to start talking about getting  
15 these situations straightened out from people who are  
16 watching. Well, getting that information, real precise  
17 detailed information to file complaints, A, shouldn't be  
18 our job, and, B, it's hard to do accurately. I mean  
19 there's a lot of hearsay and there's a lot of rumors.  
20 There's a lot of information that's being passed around,  
21 that's being talked about that may be confidential that  
22 if it wasn't confidential that we could blow the lid off  
23 things, but that's not the way this thing should be  
24 running. It should be running based on something that  
25 has been put together accurately, and it hasn't. The

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1 farther this program has moved forward the behinder it  
2 seems that it's getting, and again consumer confidence  
3 is being threatened. That's what's really holding this  
4 whole thing together is our hope that the consumers are  
5 going to buy into this, and make this an economically  
6 viable option. I mean we know that on the ecological  
7 level it is a viable option but it needs to be  
8 profitable, and if the word certified organic is being  
9 dragged down it's not going to last. And we at the  
10 Humane Society of the United States have been very, very  
11 supportive of the organic program. We helped do a lot  
12 of background work on livestock regulations years ago.  
13 But in all good conscience it's hard to become a  
14 supporter and remain a supporter when we've got these  
15 serious issues. So I'm really hoping that we can fix  
16 this, that we can tap into all the expertise that's  
17 around here and that things are not done behind closed  
18 doors or in far off buildings but we can have an open  
19 dialogue where people can be tapped into and get some of  
20 this work accomplished so you can be sure that we really  
21 can do a good job of this if the system allows us to.  
22 So thank you very much.

23 THE CHAIRMAN: Questions or comments? Okay.  
24 I didn't announce who was next but we have Christopher  
25 Ely. And then we'll go back and start catching up on

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1 some of the folks that weren't here when they were  
2 called. I have to remember who that is. Go ahead.  
3 Doug Crabtree and John Immaraju will be next. So go  
4 ahead.

5 MR. ELY: Thank you. My name is Christopher  
6 Ely. I'm from Applegate Farms. For those who aren't  
7 familiar, we are an organic fruit or meat processor. We  
8 are nationally selling fully cooked meat products, and  
9 have been for over 50 years. We were doing organic  
10 about 15 years ago so we have quite a bit of experience  
11 in it. And there are two issues which I find coming up  
12 that are starting to create problems within at least the  
13 meat industry, the organic meat industry, one being food  
14 safety. We're being under the jurisdiction of the FSIS,  
15 USDA. We have the strictest guidelines and regulations  
16 for food production in the United States of any segment  
17 of the food industry. And some of these new  
18 regulations, for example, one that is coming up in  
19 November called Listeria risk assessment are starting to  
20 conflict with organic regulations, and they are  
21 basically requiring us to use certain products in our  
22 production of meat to assure safe pathogen free products  
23 out on the marketplace to consumers. And as much as we  
24 have for 35 years never used chemicals in any of our  
25 meats, nitrates, phosphates, fluoridates, and such, this

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1 is putting us in a terrible situation. And we're not  
2 quite sure how to address it and still remain organic.  
3 And this issue, I mean I don't need to go into a lot of  
4 detail meaning there are certain products that the USDA  
5 is recommending everybody to use to fight Listeria, e-  
6 coli, salmonella, but these issues need to be addressed  
7 because it could basically injure this part of the  
8 industry. My second issue is just about a year ago a  
9 major customer of ours was requiring that all of our  
10 farms and slaughter facilities, et cetera, be inspected  
11 for humane growing and humane slaughter, and my answer  
12 back to them was we're organically certified, and they  
13 said that doesn't mean a thing. There are no organic  
14 standards for humane. And basically they were right,  
15 particularly humane slaughter. And this is an issue  
16 when you think that McDonalds lives to higher standards  
17 than the organic people do when it comes to humane  
18 slaughter because they're following Temple Granden's  
19 [ph] guidelines, and there are no guidelines. And if  
20 you were to argue humane growing in organic, it's open  
21 to interpretation by one inspector to the next. I've  
22 been on organic farms that are certified organic, and I  
23 would never use them because in my opinion they are not  
24 humane in the way that they're providing, for example,  
25 water or feed though they are providing it but not in

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1 ample quantities, and that's just an example of what's  
2 going on. And we really need to nail this down because  
3 this could be an issue. And people assume that organic  
4 is more humane, and, you know, reality is we have not  
5 defined it, and we've left it with interpretations and  
6 words like adequate, and adequate doesn't mean anything.  
7 And we need to be very definitive in our regulations of  
8 humane and to somehow get them into the NOP's regs.  
9 Thank you.

10 THE CHAIRMAN: Goldie, then Owusu, then Becky.  
11 Just stay at the podium for a few minutes. Okay. Go  
12 ahead, Goldie.

13 MS. CAUGHLAN: I worked in retail as a  
14 consumers representative and those are consistent. We  
15 sell a lot of product, so excellent. You used the word  
16 required, then you later said recommend relating to --  
17 Listeria is nothing to fool with. We all know that. So  
18 would you clarify?

19 MR. ELY: The new risk assessment regulation,  
20 and I have not torn it apart completely but in reading  
21 summaries of it they are going to classify plants, meat  
22 processing plants, in what they do to control Listeria.  
23 And if you don't meet certain requirements you'll be put  
24 onto a category, a high risk category, of which you will  
25 get intensive inspection by the USDA which any plant in

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1 the United States, and we no longer process though we  
2 used to be a processor, we no longer process and we  
3 contract about 20 plants in North America to produce for  
4 us. All of them do not want to be in that category. It  
5 puts them in a very, very bad position particularly for  
6 liability.

7 MS. CAUGHLAN: This is part of the Homeland  
8 Security stuff that has fallen...

9 MR. ELY: This goes beyond Homeland Security.  
10 This is just pathogen control which is zero tolerance.

11 MS. CAUGHLAN: I understand, but there is --  
12 some of the regulations, as I understand it...

13 MR. ELY: Yes. Yes.

14 MS. CAUGHLAN: ...are flowing from that.  
15 Increased enforcement or whatever. So the high risk  
16 category. But again at this point they haven't  
17 required.

18 MR. ELY: The words required, if you have ever  
19 dealt with the USDA in a meat plant they sometimes don't  
20 use the word required, but they have other ways to  
21 enforce it, and I'll just leave it at that. It puts you  
22 in a very uncomfortable position.

23 THE CHAIRMAN: Owusu.

24 MR. BANDELE: Basically I have the same  
25 question that Goldie has, required versus recommended,

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1 but one other part I would like to ask is that do you  
2 they take into account the history of the disease at a  
3 particular plant or that's not taken into account?

4 MR. ELY: Yes. Yes. Yes. There is that.  
5 But, you know, I'll back this up by also saying our  
6 experience in dealing organic meat is that organic meat  
7 is no more pathogen free than commercial meat. In fact,  
8 we actually find higher counts of salmonella in our  
9 poultry than we do in commercial poultry. And that puts  
10 -- we're already bringing into our facilities a pathogen  
11 inoculated product if that's the way to put it that  
12 creates a real bad situation to begin with.

13 THE CHAIRMAN: Okay. Becky.

14 MS. GOLDBURG: I was wondering if you could  
15 tell us in a little more detail what USDA is I guess  
16 recommending for pathogen control for Listeria.

17 MR. ELY: Example. They've actually  
18 classified certain categories of ready to eat meat  
19 products such as hot dogs, sliced deli meats, et cetera,  
20 already in a high risk category. And to remove it out  
21 of that high risk category so you don't get intensified  
22 inspection they're saying we require that you will --  
23 here are the requirements. One of them is you can use  
24 sodium lactate. You could use sodium diacetate. Sodium  
25 diacetate is buffered vinegar. But you can't say

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1       vinegar on your label. You have to say because there  
2       are standards of identity for vinegar for the USDA and  
3       it must have a certain pH, and you buffer it and use  
4       that pH. Those are two examples of what those products  
5       are not approved on the NOP approved list at the moment.  
6       If you go -- if you don't use those then, yes, you could  
7       get away with not using them, but as I said then it puts  
8       you in an intensified inspection system, and that  
9       intensified inspection system is hell, to put it  
10      bluntly.

11                MS. GOLDBURG: How are those used in the meat  
12      processing?

13                MR. ELY: I'm sorry?

14                MS. GOLDBURG: How are those two compounds  
15      used in the meat processing?

16                MR. ELY: You add them into as part of the  
17      ingredients, and they are there to control pathogens  
18      simply.

19                MR. KING: To what degree are they added?

20                MS. CAUGHLAN: And would you name those again,  
21      please?

22                MR. ELY: Well, it varies on the meat product  
23      but it can be anywhere from 1 percent to 5 percent. It  
24      depends on their effectiveness. And, for example,  
25      botulism is the only known chemical to control botulism

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1 is sodium nitrate, but they now found another product,  
2 sodium lactate, which is a -- they always refer to it as  
3 an organic acid if you understand my term of organic  
4 here. And they do find that also can control botulism.

5 MS. CAUGHLAN: What were the two things that  
6 you mentioned?

7 MR. ELY: Sodium diacetate, which is  
8 buffered...

9 MS. CAUGHLAN: No, no. The vinegar and the...

10 MR. ELY: Which is vinegar. Sodium diacetate,  
11 which is buffered vinegar, and sodium lactate, which is  
12 a salt of lactic acid, lactic acid which is created by  
13 bacteria and sugar.

14 THE CHAIRMAN: Let me go down the list here  
15 because I got Kim, Kevin, and then Mark.

16 MS. BURTON: It sounds to me like these are  
17 perfect materials for petitions.

18 MR. ELY: Exactly. But the unfortunate thing  
19 it's coming so rapidly. This is my concern.

20 MS. BURTON: Well, it has up to three years.

21 MR. ELY: Pardon?

22 MS. BURTON: We've had that for three years.

23 MR. ELY: Oh, no, no, but I'm saying the USDA  
24 is moving so rapidly on these changes that it's hitting  
25 faster than not.

1 MS. BURTON: I'd encourage you to get those in  
2 fairly quickly. We have some meetings coming up.

3 MR. ELY: Okay.

4 MS. BURTON: We have funds for TAP reviews.  
5 And that would give us a good opportunity to look at  
6 alternatives and look at the regulatory uses and needs  
7 and all that. That's really your only option at this  
8 point is to petition for use of those.

9 MS. CAUGHLAN: Or if those were mandated it  
10 would obviate.

11 MS. BURTON: Even if they're mandated they  
12 still have to be on the national list at USDA or FDA or  
13 whatever would supercede our list, but they still have  
14 to be approved materials similar to vitamins or anything  
15 else unless it's a food context substance material.  
16 That is, you know, a whole different area, but it sounds  
17 like these are ingredients that are actually put in the  
18 product and so they do have to be on the national list.

19 MR. ELY: Correct.

20 THE CHAIRMAN: Kevin.

21 MR. O'RELL: Actually between Becky's question  
22 and Kim's comment on petition, those were the two areas  
23 I was going to cover.

24 THE CHAIRMAN: Okay. Mark.

25 MR. KING: I may be asking the obvious but it

1 sounds like you're saying that this is the solution to  
2 perhaps...

3 MR. ELY: It is the most tried and true  
4 solution because if you want to use something else, you  
5 have to do scientific studies and prove to the USDA that  
6 any other system you use is effective. And if you're a  
7 small company -- Oscar Mayer can do a scientific study  
8 because they have a band of scientists to do that for  
9 them, hence they patent quite a few products in the  
10 United States because of that. If you're not Oscar  
11 Mayer, you can't do scientific studies. It just would  
12 take too many years and too many dollars.

13 THE CHAIRMAN: Kevin is reconsidering his  
14 previous action.

15 MR. O'RELL: Based on the comment you just  
16 make now, are some of these alternatives concerns of  
17 handling methods and practices as opposed to chemicals?

18 MR. ELY: You can -- today I will say that  
19 meat plans and HASA programs have some of the best  
20 handling practices today. We're working in rooms that  
21 are 35 degrees. This is beyond the most sanitary,  
22 cleanest operation that you can possibly do because you  
23 still have the danger of Listeria contamination or  
24 salmonella contamination problems.

25 MR. O'RELL: So you're taking it from the HASA

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1 or GMP's control of the two where you have to have a  
2 chemical solution or preservative solution.

3 MR. ELY: Some -- you know, it...

4 MR. O'RELL: You can't do this alternatively  
5 with the HASA plan?

6 MR. ELY: There is another alternative that is  
7 not yet proved by the USDA that is being used in Europe,  
8 and you might consider it a more natural way. Just at  
9 the moment it's -- you know, we are trying to get the  
10 USDA to approve it to allow us to use that system, but  
11 it might be two or three years before that's allowed.

12 THE CHAIRMAN: Rose.

13 MS. KOENIG: It's maybe more of a statement  
14 than a question but I mean this is just -- this is the  
15 writing on the wall. I mean there's going to be a lot  
16 in the future as far as food safety goes, not only in  
17 your industry but even in fresh fruits and vegetables  
18 down the road.

19 MR. ELY: Correct.

20 MS. KOENIG: Is there a process upon which --  
21 have you been involved in the process upon which these  
22 regulations have come down, and is there -- or OTA as  
23 far as really trying to educate about the industry, and  
24 because of the long time it takes to do these material  
25 reviews, and you as a producer may not be able to -- or

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1 us really pull information from the companies that are  
2 actually producing those compounds that they're  
3 recommending. The other alternative is really being  
4 engaged in the process, and as regulatory things take  
5 place really being more proactive and educate about the  
6 industry and some of our concerns rather than just  
7 reacting to kind of this...

8 MR. ELY: You're absolutely.

9 MS. KOENIG: So I'm asking you was there a  
10 process that have you been involved in the general  
11 audience, is OTA involved or is USDA -- are we involved  
12 in this type situation?

13 MR. ELY: I personally have been on for about  
14 a year now the Livestock Subcommittee but that's more on  
15 growing issues versus processing issues because I'm not  
16 sure there's a -- or I may be wrong, is there a  
17 committee that talks about meat processing? I mean  
18 there's so few of us. Organic Valley is here, and  
19 there's me and I don't know quite -- there maybe might  
20 be two more in the United States. We're not a huge  
21 group. But because it's probably the last of organic  
22 segment that people haven't -- that's just coming alive  
23 now.

24 THE CHAIRMAN: Board comments. Okay. Tom.

25 MR. SIEMON: My only comment is this is once

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1       again the kind of thing we had with the boiler  
2       compounds. We have a conflict between organic and the  
3       basic cold pack relationship. It's a lot about the  
4       relationship. You're in the plant. You're bagging your  
5       5 or 10 percent of production, and then you're affecting  
6       their whole status. So this is again part of the  
7       infrastructure that we run into time and time again.

8               MR. HUTCHESON: I'd just like to reiterate  
9       something Rose said that it's happening not only in meat  
10       but across food production where having somebody -- a  
11       major sprout producer very concerned about the new  
12       regulations, about chlorine use and what he's done is  
13       come up with an alternative risk assessment tool that he  
14       believes should be able to be used, and I can only  
15       encourage the Board to examine alternatives and take  
16       this up as an agenda topic some time in general to see  
17       how the program -- see if you can work with the program  
18       to figure out ways to help producers.

19              THE CHAIRMAN: For the record, that was Tom  
20       Hutcheson. All right.

21              MR. MESH: Michigan State is having an organic  
22       food safety conference next spring.

23              THE CHAIRMAN: Okay. Marty said that Michigan  
24       State is having a food safety conference next spring,  
25       organic food. Okay. Very good. All right. Then I

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1 will go back to see if Doug Crabtree. Okay. John  
2 Immaraju. Okay. Then the last oral statement that I  
3 have here is Lynne Cody.

4 MS. CODY: Hi. My name is Lynne Cody. I'm a  
5 consultant with Organic Ag Systems Consulting in Eugene,  
6 Oregon. I'm here today to talk about the issue of  
7 compatibility as you asked us to do. I wanted to let  
8 you know that I have written materials list with OMRI  
9 for the OTA for various certifiers around the world,  
10 including the original materials list that became OMRI  
11 that came out of Oregon CCOF, and I've also written  
12 materials list for IFOM, so I do have some experience  
13 with writing materials list. I am also the person who  
14 originally suggested the concept of using criteria in  
15 OFPA, and then was counted on by Kathleen Merrigan [ph]  
16 to draft those criteria and negotiate them with a number  
17 of different stakeholder constituencies. I wanted to  
18 say today that when we originally were talking about  
19 this seventh criteria about consistency with organic  
20 principles -- methods, we did consult with many, many  
21 different constituencies including environmental consume  
22 groups. Many, many discussions occurred around this.  
23 We were thinking at the time that it was the principles  
24 for organic that should be considered, and we did have  
25 principles of organic originally that we tried to get

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1       into the law but they were kind of weeded out as time  
2       went along. We were not aware of the precautionary  
3       principle at the time because it was a concept that came  
4       out later on after we had these discussions, but I do  
5       feel looking back on things that this is actually a very  
6       concise statement of what we intended. Secondly, I'd  
7       like to say that yesterday I was very surprised to hear  
8       about the concept of taking the use categories out of  
9       the National List. OFPA specifically says that  
10      materials must be listed by use. I'd like you to go  
11      back to that and make sure that you are being very --  
12      having very careful consideration of this concept. When  
13      one writes a materials list annotations and use  
14      categories are balanced so that you can use list  
15      categories to basically create annotations for large  
16      blocks of materials. That's the way our National List  
17      and almost every other organic materials list that I  
18      know of is constituted. Under that annotations are used  
19      to make specific limitations for materials that explain  
20      how they can be used or under what circumstances  
21      specific materials can be used. A lot of care has gone  
22      into creating the materials list as we know it. It came  
23      from the private sector originally. It was -- a long  
24      time ago ALFANO [ph] did a long -- ALFANO, which is now  
25      the Organic Trade Association, did a long study that

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1 compared all of the materials lists from around the  
2 country. We found 95 percent agreement at that time.  
3 The National List is an outgrowth of that, and all of  
4 these materials lists do list by use. So a lot of care  
5 has gone into creating both the use categories and the  
6 annotations. I feel that a change in this way of  
7 drafting the materials list is a significant change, and  
8 it would have impacts on consumers because consumers  
9 have based their public comments and their acceptance of  
10 these materials on the current limitations that are  
11 defined both by use categories and annotations. For  
12 operators and certifiers it would mean a very big change  
13 in production practices and the way that operators are  
14 certified, and I feel that because we've already gone a  
15 long way thanks to the NOP based on creating  
16 international agreements this is another thing that  
17 would be threatened by a change in the materials list  
18 that's not very, very carefully formulated. Yesterday I  
19 heard the NOP staff state that such a change is possible  
20 under their current authority and could be done as soon  
21 as the next round of the materials list coming out in  
22 the Federal Register. I also heard the staff say that  
23 if the Board did not want this to occur you needed to  
24 make a recommendation for caution or to prevent that  
25 from happening. I stand here to urge you to please make

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1 that recommendation. Do not allow this change to occur  
2 without very careful consideration. Thank you very  
3 much.

4 THE CHAIRMAN: Thank you, Lynne. Questions?  
5 Rose.

6 MS. CODY: When I talk about accreditation no  
7 one ever had any questions. Here I am ready for a  
8 question.

9 MS. KOENIG: I had a question because actually  
10 we're looking at OFPA on some of the new forms that we  
11 may use as working documents as we go through this  
12 process, and I just have -- and this is my own pet  
13 peeve, I guess. And since you -- somebody had told me  
14 you had helped draft those language and maybe...

15 MS. CODY: I was a lot younger than though.

16 MS. KOENIG: Yeah, and I understand because  
17 the one that has the substance is used in the production  
18 and contains an active synthetic ingredient in the  
19 following categories.

20 MS. CODY: Right.

21 MS. KOENIG: Were you meaning -- because I  
22 always say it either is an active -- I mean substance c  
23 contains something. What were you meaning by that?  
24 Were you mixing up like a brand versus a generic at that  
25 point?

1 MS. CODY: At that time we were not very -- we  
2 did not really fully understand the difference between  
3 generic lists and brand names list. There was no such  
4 concept as a brand name list. So we were not totally  
5 clear about that issue, but I can say that that list of  
6 exemptions has largely been forgotten in the way that  
7 materials lists have been formulated since then. It was  
8 the clear intent of the people drafting the law in my  
9 opinion, my experience, that those were the only  
10 categories for which synthetics could be allowed, and  
11 Emily pointed that out yesterday in her talk too.

12 MS. KOENIG: I guess the question under -- you  
13 know, you had and production aides, and then you put  
14 including. You did not put not limited to, and you just  
15 included netting, tree wrap seals. I mean there was no  
16 place really for any kind of mined minerals of any kind,  
17 you know, whether...

18 MS. CODY: Because my minerals were natural so  
19 we didn't...

20 MS. KOENIG: I mean like -- not mined,  
21 synthetic like some of these supplements or like  
22 potassium silicaine is one of the products that are  
23 coming up.

24 MS. CODY: Those categories, originally the  
25 farmer group that I was representing did not craft the

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1 list to contain those exemptions at all. Those were put  
2 in by consumer and environmental groups who were worried  
3 about the effects of just using the criteria, which they  
4 considered to be a big open-ended net to allow many  
5 different types of synthetics in. And so what they did  
6 was they took a current materials list at the time,  
7 which like I forget who it was that was saying we  
8 shouldn't keep -- we should make sure that we can  
9 evolve. This is a case where things were put in the law  
10 that don't allow the evolution of the production aides  
11 category to evolve. But that was something that was  
12 again put in at the last minute without a whole lot of  
13 discussion and understanding about what the effects of  
14 it were just like the types of changes that we're doing  
15 now. So that's one of the reasons that I know that we  
16 have to be very careful when we're making conceptual  
17 changes in the way that things are listed, and the way  
18 that things are evaluated to make sure that we  
19 understand for the future what implications they have  
20 so...

21 MS. KOENIG: Many of the -- not many but there  
22 are certainly examples on the list that are not  
23 consistent with those production aides like...

24 MS. CODY: There certainly aren't.

25 MS. KOENIG: ...some of the post-harvest.

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1 MS. CODY: There certainly are. And not just  
2 in crop production either. Most notably, not in crop  
3 production.

4 MS. KOENIG: So are you saying that some -- I  
5 guess even though you had taken the -- I mean you had  
6 taken like a census at that point in time sort of like  
7 what Brian is saying. Now the industry has evolved,  
8 we've gone through this materials process. We're  
9 recognizing that perhaps things have to be more broad to  
10 encompass at least some of the production practices that  
11 now -- because a lot of changes in the industry, so how  
12 do you -- so what do you recommend in that sense? I  
13 mean you're saying stick with the categories, yet we're  
14 saying we're beyond some of those categories at the  
15 present.

16 MS. CODY: I'm saying that it's time for the  
17 categories possibly to be revamped but not to be  
18 wholesale disregarded. I feel that in my view, and as  
19 an experienced writer of materials list, having more  
20 categories is better than having less. For example, if  
21 you had a category that said just livestock drugs as  
22 opposed to sanitizers and cleaners and everything being  
23 mashed in together, then all of those FDA concerns could  
24 be addressed in that one section, and the other they  
25 wouldn't be having to deal with FDA labeling and wording

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1 for things that really are intended to be sanitizers.  
2 So that could even be an annotation for the entire  
3 category of livestock drugs that it has to satisfy FDA  
4 labeling or whatever would work for wording for the FDA.  
5 It would also mean that you could make specific  
6 provisions in that category for those materials that are  
7 prescription drugs versus nonprescription drugs. Those  
8 are the kinds of things you could write in the  
9 annotation specific materials. So I feel that both  
10 tools are necessary, the listing categories as well as  
11 annotations, and I do not support having them taken away  
12 without a lot of careful consideration and transparency  
13 and consultation with the public, which I think if  
14 you're wondering whether you'll ever get any comments on  
15 your review of other materials, you know, the re-review  
16 of materials, if this kind of change is made I will  
17 guarantee that you will get wholesale because you'll  
18 have one big category you'll get a whole big categorical  
19 complete about the list that now there's not enough  
20 specificity about the materials and therefore we want  
21 all these materials off the list because the annotations  
22 are gone. That's the problem that you'll get if you do  
23 it that way. It will reduce the list versus increasing  
24 it over the long haul because people will not stand up,  
25 will not stand for the gigantic broadening that will

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1 occur without the use categories, specifically the use  
2 categories. The annotations, you know, you can craft  
3 those individually but the use categories make a big,  
4 big, big difference in the lists. That's all.

5 THE CHAIRMAN: Mark.

6 MR. KING: In your opinion based on what you  
7 just said if we were to increase the number of  
8 categories in a specific section of the National List  
9 could that effectively reduce our need for  
10 annotations...

11 MS. CODY: Yes.

12 MR. KING: ...and still make the list more  
13 operational?

14 MS. CODY: Potentially it could, yes, because  
15 as I tried to explain this is hard to explain in five  
16 minutes so thanks for asking that question. Actually  
17 the way a list writer works is that you balance the use  
18 of categories with the use of annotations. If one goes  
19 up the other one may be able to go down somewhat, but we  
20 have so few categories and they cover -- especially in  
21 livestock it's especially difficult, they cover so many  
22 disparate types of materials that's why you end up with  
23 so many annotations.

24 THE CHAIRMAN: That's a good point.

25 MS. CODY: Thank you, Mark, for asking that

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1 question. That's just what I wanted to be able to say.

2 MS. CAROE: Lynne, we're struggling with  
3 materials that get listed under a specific use, and then  
4 that same material, which is found to be innocuous and  
5 perfectly acceptable for organic practices, later we  
6 find out that there's another use for it that doesn't  
7 fit in that category anymore so we're ending up doing  
8 triple TAP reviews for the same material.

9 MS. CODY: Right. That's because you're  
10 relying more on annotations than on listings, list  
11 categories.

12 MS. CAROE: I was talking specifically about  
13 materials that end up in a category like sanitizers and  
14 disinfectants but are also used, you know, somewhere  
15 else.

16 MS. CODY: Some in another category?

17 MS. CAROE: In another category.

18 MS. CODY: Well, then you just list them in  
19 two different categories.

20 MS. CAROE: But it's not just list them. I  
21 mean in order for something to be put on the list in  
22 another place requires to go through the process again.

23 MS. CODY: Well, that's true, that's true.  
24 That's because OFPA says you have to list by use, and so  
25 as soon as you start listing by use you may have to

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1 reconsider material for another use, but at least if you  
2 had them listed in more categories you could potentially  
3 at least in processing say if you had livestock and  
4 crops or livestock and processing. You may have to list  
5 them twice. But at least under processing you could  
6 potentially have less complicated annotations which  
7 would at least for processing eliminate the re-review of  
8 that material for processing.

9 MS. CAROE: Well, okay. I guess the next  
10 question I have for you is what you reference your  
11 definition of use because I could say use is for crops,  
12 I could say use is for livestock, I could say use is for  
13 handling in a very broad stroked term or I can say use  
14 is for cleaning a water steam line.

15 MS. CODY: That's right. That's a really good  
16 point. What I'm urging you to do is to take the more  
17 detailed definition of use categories, not just crops,  
18 processing, and livestock. In that case you could just  
19 have an alphabetical list, all the synthetics, the  
20 allowed synthetics, and all the prohibited naturals for  
21 processing crops and livestock. But I don't think that  
22 serves the regulatory purposes well. I don't think it  
23 serves the consumer well, and I don't think it serves  
24 the certifier and the operator well because there's no -  
25 - it's so general that you would end up with so many

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1 annotations to make it acceptable to the public that the  
2 regulatory angle of it like you said having to re-review  
3 everything all the time for different tiny uses would be  
4 burdensome, more burdensome than the other way around.  
5 That's the way I see it.

6 THE CHAIRMAN: Okay. Jim.

7 MS. CAROE: I don't know if...

8 THE CHAIRMAN: Oh, I'm sorry.

9 MS. CAROE: ...you have a specific annotation  
10 that you wouldn't be re-reviewing for a new annotation  
11 for a new use. I don't understand...

12 MS. CODY: I don't have that off the top of my  
13 head but I'd be happy to work with you to come up with  
14 examples on that.

15 MS. CAROE: What I'm trying to explain, Lynne,  
16 is that if you have a very specific category that a  
17 material is ending up in and you're going to use it for  
18 another, you're still going to re-review it to put it in  
19 a new category as much as you re-review it if it has a  
20 very specific annotation, so I don't understand why you  
21 feel that it would be beneficial to have more  
22 categories.

23 MS. CODY: Because normally the way materials  
24 lists normally work is that they are hierarchical so the  
25 smaller changes occur at the smaller levels, and it's

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1       only when a large change occurs that you would have to  
2       put it in another use category like is it a fertilizer  
3       and is it also used in processing, which there are cases  
4       like that. Some of the synthetic processing aides can  
5       be used as synthetic fertilizers. In that case it's  
6       clearly -- if you have it listed under processing  
7       already we know it can't be used as a fertilizer, but it  
8       may be able to be used, and I'm not very knowledgeable  
9       about processing, it may be able to use say for baking  
10       cookies and it may also be able to be used for  
11       preserving meat or things like that in which case all of  
12       those things are covered as an allowed synthetic listed  
13       on the processing list. You don't have to have every  
14       single little thing like you have now. Anyway, you  
15       almost need to sit down and go through examples to show  
16       how this works on a very specific basis so it's probably  
17       not the best place to discuss it here. But I'd be happy  
18       to work up some examples showing why sometimes you would  
19       have to relist it versus -- you would have less problem,  
20       less likelihood of having to relist it versus changing  
21       the annotation. Anyway, that's been my experience in  
22       writing all these materials lists. I just got done with  
23       a big one for fiber processing for the OTA where this  
24       was -- became even more apparent to me than ever before  
25       so I know you'll be seeing that soon. You can take a

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1 look there.

2 THE CHAIRMAN: Okay. Let's -- because I mean  
3 there's a lot of stuff and obviously this is a work  
4 issue here that we can't solve during public comment.  
5 Jim.

6 MR. RIDDLE: Well, yeah. I've been waiting to  
7 make a response here because Andrea's question certainly  
8 is a really good point and something we've wrestled with  
9 since I've been on the Board, and in OPFA 6517(b),  
10 content of list, the words used the list shall contain  
11 an itemization by specific use or application of each  
12 substance, so that tells me we're talking specific use  
13 or application as the guidance there to work from. But  
14 I think this can also be handled in the instructions to  
15 the TAP contractors that, okay, someone petitions for a  
16 material and a specific use, but let's look at the  
17 universe in the TAP review process and other potential  
18 uses compatible with the criteria in organic system, and  
19 then as the Board deals with the material let's not be  
20 limited only to the original petition use and where we  
21 place it.

22 THE CHAIRMAN: Michael, I think wants to...

23 MR. SLIGH: I just wanted to say one real  
24 quick historical point was that when we took the votes  
25 on materials on the original list many of the votes were

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1 very close, and it was the annotations themselves that  
2 allowed the Board to even put many of those materials on  
3 the list at all, and if you take away the annotations  
4 you are going to have a bit of an outcry, a national and  
5 international outcry, so you must be very careful on how  
6 you deal with that.

7 THE CHAIRMAN: Okay. Obviously, this is going  
8 to be a big issue for us, so I appreciate it. Okay. I  
9 don't think that there's anybody else at the back that  
10 has signed up. I do have a couple of written things. I  
11 shouldn't put a candy in my mouth before I -- okay. The  
12 first comment here to be read into the record is from,  
13 I'll probably slaughter the pronunciation here, but John  
14 Immaraju. I'm writing to find out as to when the May  
15 14, 2003 NOSB recommendations will proceed to the next  
16 step and be added to the National List. We have a lot  
17 of growers who have been regularly asking us to when  
18 they can go back to using our products, ecozin [ph],  
19 amazine [ph] and ornazin [ph] on their organic farms.  
20 We have informed them that the NOSB has approved and  
21 recommended that tetrahydropherferal [ph] alcohol THA,  
22 FA, and EPA list inert ingredients in our formulation be  
23 added to the National List. This delay is causing  
24 extreme hardship for us, the manufacturer, as well as to  
25 enlighten growers who seen the benefit of using our

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1 products. I feel it will be of true service to the  
2 organic farming community if the listing process is  
3 speeded up. Perhaps the first anniversary of the NOP is  
4 a good time to move all the noncontroversial approved  
5 materials to the National List and bring it up to date.  
6 Any information on this time line would be much  
7 appreciated. Thank you for your help in this matter.  
8 Regards, John M. Immaraju, Ph.D., AMVAC, manager,  
9 international product development. The second item is a  
10 statement to be read into the record, the position  
11 statement on organic dairy replacement to origin of  
12 dairy livestock from the Northeast Organic Dairy  
13 Producers Alliance. The Northeast Organic Dairy  
14 Producers Alliance, NODPA, held its annual meeting on  
15 August 22, 2003, in Albion, Maine. There were over 75  
16 farmers representing Organic Dairy Producers in the  
17 Northeast at attendance at this meeting. States  
18 represented at the meeting included Pennsylvania, New  
19 York, Connecticut, Vermont and Maine. As a group, we  
20 represent over 350 organic dairy farmers. Vote was  
21 taken at the meeting on the issue of organic dairy  
22 replacements, and the vote was unanimous in support of  
23 the last third of gestation for all dairy herd  
24 replacements, and in support of all organic dairy  
25 farmers working under the same set of standards. As

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1 representative of Organic Dairy Farmers of the  
2 Northeast, we strongly disagree with the NOP's current  
3 interpretation of the origin of dairy livestock. We  
4 believe that the contradiction in the rule regarding  
5 dairy replacements was an oversight during the assembly  
6 of the final rule, and that the mistakes should be  
7 corrected to be in line with the intent stated in the  
8 preamble. The language in the preamble of the NOP rule  
9 is perfectly clear in requiring all livestock to be  
10 raised organically from the last third of gestation once  
11 the farm is certified organic as opposed to current NOP  
12 interpretation, which allows buying in of conventional  
13 heifers and managing them organically for 12 months.  
14 With the current interpretation, we feel that the NOP  
15 has neglected to act on substantial public and NOSB  
16 input in regard to all herd replacements being organic  
17 from the last third of gestation. We also strongly  
18 object to the double standard resulting from NOP's  
19 current position. This results in the lack of equal  
20 protection for organic dairy producers. All organic  
21 producers should have a level playing field and the same  
22 set of standards regardless of their date or method of  
23 certification. Sincerely, Northeast Dairy Organic --  
24 Northeast Organic Dairy Producers Alliance, NODPA, and  
25 representatives listed below. And those representatives

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1 are listed so we'll enter this into the written record.  
2 With that, I think we have completed the public comment  
3 period. I don't see anybody else in the audience waving  
4 their hands that they weren't called upon, so I  
5 appreciate the input. This is very helpful, and we are  
6 now at 11:30. So I would recommend that we break now  
7 for lunch. Then we come back in an hour and start at  
8 12:30 rather than -- yes, George.

9 MR. SIEMON: Well, just I have another this  
10 afternoon.

11 THE CHAIRMAN: Okay. Because we have the two  
12 things that we have on the agenda for this afternoon are  
13 the discussion of the compatibility document, and the  
14 Board election, but because of the work that we have  
15 tomorrow then I would hope that perhaps if we get some  
16 time this afternoon, we can start in on at least at the  
17 committee level working through that process to bring  
18 forward for tomorrow. Does that make sense? Okay.  
19 George.

20 MR. SIEMON: My concern is if we're going to  
21 look at the proposed policy that was put forward about  
22 compatibility that's what our objective, we're going to  
23 do a little writing by committee. That's always a  
24 concern. But I was wondering is there any way we could  
25 put it on the Power Point so the community can see it.

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1 MR. RIDDLE: That's the plan.

2 MR. SIEMON: Okay. That's the plan. Then we  
3 can write on the Power Point till we make changes  
4 because it is so frustrating to be in the audience and  
5 not know the document. Okay, good.

6 MR. RIDDLE: Yeah, absolutely. And also to  
7 add to that there are two copies of the 23-page  
8 committee recommendation extra, and it's really just  
9 pages 7, 8, and 9 where the options are stated, so if  
10 anyone in the audience would like these with the  
11 understanding that if anyone else in the audience wants  
12 copies that they share then you can have the paper but  
13 really the only parts that needs photocopied as the  
14 working draft is the options pages that you can find  
15 there. But, yeah, already anticipated. Got it on a  
16 disc and we'll have it up on the screen, the options,  
17 option three, the recommendation.

18 THE CHAIRMAN: Okay. We will recess. We will  
19 come back at 12:30.

20 \*\*\*

21 [Off the record]

22 [On the record]

23 \*\*\*

24 THE CHAIRMAN: Let's reconvene the meeting.  
25 Again, I will admonish everybody to turn their cell

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1 phones to silence or vibrate because we don't want  
2 another embarrassing incident like happened this  
3 morning. Anyway, this afternoon we're going to spend  
4 time now going through the development of the document  
5 on compatibility with the system of sustainable  
6 agriculture and consistency with organic farming and  
7 handling. As I said, we had the policy development  
8 committee that has been working through this process. I  
9 appreciate the comments this morning during the public  
10 testimony that gave us some input on that, and so with  
11 that I will turn it over to the chair of the policy  
12 development committee to lead off the discussion.

13 MR. KING: Thanks, Dave. Yeah, the policy  
14 development committee was asked to develop a statement  
15 that defined compatible with the system of sustainable  
16 agriculture and organic handling, so we have a 22-page  
17 document that's been developed in the last few weeks.  
18 There are three pages primarily that do list three  
19 options that will be on the Power Point. And Jim Riddle  
20 is the primary author. The committee worked together on  
21 this, and as I understand a lot of the motivation for  
22 this particular document came from a good hot sauna and  
23 a plate of veggie stir fry. So because -- and ping  
24 pong. Let's not forget that. So at any rate because  
25 Jim is the primary author we're going to ask him to sort

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1 of give us an overview of the options, and I'll let Jim  
2 comment a little bit on the format of input.

3 MR. RIDDLE: Thanks, Mark. Well, just like  
4 everybody who commented this morning during the public  
5 input session, the Board was also charged with answering  
6 the question of what is in materials review, what is  
7 meant by compatible, consistent with sustainable  
8 agriculture and organic farming and handling. And  
9 instead of starting totally with a blank slate here this  
10 afternoon, I had suggested to the policy development  
11 committee that we do some initial drafting just to have  
12 something on the table for consideration because despite  
13 how much fun it is to draft by committee it's easier or  
14 more rewarding to at least start with something even  
15 though the end product may look quite different in the  
16 end. And I just want to explain a little bit about what  
17 the committee went through. I did put a draft together  
18 initially, which is essentially option one in your  
19 document, and with some supporting language. And we had  
20 an initial conference call 2-1/2 weeks ago with Keith,  
21 and I guess Becky, Mark, Dave and I, Nancy is on the  
22 committee but couldn't make that because of her own  
23 schedule and the very short time frame we were working  
24 under, and we regret most of the calls that that was the  
25 case. But it was all turned around in a 2-1/2 week

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1 period here. Well, during that initial call we had been  
2 giving some thought that we review really two distinct  
3 types of substances, those used in production, and  
4 there's criteria for production materials and then  
5 handling materials. And so coming out of the first call  
6 the change that the committee recommended from the  
7 initial draft was to break the draft into two separate  
8 statements, one to be used for the evaluation for  
9 compatibility of production materials versus handling  
10 materials. So that is option two was to pull those  
11 apart. And I circulated that back to the committee, and  
12 then we had a second conference call a week later  
13 another Friday afternoon, and in both of these calls I  
14 learned the meaning of the word robust. They were very  
15 honest, exchanges of information, and I must -- I just  
16 really want to hand it to Keith for how you communicated  
17 and how the committee, we went head to head, and I've  
18 never been pushed so hard for free as I was in this  
19 process, but it was a good pushing. And coming out of  
20 that second call Keith made it very clear to us that  
21 what's most helpful for the program are measurable  
22 criteria or factors in order to understand what is  
23 compatible and consistent, and so that led to the  
24 drafting of option three. And that's still up for  
25 discussion whether it meets that goal of being

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1        quantifiable even using, as Keith said, soft  
2        measurements. It doesn't have to always come to numbers  
3        per se but something that you could hold up and measure.  
4        And so that's the -- option three is a bullet point  
5        format, and then the policy development committee met  
6        here on late Tuesday afternoon, and made some more  
7        revisions to option three, and then adopted that as the  
8        recommendation and that was a vote of 3 to 0 with two  
9        absent. So Becky wasn't there or Nancy so it really is  
10       a draft. And I approach this very much with the  
11       understanding that the Board first saw this, the other  
12       members of the Board, yesterday, and it's been a very  
13       tight time frame to get something on the table. And I  
14       am anticipating changes, deletions, additions, whatever,  
15       to this draft. So what I would propose as far as how we  
16       manage this afternoon would be to work from option three  
17       the committee's recommendation unless people have other  
18       desires or think it would be better to go back to either  
19       of the other options or an option four, which does not  
20       exist at all.

21                    THE CHAIRMAN: Kim.

22                    MS. BURTON: Just a couple general statements.  
23        One, thanks for acknowledging we just got this  
24        yesterday. It's not easy for the Board to work on stuff  
25        like this when we just got it, so I hope we can all -- I

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1 know we can all get through it. You have some opening  
2 comments on the first pages. Do you want us to go  
3 through that now or to make recommendations at a further  
4 date as far as drafting language in some of the  
5 different recommendations and questions we have on that  
6 and the preface.

7 MR. KING: Your question is the preface, not  
8 the actual option, and it...

9 MS. BURTON: Right now I'm talking the whole  
10 documents because I do have some comments on some other  
11 areas of the document only having had about an hour to  
12 read it.

13 MR. KING: Yeah, I don't see why we can't  
14 consider...

15 MS. BURTON: I mean I would rather start from  
16 the beginning if we could.

17 THE CHAIRMAN: Okay.

18 MS. BURTON: And then I don't have a problem  
19 going to three.

20 MR. RIDDLE: Oh, yeah. I think that's fine,  
21 and we all understand the focus will eventually be the  
22 option.

23 MS. BURTON: And especially because nobody --  
24 the other thing was no handler representatives are on  
25 this committee, and there's two of us, so we really need

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1 to make sure that we go through this pretty thoroughly.

2 MR. SIEMON: Just one of your assumptions was  
3 that it needs to be some way measurable, and I heard  
4 that can be soft but yet in Barbara's breakdown of the  
5 three categories, this being the third one, the other  
6 two are supposed to be the much more measurable  
7 objective, and this was one that was more attitudes, so  
8 I just got to ask a question about measurable on this  
9 category going back to Barbara's memo which was about  
10 the three different breakdowns. Let's talk about  
11 consumer perception. You can do a survey and get the  
12 people don't want antibiotics and dairy. That's data.  
13 I mean we're not going to go out and do that though.

14 MR. RIDDLE: That's my understanding that it's  
15 possible to measure but it doesn't mean it will be  
16 measured in every instance.

17 MR. SIEMON: I don't want to open ourselves up  
18 to a task that we're not going to do here.

19 MR. RIDDLE: Right.

20 MR. KING: And I think one of the things we  
21 discussed if memory serves me correctly is that it's  
22 possible to recognize, so keep that in mind that you can  
23 read the statement and recognize what we're talking  
24 about. You may not be able to measure everything  
25 numerically but you can say, yes, this is happening or,

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1 no, this is not. Does that make sense?

2 MR. RIDDLE: Yeah, and I just want to add that  
3 the options that we addressed, we tried not to duplicate  
4 any of the other criteria so those stand on their own.  
5 This is only the additional things that are, as Keith  
6 said, implied in the statute but if it's stated in the  
7 statute it's already a requirement, but when that  
8 criteria of compatible with a system of sustainable  
9 agriculture, what does that imply? What is our  
10 understanding at this point in time for guidance on how  
11 we interpret that in the materials review process.

12 MS. BURTON: So this is a guidance document  
13 when we review the category of compatibility and  
14 consistency.

15 MR. RIDDLE: Right. And, yeah, a couple of  
16 other things on that. Whatever we come up with here at  
17 the end of today is still a working draft.

18 MS. BURTON: Right. Oh, yeah.

19 MR. RIDDLE: We'll play with it tomorrow when  
20 we go back and revisit some of our materials but it will  
21 be posted for public comment and would be adopted at the  
22 next meeting hopefully but it also will end of the day  
23 be used by the NOP as any material is moved forward in  
24 the regulatory process if questions come up so it has to  
25 work for them. So it's a collaborative here despite

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1       what our recommendation is, but we're not attempting to  
2       do the finished product by the end of this meeting but a  
3       working draft we can take forward.

4               MR. SIEMON:  And we're going to start off with  
5       option three is my understanding.

6               THE CHAIRMAN:  Well, we're going to start off  
7       going through I think the overall document but to why  
8       the committee got to option three.  I think we want to  
9       do some of that, and even before you start in I guess I  
10      would ask -- and again the Board had recommended that we  
11      try and get microphones on the table with the NOP so we  
12      can have a little more of a participatory session here,  
13      and I know it's difficult but, Keith, particularly any  
14      comments that you want to offer before we start wading  
15      through this is being the person that's introduced the  
16      term robust and to...

17              MR. JONES:  Yeah, into the vocabulary.

18              THE CHAIRMAN:  Into the vocabulary.

19              MR. JONES:  Let me make a couple of comments.  
20      First of all, I think we at the program really do  
21      appreciate the amount of time that's gone in on this  
22      even though it's a short time frame that you worked  
23      under.  And we did hold your feet to the fire.  I mean  
24      we do believe that this is an important undertaking and  
25      an important effort.  I do want to remind you of the

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1 fact that what you're trying to do is define  
2 consistency. I mean you're trying to put some bench  
3 marks around consistency, if you will. You're not  
4 trying to reinvent the wheel, you know. You're not  
5 trying to go beyond the statutory language. You're  
6 simply trying to say what consistency means in the  
7 context of this particular statute. I think in fairness  
8 to the full Board there should be a couple of things  
9 that are talked about. One of the things that I  
10 advocate and continue to advocate, and it was indeed  
11 rejected by the committee, but I think it's important  
12 nonetheless is that one of the ways that you could look  
13 at this question is that it is an outflow of the  
14 decision processes from the first six criteria. In  
15 other words, if all of the triggers are met in the first  
16 six criteria you then by default have a product, a  
17 substance, that is consistent with sustainable  
18 agriculture. I advocated for that approach because I'm  
19 not very smart. I try to make things as simple as  
20 possible, and that is a very simple process. In other  
21 words, you're not trying to define something that  
22 doesn't have a definition but you're simply looking at  
23 your existing work products and then as it flows out  
24 that becomes the consistency question. That was  
25 rejected by the committee because I think the committee

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1 felt that there needed to be some more around this whole  
2 notion of consistency. I only caution you in this  
3 regard that you can't go beyond the statute. In other  
4 words, you got to make sure that this ties back in some  
5 way to the statute and the regulations. We can't in  
6 defining consistency now have extra regulatory  
7 requirements that perhaps we're going to impose on  
8 people. You can ultimately say you would like to see  
9 this as part of the regulation. That's again your  
10 prerogative. But you need to be careful there in  
11 wrestling with this. The final thing I'll leave with  
12 you is that we are very serious about making sure that  
13 these processes are measurable, and I think you have  
14 heard that from a number of your commenters this morning  
15 that is the way to get you out of some of the dilemmas  
16 that you face and some of the discussions that you kind  
17 of get yourself into is to have more objective bench  
18 marks where those bench marks are defined. You know  
19 when you hit the target, and as Jim well knows and the  
20 members of the committee that was the question that I  
21 continue to pose to the committee. How will you know  
22 when you've hit the target? And not only how will you  
23 know when you've hit the target, but is it transparent  
24 and readily understandable enough that the public knows  
25 that the target has been hit too. So that is in the

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1 general statement, my comments, and I appreciate that.

2 MR. SIEMON: Yesterday when we talked, I think  
3 it was in the morning we were talking about we're not  
4 supposed to approach issues just outside the law, yet we  
5 got into issues that were cultural, I'll call them, for  
6 better use, issues like we have like child labor. I  
7 really need clarification between -- Barbara yesterday  
8 said we'll defend, if you have a basis for that or some  
9 data for that, we'll defend what you all decide. And  
10 what Keith just said, which is stick to the statutory.  
11 So I find those conflicting, and before I got into this  
12 conversation I need to understand that because there's  
13 issues in here I didn't think we were going to approach  
14 personally in this thing.

15 MR. JONES: I don't think anything Barbara and  
16 I said are inconsistent. I mean I think what we're  
17 saying is that we're respectful of the process that  
18 comes out of this. If we can believe that it can be  
19 defended, we'll defend it. Okay. I don't know what's  
20 going to come out of this process, and I think the  
21 reluctance -- my only admonition is just stay focused, I  
22 guess perhaps focused on the statute and regulation may  
23 be -- but just stay -- you know, stay focused, and make  
24 sure, George, that the points that you can come up with  
25 can be defended. In other words, you can put some

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1 measurements around those, and you can say, yes, we can  
2 defend this and this is how we know that we have bench  
3 mark. The beauty about the process that you're going  
4 through is the consistencies not defined by the statute.  
5 The statute uses consistency but it never defines what  
6 that is, so you do have some latitude in terms of where  
7 you go because it is not a defined term by the statute.

8 MS. ROBINSON: Let me give you an example of  
9 what Keith...

10 MS. KOENIG: Can we move a mike over to that  
11 table?

12 MS. ROBINSON: Let me give you an example.  
13 When Keith said you don't want to impose additional  
14 regulatory requirements something, let me give you an  
15 example of that. Suppose you decide that in order to  
16 show something is compatible and consistent you, and  
17 you've heard us say we want it to be measurable, you  
18 come up with the idea of saying, well, the material is  
19 compatible and consistent if it can be shown to be three  
20 times more safe than what FDA has set, some limit that  
21 FDA has set or EPA and some other material. I would say  
22 you've over stepped your regulatory authority there  
23 because you don't have the right to take another  
24 agency's safety requirements and manipulate them and say  
25 that -- you see where I'm going with this, you just

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1 tread into a safety area that you don't have authority  
2 for. In effect, what you've said is that FDA should  
3 have set the threshold higher. That would be an example  
4 of putting out a measurement and getting into a  
5 regulatory area that you really -- you don't have  
6 anything to stand on. Now as far as -- I don't think we  
7 really need to -- I don't want to keep going back to  
8 this thing about child labor. I just truthfully pulled  
9 it out of thin air as an example. But if you feel --  
10 you know, when you talk about things like how labor is  
11 used to make something, you do have your regulation and  
12 your act is based on appropriate stewardship of  
13 resources. I would interpret resources not only to be  
14 the physical or the -- yeah, the land, the air, and the  
15 water but the people, the human resources as well. So  
16 that's how I would accommodate it if you felt that  
17 strongly about something, and you wanted to be able to  
18 incorporate it, so I don't think there's really any  
19 compatibility there. But I really -- I don't want to  
20 see you keep going back to something like, you know,  
21 bringing up social issues and child labor stuff and like  
22 that because I think it's going to derail you from where  
23 you're really trying to get to today. Like I said  
24 yesterday construct the most logical, the most  
25 reasonable scenarios that you're likely to be

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1       confronting, and we'll worry about the far flung  
2       exceptions and weird stuff later but try to stick to  
3       something sort of reasonable.

4               THE CHAIRMAN: Well, what I'd like to do, and  
5       I'm going to sit back and let the committee lead the  
6       discussion here, but I think the document as a whole  
7       kind of walks through the discussion of the rationale  
8       and the background behind then what gets down to what is  
9       option three, and option three really contains a listing  
10      of bullet points to try and get it down to the things  
11      that I think Keith was trying to get to of specific  
12      things that you could look at. And I think at that  
13      point then we can start to go through each of those  
14      individually and see, you know, if that conforms, but it  
15      least takes us from the general context down to the  
16      specific recommendation. Rose.

17              MS. KOENIG: I just have a question and it's a  
18      broader question. It's really just in the form of  
19      guidance document concept because when we asked OMRI I  
20      guess to do that presentation there was a recommendation  
21      I think from both groups about guidance documents on  
22      synthetic versus nonsynthetic, and agricultural versus  
23      nonagricultural. And those are defined, you know, as  
24      this is not defined, you know, in the definition section  
25      so I guess I just wanted -- and maybe I should have

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1 asked it then but is this the same kind of idea that  
2 OMRI was looking at in the form of those types of things  
3 too that are not clear within these criteria? Was the  
4 basis behind asking for this definition -- I'm saying  
5 that I think it's good because it wasn't defined or  
6 because you think it needed more clarity or both?

7 MS. ROBINSON: Both.

8 MS. KOENIG: So you don't think that like TAP  
9 reviewers coming back and saying things were synthetic  
10 or nonsynthetic even though it's defined if we do  
11 produce further guidance documents it's for clarity in  
12 that sense as long as it doesn't conflict with the  
13 definition.

14 THE CHAIRMAN: Okay.

15 MR. RIDDLE: Yeah, and I wanted to -- the  
16 reason why this is vague, I would say, I mean it's in  
17 the statute compatible with a system of sustainable  
18 agriculture, and it's an organic regulation but all of a  
19 sudden you have that term sustainable agriculture not  
20 defined in OFPA but it was defined in the 1990 Farm  
21 Bill, so there is a statutory basis for -- and that's  
22 early on in the document that we quoted that. Mark had  
23 found that and contributed that to this draft, and I'll  
24 just read that for people who don't have a copy. The  
25 term sustainable agriculture means an integrated system

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1 of plant and animal production practices having a site  
2 specific application that will over the long term  
3 satisfy human food and fiber needs, enhance  
4 environmental quality, natural resource base upon which  
5 the agriculture economy depends, make the most efficient  
6 use of nonrenewable resources and on farm resources and  
7 integrate where appropriate natural, biological cycles  
8 and controls, sustain the economic viability of farm  
9 operations, and enhance the quality of life for farmers  
10 and society as a whole. I think the first three of  
11 those we pretty well cover off in the other criteria,  
12 you know, the environmental measurements, but sustaining  
13 the economic viability of farms, and enhancing quality  
14 of life for farms and society as a whole does then  
15 bridge into -- a better example, the child labor issue,  
16 which is one of the points in the option. So it really  
17 broadens. When it is in OPFA it broadens the scope of  
18 the factors that can be considered. It does become more  
19 than an environmental assessment.

20 MS. KOENIG: And that was one of my confusions  
21 on this being a guidance document versus what several  
22 commenters I heard saying this is the seventh criteria,  
23 and to me it's not a seventh criteria is what I'm  
24 hearing. There's no regulatory -- this is a guidance,  
25 and we can certainly keep social issues and all that,

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1 but again it's an evaluation of those that we have to  
2 take into consideration and hopefully measurable ones.  
3 But again it's not a seventh criteria for us.

4 MR. RIDDLE: The seventh criteria is already  
5 there. This is how we understand it.

6 MR. KING: Exactly.

7 MS. KOENIG: Okay. Just clarifying that.

8 MR. SIEMON: It's in OFPA.

9 MR. RIDDLE: Right. Right.

10 MR. KING: And this is our attempt to better  
11 understand the meaning of that.

12 MS. KOENIG: I was going to say that  
13 definition is -- that's from the SARE. SARE was formed  
14 in 1992, I think. I think that came from the SARE  
15 program.

16 MR. KING: It may have stemmed from there but,  
17 yeah, Congress defined it so that's how we got...

18 MS. KOENIG: So that's also sustainable  
19 agriculture research program definition because that's  
20 what they base their granting program on that same  
21 definition.

22 MR. KING: And we felt -- you know, we're  
23 trying to be consistent with other things that are  
24 happening so to not make this too confusing.

25 MR. RIDDLE: And just to respond to Keith's

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1 point about the seventh criteria being the outflow of  
2 the first six, we discussed that. We seriously  
3 considered that but we looked at the congressional  
4 language, the congressional report, and then also Codex,  
5 which US is a signator on, the Codex guideline, and it's  
6 our understanding as a committee that each of the  
7 criteria stand on their own. Otherwise, why would it  
8 even be there. You'd functionally eliminate the seventh  
9 criteria if by definition it just meant you meet the  
10 other six, and there would be no reason to have a  
11 seventh criteria. So then we took the understanding  
12 from that point forward that it does stand on its own so  
13 therefore we need to provide guidance on what it means.

14 MR. BANDELE: Jim, back to the SARE  
15 definition. I thought somebody along the line they  
16 included that social equity along with...

17 MS. KOENIG: This is the one that when you go  
18 through the SARE program at least in the southern region  
19 when you look at grants, that's how that program defines  
20 it.

21 MR. KING: So are people comfortable in moving  
22 forward with looking at the specific option at this  
23 point or are there more questions in general?

24 MS. BURTON: Just a couple things. Nothing  
25 big, I don't think. On the first page just a couple of

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1 -- because I just saw this was -- the third paragraph,  
2 the last sentence, it says while the NOSB routinely  
3 makes compatibility and consistency determinations the  
4 Board has not established a guidance document to insure  
5 that determinations are made in consistent, transparent,  
6 and equitable manner. I think that's a lot to expect  
7 out of a document. That's just my opinion. And that  
8 this guidance document should just assist us in the  
9 process, and that would be my recommendation that we  
10 don't limit ourselves to everything that it's supposed  
11 to do. So this is what I would recommend, while the  
12 NOSB routinely makes compatibility and consistent  
13 determinations the Board has not established a guidance  
14 document to assist in that process because I don't know  
15 if it's going to insure that we always are consistent,  
16 transparent, and equitable.

17 MS. KOENIG: You could say in that process in  
18 an effort to make.

19 MS. BURTON: Sure. Sure. That's fine.

20 MR. RIDDLE: I think we need to keep those  
21 placeholders there.

22 MS. BURTON: I don't want it to be -- it  
23 assures that we do that.

24 MS. KOENIG: Yeah, in an effort to make it  
25 more consistent and transparent.

1 MS. BURTON: Okay.

2 MR. KING: Yeah, I think leaving the terms and  
3 just softening up the language a little bit.

4 MS. BURTON: Yeah. Thank you. That's what  
5 I...

6 THE CHAIRMAN: Can you re-read that, Kim?

7 MR. LACY: Let me throw another thing in there  
8 before she reads it. I had a similar concern. I just  
9 put help right in front of insure.

10 MS. BURTON: To help insure?

11 MR. LACY: Right. Would that satisfy you,  
12 Kim?

13 MS. BURTON: Yes, that would satisfy.

14 MR. RIDDLE: I do have the whole document on  
15 the disc.

16 MR. SIEMON: I don't know. I mean if we're  
17 going to go through it word by word, I'm still concerned  
18 about the audience. If we're going to go through the  
19 whole thing. I thought we were going to jump to the  
20 options.

21 MS. BURTON: Well, I think that's a downfall  
22 getting a document -- and that's why I asked whether you  
23 want us to comment now or comment later.

24 MR. RIDDLE: It depends on how many. Well,  
25 I'm set up for that. Well, we've got all afternoon. It

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1 doesn't mean we have to use it.

2 MS. BURTON: Can I tell you what our  
3 recommendation is? It's just one word.

4 MR. KING: So the recommendation now is just  
5 to insert the word help, is that correct?

6 MS. BURTON: Yes.

7 MR. KING: Okay. The document is up.

8 MR. SIEMON: The third paragraph, second to  
9 last line, the word insure.

10 MR. KING: Yes. Insert the word help, help  
11 insure.

12 MR. RIDDLE: Well, this will be -- I'll just  
13 insert them as we go along. We don't have the changes  
14 because we can compare them by looking at the previous  
15 draft.

16 MR. KING: We can just make it a different  
17 font color.

18 MS. BURTON: And then it's also in number  
19 three.

20 MR. KING: Okay, Kim, you have another comment  
21 about...

22 MS. BURTON: And the same sentence is in  
23 three, current situations and practices.

24 MS. CAUGHLAN: Where are you?

25 MS. BURTON: Page 2, current situations,

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1 practices.

2 MS. CAUGHLAN: Where on the page?

3 MS. BURTON: Second to the last paragraph.

4 MR. RIDDLE: The same sentence. Okay.

5 MS. BURTON: You have under current situations  
6 and practices the handling, page 3 of 3, the 1995  
7 handling recommendations. Just for a point of  
8 clarification.

9 MS. CAUGHLAN: Where on the page?

10 MS. BURTON: Page 3 of 3 on the bottom, point  
11 of clarification. On November, 1995 the Board  
12 recommended this materials review criteria for handling,  
13 and I thought that the handling criteria is already in  
14 OFPA and it's in the regulations as far as what you  
15 should be reviewing handling materials under, so these  
16 numbers -- it's continued on page 4 where you have all  
17 these consumer perceptions, historic precedents, and all  
18 of these criteria. Could you just clarify this because  
19 this isn't going to supersede what...

20 MR. RIDDLE: Oh, no. This was just for  
21 historical reference and that was not the handling  
22 criteria recommendation.

23 THE CHAIRMAN: Can you pick that up on the  
24 mike?

25 MR. RIDDLE: Yeah, can you hear me okay?

1 MS. BURTON: So can you tell me what this is  
2 then?

3 MR. RIDDLE: Well, this was pretty early on in  
4 the drafting process and just trying to provide guidance  
5 to the program back in '95 on just what the criteria  
6 should be.

7 MS. BURTON: And then the other criteria was  
8 formally adopted because I worked with Joan Kasell [ph]  
9 on that so this is just for references.

10 MR. RIDDLE: Yeah.

11 MS. BURTON: But you have it under current  
12 situations and practices, and that's my comment. You  
13 have it under current practices, and that's not the  
14 case. Our current practices are using the most recent  
15 recommendations that the Board made that is in our  
16 criteria of evaluating materials.

17 MR. SIEMON: Where would I find that? Is that  
18 in this document?

19 MR. KING: Well, I think what Kim is referring  
20 to is 205.600, and that this is historical information  
21 that led to the development of 205.600 so that we need  
22 to at least position this differently within the  
23 document.

24 MS. BURTON: It's not currently -- we're not  
25 currently reviewing materials under this criteria. We

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1 have criteria that came after this that the industry  
2 recognized.

3 MR. RIDDLE: That's a good point. I don't  
4 know how we change that but I certainly can insert a  
5 sentence that just puts that in a proper context.

6 MS. BURTON: Because maybe evolution of  
7 practice -- handling criteria.

8 MS. CAUGHLAN: Instead of current situational  
9 practices you mean.

10 MR. KING: Or just historically speaking the  
11 following information was considered while developing,  
12 and then just go into something that states clearly this  
13 isn't the current practice.

14 MS. BURTON: Because what the industry agreed  
15 on is what we've got right now and we're evaluating  
16 against.

17 MS. CAUGHLAN: Is that the right sentence?

18 MR. RIDDLE: No, but it applies to this as  
19 well.

20 MS. CAUGHLAN: Okay.

21 MR. RIDDLE: It applies to both. Everything  
22 starting from that in 1994 down is really presented just  
23 for historical context. I'll just put in bold the  
24 following are presented for historical background.

25 THE CHAIRMAN: Okay. Keith.

1           MR. JONES: We just want to remind the Board  
2 before you get perhaps sidetracked here is that the  
3 criteria that is spelled out in 205.600(d) only applies  
4 to substances used as a processing aide or adjuvant. So  
5 it's only when the use as a processing aide, which is  
6 defined by regulation were an adjuvant, which is not  
7 defined by the regulation, that those criteria come into  
8 play so just be aware of that.

9           MR. SIEMON: And then for the rest of the ones  
10 in the original seven are the ones that we're using.

11           MR. JONES: That's right, and for anything  
12 that's not a processing aide or an adjuvant you'd have  
13 to revert back to the original criteria.

14           MR. SIEMON: So very well. These for '95  
15 still are Board guidelines even. If they're not for  
16 processing aides, they still could be valid still.

17           MR. KING: Well, and I think Keith's point is  
18 it clearly separates the two, the handling and  
19 processing is in the regulation, that production is in  
20 the statute, and so that we're only referring in this  
21 case to the handling which is in the regulation and this  
22 criteria. And the reason that came in is through  
23 defining a system of sustainable agriculture. We also  
24 looked at defining a system of organic handling and/or  
25 processing, so that's sort of where this is leading.

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1 But the two are clearly different in that sense.

2 MR. JONES: Actually what we're saying is  
3 crops, livestock processing ingredients not including  
4 adjuvants processing aides are all in the statute. The  
5 processing aides and adjuvants are statute and  
6 regulations.

7 MR. SIEMON: I don't want to beat what Kim  
8 just said in disagreement but, Kim, it seems to me that  
9 that still is a standing policy of NOSB from that  
10 meeting. It says here this is dealing with number  
11 seven, the question or assignment today, this is what  
12 the NOSB Board did on number seven. It says right there  
13 it's adequate to meet the other six criteria. At least  
14 that's the way I'm reading into this because they're  
15 going into some of these same issues. So it might be  
16 historical but it's not replaced by those six in the  
17 law. This is a stand alone as far as I can read, and I  
18 don't see anything -- the 2001 is the principles. I  
19 think these are all valuable just to see what the past  
20 Board did.

21 MR. RIDDLE: And that's why they're  
22 represented.

23 MR. SIEMON: Yeah. We can move on.

24 MR. RIDDLE: To help us be consistent and  
25 compatible with the Board in 1995.

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MR. KING: Yeah, and I'm sorry if I implied they were replaced. I shouldn't have said that. This is really how things sort of came to be.

MS. KOENIG: Although correct me if I'm wrong, Kim, the evaluations that we're using as far as when we go through those materials we've been using just the ones within the rule, not the OFPA...

MS. BURTON: Yes.

MS. KOENIG: ...criteria. Take any of the processing materials that we looked at even in May. We always used those materials that -- the criteria in the rule, not these.

MS. BURTON: Right.

MS. KOENIG: Maybe that was not correct.

MS. BURTON: Well, I was involved in drafting the current criteria that we use for processing with Jim Kasell, and to my recollection it was our intent to use the ones that we currently use as criteria for evaluating materials in processing. And this document we have before us was prior to that. It was not a document that was agreed upon by the entire industry. From this came the criteria that we've got, so that was my point, and that we're not currently using this criteria in evaluation of those materials. That's all I

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1 really wanted to say. We can keep it in there but I  
2 just wanted to make sure that it's not...

3 MR. RIDDLE: Are you happy with how I put it  
4 in context?

5 MS. BURTON: Yes. Thank you.

6 MR. RIDDLE: Those two items are historical  
7 reference, and I can scroll back up to where I inserted  
8 that, and at the top of the page. It only references --  
9 or presented for reference. I'm glad I looked at it  
10 again. The following citations or excerpts.

11 MR. KING: So it sounds like we're comfortable  
12 with that. Do we have other general comments before we  
13 move to the options?

14 MR. SIEMON: Just so I understand because  
15 we're supposed to be using the word sustainable  
16 agriculture. Did you all then decide that this  
17 definition from 1990 was inadequate as compared to just  
18 adopting that? We just got through reading it. Was  
19 that -- I see some of them are in your options but as  
20 compared to make it simplistic since we have a  
21 legislative reference did you consider just using that  
22 like combined with our principles, those two...

23 MR. KING: If I understand you correctly,  
24 you're just making a general statement including that  
25 definition and not going further with bullet points?

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1                   MR. SIEMON:  If we're supposed to be defining  
2                   what's sustainable agriculture system, sustainable  
3                   agriculture here, and we have a definition I'm just  
4                   asking did you consider adopting this?

5                   MR. KING:  Well, I think we tried to reflect  
6                   that in all the options but in general terms just  
7                   adopting just that definition and nothing else we could  
8                   fall short of our assignment.

9                   MR. RIDDLE:  Well, and of course it's a two  
10                  track assignment, and that is compatible with a system  
11                  of sustainable agriculture, and consistent with organic  
12                  farming and handling, so that meant we had to address  
13                  both of those pieces.  The sustainable agriculture says  
14                  nothing about organic farming and handling, especially  
15                  not handling.

16                  MR. KING:  Does that answer your question,  
17                  George?

18                  MR. SIEMON:  Yeah.  I'm actually just trying  
19                  to -- I'm reading the law, and it doesn't say consistent  
20                  with organics, so I'm just trying -- number seven is  
21                  just about sustainable ag.

22                  MR. KING:  Yeah.

23                  MR. SIEMON:  So you just added another...

24                  MR. RIDDLE:  Yeah, but OFPA does say  
25                  consistent with organic farming and handling as well.

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1                   MR. SIEMON: In another section you mean  
2 because number seven just says...

3                   MR. KING: A different section, yes.

4                   MR. SIEMON: I'm trying to deal with our  
5 homework assignment. It says compatibility with a  
6 system of sustainable agriculture. So now I'm asking  
7 why not just -- I'm just reading the law. I didn't make  
8 the law up.

9                   MR. RIDDLE: Our assignment, what was posted  
10 in the Federal Register, was in materials review what is  
11 meant by compatible/consistent with a system of  
12 sustainable agriculture/organic farming and handling.  
13 Those are two phrases that are used, and we need  
14 guidance on it. We're trying to wrap them into one  
15 recommendation.

16                   MR. KING: That's what's on the agenda.

17                   MR. SIEMON: Okay. Let's go.

18                   MR. KING: And that clearly sort of states  
19 where we are going with it.

20                   MR. RIDDLE: And then in the back in one of  
21 the addendums it became addendum G does cite those  
22 various statute references which the compatibility of  
23 sustainable agriculture but also the references from  
24 OFPA and then from the rule on consistent with organic  
25 farming and handling. Anything else on the larger...

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1 MS. BURTON: In the conclusion, you're saying  
2 the conclusion is that all these factors must be taken  
3 into account, and I don't know if we've made that  
4 determination. I think it should say should be taken  
5 into account until we come up with the final  
6 recommendation on...

7 MR. RIDDLE: You're on option three?

8 MR. SIEMON: What reference?

9 MS. BURTON: I'm on page 5 of 5, for  
10 conclusion.

11 MR. RIDDLE: Okay.

12 MS. BURTON: The statutory, regulatory and  
13 guidance documents cited above indicate that ecological,  
14 social, and economic impacts, nutritional value,  
15 consumer perception, and international considerations  
16 must be taken into account when the NOSB evaluates  
17 substances for compatibility. And I think the word must  
18 is too strong in this conclusion statement.

19 MR. SIEMON: I agree. So we have can, could,  
20 should.

21 MR. JONES: Dave, if I could comment a little  
22 further too. I think we have a concern when you start  
23 characterizing what the statute and the regulation does,  
24 which is what this paragraph does. It's  
25 characterization of what the statute and regulation

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1 supposedly does. The statute and regulations say what  
2 they say. I mean the plain reading of those or what you  
3 come away with, and I think we have struggled with any  
4 time that there's a characterization of what those  
5 statutes and regulations imply. You may want to just  
6 word this into a simple sentence that says all statutory  
7 and regulatory requirements have to be met, end of  
8 story. Okay. But when you start characterizing what  
9 those statutes and regulations do we get nervous.

10 MR. KING: Would it be acceptable to drop the  
11 statutory and regulatory and just say that ecological,  
12 social, and economic should be considered? Would that  
13 be another option? I'm just throwing that out.

14 MR. JONES: Yeah. You could take the first  
15 part of that sentence and just begin it with the word  
16 ecological.

17 MR. RIDDLE: How about if we scratch  
18 statutory, regulatory, and guidance and just say the  
19 document cited above indicate that ecological blah,  
20 blah, blah should be taken into account because then  
21 we're not linking it to an interpretation of statute.

22 MR. JONES: Jim, let me tell you why we have  
23 concern over this area. We are a signatory to Codex.  
24 Okay. We may argue, and probably will argue, in a lot  
25 of different venues positions that are vastly different

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1 than other signatories to Codex. We will always argue  
2 whatever the U.S. government position is on a given  
3 issue. And so when you say that Codex should be adhered  
4 to, well, yeah, okay, but we may have positions that are  
5 antithetical to what Codex says and we're going to argue  
6 very strongly on. Okay. So that's why we have concerns  
7 when these things start getting characterized as to what  
8 should happen or must happen or things like that. The  
9 thing that you want to focus on is that all statutory  
10 and regulatory requirements have to be met. Okay.

11 MR. KING: I just had a quick comment, and  
12 then I think Rose had a question. So what I'm hearing  
13 you say, Keith, is that these are really good references  
14 that we use for information purposes but to not then  
15 take that, characterize it as part of the document,  
16 simply to use it as strong support for the final  
17 product.

18 MR. JONES: Right.

19 MR. SIEMON: So I suggest the sentence starts  
20 with the ecological and social myself.

21 MR. KING: Rose, did you have a comment?

22 MS. KOENIG: Yeah, I just said you might want  
23 to just do in conclusion, and just state, you know,  
24 sustainable agriculture should include, and then just  
25 state what you are because you're basically saying --

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1 you're concluding that -- it's assuming that based on  
2 the above information. It just says sustainable  
3 agriculture should include considerations of the  
4 following. It doesn't say it must include but those are  
5 the things that you should include. You might say  
6 sustainable agriculture as it is consistent with organic  
7 farming and handling should include -- that's basically  
8 what you were trying to do so that's what you can  
9 conclude.

10 MR. JONES: But keep in mind, folks, and then  
11 I'll shut up and let you guys proceed, but you're trying  
12 to put parameters around consistency. Jim's point is  
13 well taken that sustainable agriculture is already  
14 defined. That is a defined term. It exists. You don't  
15 have to define sustainable agriculture. Your task is to  
16 put fence posts around compatibility and consistency.  
17 Okay. So taking on Rose's point actually maybe you want  
18 the sentence to say when consideration or in  
19 consideration of compatibility and consistency these  
20 things should be considered because that's what you're  
21 trying to...

22 MS. CAUGHLAN: In determining compatibility is  
23 really what we're saying.

24 MR. RIDDLE: That's fine with me.

25 MS. CAUGHLAN: In determining compatibility.

1 MR. KING: Okay.

2 MS. KOENIG: Just basically taking that last  
3 sentence and somehow working it in your first sentence.

4 MR. SIEMON: If that's the homework assignment  
5 let's use that as a precept.

6 MR. KING: Okay. So what do we have up there  
7 now, Jim? You just dropped the first part...

8 MR. RIDDLE: Right.

9 MR. KING: And I think we're hearing maybe to  
10 add compatibility and consistency to the beginning of  
11 that. In considering or in determining, I think is the  
12 term that...

13 MR. RIDDLE: But that's at the end of the  
14 sentence.

15 MR. KING: Good point.

16 MR. SIEMON: Just start with ecological.

17 MS. KOENIG: Somehow word it so that that --  
18 and you just should say that you're just making a  
19 statement as to what our assignment was.

20 MR. RIDDLE: Okay. I see. I get it.

21 MR. SIEMON: And we went to the word should.

22 MR. RIDDLE: Yeah, got it.

23 MR. KING: How does that look to everyone?  
24 Are we comfortable at least in general terms, does that  
25 make sense to everyone? All right. Hearing no

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1       comments, are we ready to move on to the options? Take  
2       it away, Jim. Not literally of course.

3               MR. RIDDLE: Well, since we have the whole  
4       document up, are there any comments first on the option  
5       one or two or do we move directly to option three? Are  
6       people comfortable or do you want to consider or comment  
7       on the first two?

8               MS. CAROE: I just have one question for  
9       option two.

10              MR. RIDDLE: Okay..

11              MS. CAROE: Where do medications for livestock  
12       come in, A or B?

13              MR. RIDDLE: A.

14              MS. CAROE: So they're organic farmers?

15              MR. RIDDLE: Yes. There actually are  
16       materials...

17              MS. CAROE: It just seemed like that applied  
18       more to farming than livestock production. That's why I  
19       asked.

20              MR. RIDDLE: And I...

21              MS. CAROE: I know, but I mean medication, I  
22       don't know, it just seemed like more inputs, field  
23       inputs, and that sort of materials were being considered  
24       when that was written. I just wanted to verify...

25              MR. RIDDLE: No, I think it's a very valid

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1 criticism not of our work but of the criteria  
2 themselves. I don't think they really addressed the  
3 livestock issue, the livestock medications sufficiently  
4 or envisioned that when they were written, and that's  
5 why the Board in a different work has tried to provide  
6 some guidance on how to interpret each of the criteria  
7 for livestock. I think that's a different assignment.  
8 But I fully agree.

9 MR. KING: Are there other comments concerning  
10 the options?

11 MR. RIDDLE: We'll go right to option three  
12 then.

13 MS. CAUGHLAN: I would prefer to go to three.

14 MR. KING: Yeah, I think that seems to be the  
15 most appropriate. Do we have comments on option three  
16 in general terms specifically?

17 MS. CAROE: Well, as I read through this in  
18 the pro part of this option three is that it presents  
19 tangible criteria, and I still find the criteria are all  
20 judgment calls. They're not what I would call tangible.  
21 I mean you're still making judgment decisions, and I  
22 don't know that you'll ever get away from that but  
23 they're still judgment. Tangible to me means...

24 MR. BANDELE: I have the same concern. I'd  
25 just take out tangible and say criteria.

1 MR. RIDDLE: Fine.

2 MR. KING: Okay. Did you get that, Dave?  
3 Okay. Comments on the specific points, verbiage.

4 MS. CAROE: G, maintain the authenticity and  
5 integrity of organic products so that the consumer will  
6 not be deceived. I don't like that.

7 MR. KING: I felt the same way about received  
8 and the way that -- but it is from Codex so...

9 MR. RIDDLE: No, we can change it. It's just  
10 a reference point. It's our document, our guidance, our  
11 recommendation. George.

12 MR. SIEMON: I was going to suggest we say  
13 something like satisfy the consumer's perception for  
14 authenticity and integrity of the organic product.

15 MS. BURTON: Yes, be positive instead of  
16 negative.

17 MR. SIEMON: So my suggestion is satisfy the  
18 consumer's perception for the authenticity and integrity  
19 of the organic products period. And drop that whole  
20 receiving -- satisfy the consumer's perception for the  
21 authenticity and integrity of organic products.  
22 Authenticity is your word too but I'm trying to work  
23 with some of the sense of these.

24 MS. CAROE: This is one of those areas where  
25 tangible to me seems far fetched because how are you

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1 going to do that?

2 MR. SIEMON: Do a survey of consumers.

3 MR. RIDDLE: Yeah, it's possible that it could  
4 be measured through survey.

5 MR. SIEMON: Do you want antibiotics in  
6 organic dairy products, you know.

7 MS. CAROE: But you're not saying even on a  
8 specific area. You're saying in general it meets their  
9 perception.

10 MR. KING: Right. And you could do a survey  
11 based on specific areas that they perceive of the  
12 industry so you could measure it. I understand what  
13 you're saying but by design.

14 MR. SIEMON: Or you could read public input  
15 from past rules and get a lot of tangible data about  
16 what people want.

17 MR. RIDDLE: Or any time a material is  
18 petitioned...

19 MR. KING: One at a time. Yeah, Keith has a  
20 comment too.

21 MR. JONES: I'd just remind the Board that as  
22 far as a lawful definition of integrity if you're  
23 complying with the regulation all the lawful  
24 requirements have been met. I mean the product is  
25 determined to be on its face to have integrity.

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1                   MR. SIEMON: I'm willing to drop authenticity  
2 and integrity.

3                   MR. JONES: And so I think you need to be  
4 careful or at least give serious consideration to  
5 implying that integrity is measured by something other  
6 than full compliance with the regulation. Okay.  
7 Because when you do that you're sending quite mixed  
8 messages to consumers. Now certainly consumers can  
9 weigh in on the use of any individual material. You do  
10 that quite often in your deliberations and taking public  
11 comments how is this going to play out. But I think  
12 when you give the impression, and I think you have here,  
13 give the impression that something is other than full  
14 compliance with the regulation you're really sending  
15 mixed messages.

16                   MR. KING: Okay. George has...

17                   MR. SIEMON: Well, you know, I'm trying to  
18 react to what's been given here so this is a little  
19 tough because I'd be satisfied just to say satisfy the  
20 consumer's perception of organic products and drop that  
21 whole just to follow...

22                   MS. CAROE: Or just drop out and integrity.

23                   MR. RIDDLE: Yeah. I like authenticity.

24                   MR. SIEMON: Okay. Authenticity is fine.  
25 Whatever works.

1 MR. KING: Becky has a comment.

2 MS. GOLDBURG: I just want to comment on two  
3 different items.

4 MR. SIEMON: Well, let's get through this one.

5 MS. GOLDBURG: Yeah, so I didn't...

6 MR. KING: Let's finish this and then we'll  
7 come back to you. But I'm comfortable with George  
8 commenting in that consumer perception has been a  
9 driving force in this marketplace, so it needs to be in  
10 there but I don't know how others feel about dropping at  
11 least integrity, perhaps even authenticity.

12 MR. RIDDLE: I don't want to go on the record  
13 against integrity. But, no, I hear what Keith is  
14 saying, and I think there are numerous places in the  
15 rule where integrity is mandated but here it's as we're  
16 considering a potential material to add how will that  
17 impact consumer's perception of integrity. Would it  
18 undermine integrity if we added this material to the  
19 list and endanger consumer perception.

20 MS. CAROE: But Keith's point is if you put it  
21 on the list and it's used it is organic integrity  
22 because it's on the list, and it's within the  
23 regulation.

24 MR. RIDDLE: But this is in our deliberation.  
25 If somebody comes forward and says I got data people are

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1 going to stop buying organic products if you put this on  
2 the list because it undermines the integrity of the  
3 organic system. That's a valid consideration. You're  
4 really dealing with the perception.

5 MR. KING: Hold on. I think Goldie had a  
6 comment, and then we'll go to Dave. Do you want to  
7 chime in, Goldie, or was that just...

8 MS. CAUGHLAN: Well, I think perception is --  
9 I'm struggling with this because we're talking -- the  
10 way it's worded we should probably just get away from  
11 that part of it but I wasn't put off by the wording  
12 which said that the consumer will not be deceived  
13 concerning the nature, substance, and quality of the  
14 food. And the reason I wasn't put off by that, and the  
15 reason that I rather liked it and don't view it as a  
16 negative statement not to offend but marketing so  
17 frequently -- I mean consumers right now believe that  
18 there's no pesticides used in the growing of organic.  
19 They believe that there's no synthetic substances used  
20 in organic processed foods, so we have a lot of -- so  
21 when we talk about consumer perception and try to equate  
22 that with the same thing as saying organic integrity  
23 those are two different things. You can have what we  
24 fully believe is strong and organic integrity, and you  
25 can still have a consuming public, which I think we do,

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1 which perceives a whole different substance, and that's  
2 the weakness of our catch up in terms of education.

3 MR. KING: Dave was up next, and then we'll  
4 go...

5 THE CHAIRMAN: Okay. Well, I just -- I think  
6 the only thing that's really cumbersome is that you got  
7 these modifiers. You've got the perception of  
8 authenticity, and to me authenticity is authenticity. I  
9 mean you can have the perception of authenticity and it  
10 can be a phony, right, you know, new and improved, and  
11 so I think that we need to really talk about consumers  
12 desire, the consumers concern, whatever. I mean it's  
13 not -- to me perception a lot of times is not reality.

14 MS. CAUGHLAN: Well, you just said it's the  
15 other way but it's the same...

16 MS. BURTON: Expectation.

17 THE CHAIRMAN: Expectation. I like that word.

18 MS. BURTON: Marketing 101.

19 MS. ROBINSON: Guys, this is -- let me come up  
20 here. This is fine. You know what would help is if you  
21 -- if instead of listing these as factors suppose you  
22 just -- everything you got here is just cool, okay, but  
23 at the front of all of them if you turned them into  
24 questions is this substance because keep in mind what  
25 you're doing. You're not talking about, you know, the

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1 product. You're talking about this substance you're  
2 evaluating. Does the substance, the use of it, promote  
3 ecological balance. Does the substance affect global  
4 warming. Does the substance conserve biological  
5 diversity, dah, dah, dah, dah. I kind of like this  
6 expectations idea for consumers but again I see nothing  
7 wrong with your looking at a substance and you don't  
8 want that substance to reduce or undermine the integrity  
9 or the authenticity although I take Dave's point. It's  
10 quite correct. It's either real or it isn't. It's not  
11 just it feels real, it looks real.

12 MR. KING: But we have a real seal.

13 MS. ROBINSON: And you have a real deal too.  
14 But if you -- sometimes if you just phrase these things  
15 as questions and really keep those words the substance  
16 it'll keep you focused on what you're doing, and then it  
17 fits. I mean Jim is absolutely right. You don't want  
18 something to undermine integrity. It's okay to have  
19 that in there. So that's a thought. Also, when you're  
20 doing this sometimes it's helpful to just say to  
21 yourself what would be incompatible. Sometimes that  
22 helps you get to what is compatible by trying to figure  
23 out the things that you would reject out of hand.  
24 That's just a suggestion.

25 MR. KING. Okay. Becky, then Kim, then Rose.

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1 MS. GOLDBERG: Am I allowed to go on to new  
2 points yet?

3 MR. KING: I think we should finish this  
4 thought and then we'll come back to you.

5 MS. GOLDBURG: That's what I thought. That's  
6 why...

7 MR. KING: Okay. All right. You're still on  
8 deck. So Kim.

9 MS. BURTON: And the reason that we're  
10 deceived is because there's lots of marketing data out  
11 there that is now available on organic products that  
12 would be very beneficial with this G if it was worded  
13 correctly, and if we leave it open enough we have data  
14 right now in spins and all over the place that would be  
15 very helpful, so if we leave it open and we have  
16 expectations and perceptions, we can quantify that right  
17 now today so that was...

18 MR. KING: Can you elaborate on that? What do  
19 you mean specifically? I understand what you're saying  
20 but do you want to be more specific or not? Do you  
21 think it's -- so you're saying general is better.

22 MS. BURTON: Absolutely.

23 MR. KING: Okay.

24 MR. RIDDLE: Which language are you  
25 supporting? I just want to be clear on where you're at.

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1 MS. BURTON: Satisfy the consumers  
2 expectations for the authenticity and integrity of  
3 organic, and that is measurable right now in the organic  
4 industry with marketing data.

5 MR. KING: Are you saying you should say  
6 organic and not organic products?

7 MS. BURTON: Organic products.

8 MR. KING: Okay. Do we need -- are we okay  
9 with this point? Can we in a general sense agree on  
10 that?

11 MS. CAROE: Well, are we going to change it  
12 based on the substance, the substance in a product?

13 MS. BURTON: We could do that.

14 MR. RIDDLE: Well, I'd like to comment on  
15 that.

16 MR. KING: Let Jim comment and then I wanted  
17 to elaborate on it.

18 MR. RIDDLE: Yeah, I think Barbara raises a  
19 really good idea. If only we would have had another  
20 conference call. I could have taken another sauna and  
21 played some more ping pong. How I'd like to respond to  
22 that is that we don't do that right now. We don't try  
23 and do that right now, but we craft an option four which  
24 turns it into questions but without making any  
25 substantive changes to the content but just keep focused

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1 on the content here, and then see which would work  
2 better but I think you're on the right track.

3 MS. ROBINSON: I just offer that because it  
4 helps you stay focused on what it is you're trying to...

5 MR. RIDDLE: Is that okay?

6 MR. KING: Go ahead, Andrea, and then I wanted  
7 to comment.

8 MS. CAROE: Well, I'm just looking at the  
9 point, and is the point saying that if you use a  
10 material in an organic product it won't meet the organic  
11 expectation of the consumer or is it saying that the  
12 material doesn't meet? I still don't -- what I took  
13 from Barbara's point is stay focused on the fact that  
14 you're talking about a material. We haven't addressed  
15 the material in this point. We addressed organic  
16 products. Are you talking about organic products that  
17 use the material?

18 MR. KING: Well, that's how I understood  
19 Barbara's point, and I don't want to necessarily speak  
20 for her but it sounded like to me she was talking about  
21 if this substance or material is used in a product  
22 that's labeled as organic would it meet the perceived  
23 expectation for dah, dah, dah, dah.

24 MR. RIDDLE: And the way this is drafted right  
25 now, you have to go back to the lead-in paragraph, the

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1 first half of any of these sentences is in order to  
2 determine if a substance that's used to manufacture is  
3 compatible the following factors must be considered. So  
4 all of this is already in the context of reviewing the  
5 substance but it might keep us more focused to just  
6 repeat that in a different format.

7 MS. ROBINSON: Well, look at the discussion  
8 you're having.

9 MR. RIDDLE: Valid point.

10 MR. KING: So good point and George...

11 MR. SIEMON: I would like to ask that we go  
12 through the first paragraph first if we could because it  
13 is the whole thing here, right? Just like you said. I  
14 have some changes. So I think we should go through the  
15 first paragraph before we jump down to the bullets. Is  
16 that all right?

17 MR. KING: I don't see any reason why we can't  
18 back up and...

19 MR. SIEMON: We could even go in order. We  
20 could be radical, you know, we could even go down the  
21 list.

22 MR. RIDDLE: It's all open. I think we should  
23 have started there.

24 MR. KING: Go ahead, George.

25 MR. SIEMON: I think again the word must has

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1 to e revisited. In order to determine if a substance  
2 that's used are compatible, the first question I have is  
3 about the word must. I'm not so sure when I looked on  
4 these bullet points we're going to be able -- we're  
5 going to be hung up that we have to look at every one of  
6 these points. I'm not sure with our TAP process we're  
7 going to be able to deliver a must on these issues.

8 MR. BANDELE: Some of them aren't applicable.  
9 Some of them are only applicable to livestock.

10 MR. SIEMON: All right. Let's talk about  
11 must.

12 MS. GOLDBURG: It should be...

13 MR. KING: Let George...

14 MS. GOLDBURG: ...considered as applicable.

15 MR. KING: Let's consider that while we're on  
16 George's point. Becky, what was -- as applicable?

17 MS. GOLDBURG: Yeah, something like that.  
18 That would fix the problem.

19 MR. KING: Okay. And Dave is putting that up,  
20 so let's stay with that so we can...

21 MS. BURTON: And must should be changed to  
22 should.

23 MR. KING: Nancy, go ahead.

24 MS. OSTIGUY: I actually disagree because all  
25 we're saying is we must think about them. That's what's

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1 we're saying with must consider, so you can say it's not  
2 relevant. So must means that you can't skip the  
3 question because you don't even want to think about it  
4 in the first place. I think we should think about it,  
5 and then if it's not applicable because it's livestock  
6 and we're not dealing with it, okay, you still  
7 considered it.

8 MR. RIDDLE: I have a compromise.

9 MR. KING: Okay, Jim.

10 MR. RIDDLE: A compromise would be to delete  
11 must and say are to be considered as applicable. It's  
12 not as strong as must but it's still a directive, are to  
13 be considered as applicable.

14 MR. KING: Nancy is saying okay. Becky.  
15 Okay. Do we have other concerns or comments for us?

16 MS. GOLDBURG: I have a concern with number  
17 eight only because...

18 MR. KING: Well, wait, I was talking about  
19 just the first paragraph.

20 MS. GOLDBURG: Oh, okay.

21 MR. KING: If we're done there then we'll go  
22 with that. Okay. George is not done.

23 MR. SIEMON: Okay. So then the way this is  
24 written if I read it that we're limited to the factors  
25 listed. If there was some factor we haven't thought of

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1 are we -- can we go there still or do we need a  
2 statement that says -- I find it's the limiting thing.  
3 There could be things we're not thinking of today.

4 MR. KING: Or we're unaware of at this time,  
5 yeah.

6 MR. SIEMON: But yet we were told to up  
7 barriers here so I understand that but these to me  
8 reflect the kind of concerns that we want to look at but  
9 that's opening the door.

10 MS. CAUGHLAN: Or among those to be  
11 considered.

12 MR. SIEMON: Well, that's why I'm trying to  
13 bring it up because this is a definitive statement as  
14 far as I can read even though we just added some -- you  
15 just consider it, skip right over it, but what if  
16 there's other factors, put them in later or do we want  
17 this kind of language...

18 MR. KING: Andrea, do you have a comment?

19 MS. CAROE: Well, I mean the problem we'll get  
20 into is if we're not transparent if we don't write down  
21 what that criteria is. We can't add it later. I mean,  
22 you know, tomorrow you want, you know, I don't know,  
23 farm boxed or something like that, you know, you can't  
24 do that to the petitioners. They have to know that in  
25 advance. It's got to be transparent.

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1 MR. KING: Go ahead, Rick, and then Jim.

2 MR. MATTHEWS: Andrea is on the right road  
3 here because part of what you got to take into  
4 consideration this document isn't only for your use.  
5 It's going to be what is provided to those who are going  
6 to be filing petitions so that they know what it is  
7 you're going to be looking at. Now just because you  
8 create one today doesn't mean it can't be amended down  
9 the road. The thing is that you want to put everyone on  
10 notice as to what it is you're going to look at. If you  
11 change that later on, and then put everybody on notice  
12 about the change, that's fine.

13 MR. KING: I want to make one quick comment,  
14 and then go to Jim concerning Rick's comment. So in the  
15 future, let's say five years down the road, some sort of  
16 unpredictable or intervening event, you know, a future  
17 board can certainly draft new language or adjust  
18 criteria as see fit -- as they see fit.

19 MR. MATTHEWS: Yes.

20 MR. KING: Okay.

21 MR. MATTHEWS: You're not binding future  
22 boards. Future boards could decide that your actions  
23 today don't fit where they want to be 15 years from now.

24 MS. KOENIG: And they will.

25 MR. KING: Yeah, I'm sure they will at some

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1 point, yeah.

2 MS. KOENIG: We're doing it now.

3 MR. KING: Go ahead, Jim.

4 MR. RIDDLE: Rick said what I was going to  
5 say.

6 MR. KING: Okay.

7 MR. SIEMON: I think instead of as applicable,  
8 I think when applicable would be a little better because  
9 as applicable could be a little confusing that these all  
10 -- consider these as applicable.

11 MR. KING: Yeah, I can see your point. When  
12 applicable.

13 MR. RIDDLE: Are there any English majors?

14 MR. KING: Okay. Do we have other comments on  
15 the introductory paragraph? Okay. Seeing none, we're  
16 going to Rose who has a comment on A.

17 MS. KOENIG: I don't think A is workable  
18 because I just went in to that lovely two-page document  
19 and if you thought we were going to leave anything out,  
20 don't worry. It's in this document. I mean it's just  
21 for the price we're paying these individuals I mean  
22 there's a lot of information in that. I'm not saying  
23 that either we -- you know, we have to look at the  
24 criteria and figure out which ones. Most of these are -  
25 - I would say you could use this as the guidance of your

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1 criteria but not included in the criteria like all the  
2 criteria should encompass the most important points  
3 within your organic production and handling document but  
4 most of these -- a lot of these are repetitive of what  
5 you have down. So, you know, if I was a TAP reviewer  
6 and saw that page and then saw this page, I'd hand back  
7 the contract and say this is just one of the criteria.  
8 You know, it's just, you know, I think we need to either  
9 embody the most important things that are in this  
10 document within those criteria rather than reference  
11 that document.

12 MR. KING: All right. So point A, be more  
13 specific. Take point A and...

14 MS. KOENIG: I would say take point A out. I  
15 think that the information in here is very important.  
16 We need to pick out the most important points that we  
17 think are consistent to sustainable ag and organic ag  
18 rather than just handing them that whole sheet. And I  
19 think some of them are already in your criteria so we  
20 need to kind of compare that to what we have down here  
21 and make sure we have the most important points embodied  
22 into our document.

23 MR. KING: And I think if I recall correctly  
24 the principles have gotten us to this point. We felt  
25 that they were important. I do see your point though.

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1 If you're a contractor, and that's the very first point  
2 on here, and then you look up principles you're like,  
3 oh, my God, can I have 10,000 just to start. But, Jim,  
4 if you want to comment on that because I know we have  
5 talked about this quite a bit.

6 MR. RIDDLE: Yeah, and I've gone both ways on  
7 this. I hear exactly what Rose is saying, and I hope  
8 that I've already extracted the relevant points that  
9 aren't already covered by another criteria from our  
10 principles. Kind of at the end of Friday or whenever  
11 how it got back in there was looking at the newly  
12 revised Codex criteria, the number one criteria, as  
13 Emily said yesterday or maybe today consistent with the  
14 principles of organic production as defined in these  
15 guidelines. They're holding that up and then you go  
16 back to their principles, and they really match up with  
17 our principles, and so that kind of, well, maybe we  
18 should keep that in there as number one, but I see the  
19 problem...

20 MS. KOENIG: My thinking is that you might be  
21 able to put it in your introductory paragraph that that  
22 should be a guidance. I mean they should look through  
23 it but that's not necessarily -- we don't want them to  
24 go through and pinpoint everything. You use this  
25 document to form your concept as you're a TAP reviewer,

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1 and the most important point that you have to cover are  
2 these.

3 MR. KING: Okay. Barbara, you had a comment?

4 MS. ROBINSON: At one time when I was talking  
5 with you about compatibility and consistency, I had  
6 suggested that you look at your principles for ways to  
7 help you define compatible and consistent. But I  
8 actually think my problem with A is kind of like Rose's  
9 problem. It's sort of like saying, okay, in order to  
10 find if the material is consistent and compatible, it  
11 has to be consistent with our principles of consistency  
12 and compatibility, kind of like defining it using a  
13 definition to define itself but then in any event if you  
14 read through the principles carefully every one of your  
15 principles must already be satisfied by an organic  
16 system plan. I mean those are embodied in the  
17 regulations. You go back and read the preamble. You  
18 read the beginning. What does every plan have to  
19 consist of. I think you would have already, you know --  
20 you've already met those by the time you get to  
21 reviewing a material because you had had so why do it  
22 again. I guess I sense that your concern that if you  
23 take that out that somehow you'll neglect these  
24 principles, and that can't be the case. You wouldn't do  
25 that.

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1                   MR. SIEMON: I think the six criteria deal a  
2 lot with them as well.

3                   MS. ROBINSON: They do. They do. So I think  
4 you already will be bound by those. You already do  
5 that, but then you have these additional more specific  
6 criteria or factors that help you define compatibility.

7                   MR. KING: With that in mind, Dave has put  
8 some language he's inserted in the paragraph, and I  
9 don't know how -- if people would like to comment on  
10 that, advantages, pros, cons.

11                   MS. CAROE: Well, my comment on Barbara's  
12 comment. In regards to the organic system plan this  
13 criteria is for nonorganic ingredients, so I don't see  
14 how the organic system plan applies to the criteria to  
15 accept a nonorganic ingredient. The regulation  
16 regulates organic ingredients. This is the nonorganic  
17 ingredients that can go in it. Am I wrong? But I mean  
18 I...

19                   MS. ROBINSON: You're right.

20                   MR. RIDDLE: Yeah, this is substance  
21 evaluation.

22                   MS. CAROE: So, you know, the organic system  
23 plan is not related, I don't think.

24                   MS. ROBINSON: If somebody comes to this Board  
25 and asks you to approve Chilean nitrate, you're not

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1 being asked to approve Chilean nitrate in a vacuum. You  
2 have to approve Chilean nitrate because it's being used  
3 to produce product X. It's being used on a farm. It's  
4 being used in a processing plant. It's going to be  
5 added to a product. But all of the rest of that,  
6 Andrea, all of the rest of that, subtract out the  
7 Chilean nitrate, all must obey the principles of organic  
8 system plan, the plant that's using it, the farm that  
9 uses it. So I guess what I'm saying is you're not  
10 chucking the principles. Those have to be recognized,  
11 would have had to get there. And in every organic plan  
12 that a producer provides to a certifying agent it  
13 specifically must state how you are using synthetic  
14 materials in accordance with this regulation. You have  
15 to write that down. You have to keep that kind of  
16 record, and you have to negotiate that with a certifying  
17 agent so that you can show that even using that material  
18 you are in compliance with the spirit and intent of this  
19 law and its regulations.

20 MS. CAROE: So you're referring to like the  
21 utility requirements and the pest control requirements  
22 and sanitation requirements.

23 MS. ROBINSON: Exactly, yes.

24 MS. CAROE: Okay.

25 MS. ROBINSON: Replenish and maintain long-

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1 term soil fertility. That's a principle. Chilean  
2 nitrate itself, I mean you're going to evaluate all  
3 these substances but you're going to do it within the  
4 context of those principles.

5 MR. KING: Yeah, I think that was clarified.  
6 Jim, go ahead.

7 MR. RIDDLE: You had asked, Mark, our reaction  
8 to Dave's proposal. That would be deleting A but moving  
9 it as a place marker in the introductory paragraph, and  
10 I'm comfortable with that. I guess I would like there  
11 to be some linkage but that it not open up a whole new  
12 can of worms like Rose was saying as a factor in itself.  
13 It's actually 20 factors, for instance, so this just  
14 makes a linkage. Is that comfortable with you?

15 MS. KOENIG: Yeah, I mean you're saying you  
16 need to do it in the spirit of our principles, you know,  
17 that your whole analysis should be reflected in what we  
18 believe is our principles but not every -- and then we  
19 highlight the things that are the most important as it  
20 pertains to sustain -- because most of these -- they all  
21 pertain but some of them are very specific in the ones  
22 you really want to highlight. And that whole idea is to  
23 highlight and reduce so that you can get -- you want a  
24 document that you can afford to produce that gets to the  
25 points that are the most important to the group rather

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1 than covering -- if we could get somebody to cover it  
2 all, yeah, that would be the best document, but in the  
3 real world we only have a finite amount of resources.

4 MR. KING: I see your point. Goldie, you  
5 had...

6 MS. CAUGHLAN: But the obvious would be that  
7 you would not not give them the copy of the principles.

8 MS. KOENIG: Oh, yeah, but that's a thing  
9 because now here's the time to really reference it. I  
10 mean you should have looked at it all the way.

11 MS. CAUGHLAN: In its context it is the  
12 background. It is the underlying value system that  
13 brought us to that obviously. I like it this way  
14 better.

15 MR. KING: Yeah, please consider this as a  
16 strong supporting reference, if you will. Okay. Do we  
17 have other comments on the points? Becky, yes.

18 MS. GOLDBURG: Yeah, I had one. My first  
19 comment is I think fairly trivial. In most of the  
20 points we say something to maximize or minimize or  
21 whatever. In the case of global warming we just say  
22 impact on global warming. We should probably say  
23 minimal impact or minimal or something like that.

24 MS. KOENIG: Minimize.

25 MS. GOLDBURG: So that's a small comment. My

1 other comment is broader, and I think maybe even more  
2 broad if we're intending these criteria to sort of  
3 reflect the principles because the principles say a lot  
4 about environmental considerations that actually isn't  
5 in the list here because Jim tried not to make this too  
6 duplicative. At the same time I find criteria B,  
7 promotion of ecological balance, incredibly vague. And  
8 I say that as someone who actually at one time got a  
9 Ph.D in ecology.

10 MS. BURTON: I think it's easier to say that  
11 you adversely do not affect ecological balance.

12 MS. GOLDBURG: Well, there isn't defined  
13 ecological balance, we don't want to get into all that  
14 stuff but...

15 MR. RIDDLE: Finish your thought.

16 MS. GOLDBURG: You know, we need to talk about  
17 no pollution, maintenance of geo-chemical cycles and  
18 things like that, and I think we ought to maybe rewrite  
19 B and maybe C now too to be some sort of environmental  
20 criteria or series of environmental criteria.

21 MR. KING: Are you suggesting combining the  
22 two or just elaborating on each individual point?

23 MS. KOENIG: Defining it more in detail.

24 MS. GOLDBURG: I'm not sure. I'd have to, you  
25 know, look at it.

1 MS. KOENIG: Well, the thing is if it's  
2 something you actually want to be able to quantify you  
3 have to be pretty defined.

4 MS. GOLDBURG: Right.

5 MS. KOENIG: I mean if you really want bench  
6 marks those are too vague.

7 MS. GOLDBURG: Well, I don't think C is  
8 necessarily all that vague but B is really...

9 MS. KOENIG: Well, C though there's a thing --  
10 I'm not sure that's the word you want to say because  
11 when I see biological diversity, I see you want to  
12 increase biological diversity in many of these systems.  
13 You don't want to decrease them. But you're saying  
14 conservation, and I know what you're saying. You really  
15 want to...

16 MS. GOLDBURG: I think this means the natural  
17 system so we don't want to have a substance that ends up  
18 in...

19 MS. KOENIG: But that's what I'm saying.

20 MR. RIDDLE: Maintain or improve. That's a  
21 phrase used in the rule, natural resource list.

22 MR. KING: Well, if you have things in mind  
23 that we can actually...

24 MS. KOENIG: Well, this is a draft so they  
25 could...

1                   MR. KING: I know, but I'm just -- while we're  
2 talking about it, it's...

3                   MS. GOLDBURG: Yeah, I think it's not  
4 something to write by committee.

5                   MS. COOPER: So, Becky, with the biological  
6 diversity if that's sort of the wild diversity then how  
7 can we get to the plant diversity on the farm?

8                   MR. KING: Can you say that again louder, Ann?

9                   MS. COOPER: My question was because I had  
10 sort of taken diversity as -- and it is sort of  
11 backwards having conservation of diversity but insuring  
12 diversity of plant stock, of breeding stock, of seeds  
13 and stuff like that, but if we're looking at this  
14 biological diversity as diversity of the environment as  
15 opposed to on the farm and of plants and stuff, so how  
16 do we insure that because I think that that's important  
17 so we don't have line one kind of tomato left.

18                   MS. KOENIG: But the thing is that sometimes  
19 also you have to look at these in terms of the materials  
20 that we look at, synthetics, okay. Sort of like take a  
21 synthetic and see if it goes through the system.  
22 There's going to be certain categories, and that's the  
23 whole thing, you know, you kind of look at it as a whole  
24 but things like peroxides and sanitizers would never  
25 make it through many of these systems although their use

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1 is essential in the systems, so I don't know how you  
2 embody that concept. And the same thing with a lot of -  
3 - because they're tools getting back to -- Brian is not  
4 here, but many of the tools don't necessarily -- I mean  
5 I hate to say a lot of them are not necessarily  
6 consistent with these types of ecological principles or  
7 sustainable ag. So I don't know how to say it but in  
8 certain ways we have to create some kind of balances  
9 like Brian said in his comment. You know, you need to  
10 have the tools within your system, yet you want to do it  
11 in a way that you're still evaluating those tools but if  
12 you set up such a stringent system by a strict  
13 definition it really would be hard to take some of the  
14 products we currently have on our list and the industry  
15 feels that you should stay on the list I don't think a  
16 lot of them might not get through the system. I'm not  
17 saying that that's -- but I'm just saying if you do that  
18 mental exercise to go through that.

19 MR. KING: Goldie.

20 MS. CAUGHLAN: But these are to be considered.  
21 Remember, we're not creating a checklist that has a  
22 total at the bottom as Keith analogized yesterday. It's  
23 simply that they are in our mind that we are considering  
24 them, and that's no different than how we evaluated  
25 every material since I've been on this Board is that we

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1 consciously struggled with all of these issues and we  
2 know some percentage of them we're not comfortable with  
3 but we are constantly considering the balance or the  
4 good of -- or the necessity.

5 MS. KOENIG: I mean I'm just talking out loud  
6 because again this is really new information, and I'm  
7 just trying to process it.

8 MR. KING: And I think you bring up a really  
9 valid point. After just a quick comment, Keith, and  
10 then we'll call on you.

11 MS. CAUGHLAN: But I'm hearing you say that  
12 you're uncomfortable with it because it would rule and  
13 it's just a consideration.

14 MS. KOENIG: I think all these things are -- I  
15 think that in theory all these factors are really great,  
16 okay, but if we're writing a document on sustainable  
17 organic agriculture, I think all those concepts are  
18 embodied in the definition. But what our charge is  
19 figuring out materials that can be applied in those  
20 systems so really to me the essential thing to do is  
21 figure out maybe a shorter list that really are those  
22 factors sort of like what they have to have.

23 MR. KING: I understand what you're saying,  
24 and there are two different things. One is initially we  
25 don't want to make this so cumbersome that no material

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1 will ever get through this in present day sustainable  
2 organic ag, which makes perfect sense to me. Okay. But  
3 then secondly if we just simply have a base line of the  
4 bare minimum I'm not sure that gets us where we want to  
5 go in terms of promoting where we hope to be years down  
6 the road. But one more thing and then we have several  
7 people that want to comment, and that is it's my  
8 understanding these are things we're considering when we  
9 think about criteria seven. We're not talking about  
10 writing...

11 MS. KOENIG: But you're better off instead of  
12 saying ecological balance. Are you concerned about the  
13 water? Then put the water down. If you're concerned  
14 about the air pollution, put air pollution down. You  
15 know, you're taking one vague term of sustainable ag,  
16 you know, that means a lot to everyone else. Well, if  
17 you think that means a lot try ecology. That means a  
18 hell of a lot to even more people, you know. So you  
19 need to just define it as water is water, if it's air,  
20 it's air. And then it makes it easy to have bench marks  
21 because, yeah, you can go to the Clean Water Act, and  
22 you can get numbers. If heavy metal is your problem EPA  
23 has a list on heavy metals. But they don't have a list  
24 on ecological balance. Those are more concepts and you  
25 can't put numbers on concepts.

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1           MR. KING: All right. So more specificity in  
2 this case. Keith, Jim, and then Andrea.

3           MR. JONES: A point that we would make for  
4 consideration is simply decide on what's important.  
5 Decide on the concepts that you want that's important,  
6 get them written down today. I think you obviously seen  
7 that you're not going to solve this question in the  
8 afternoon. Then as you work on this, and as you get  
9 public input you can continue to hone and perhaps begin  
10 to think about weighting or prioritization or something  
11 like that, but the challenge that is in front of you  
12 today is to get those broad place holders down so that  
13 you don't miss something. And get them down on paper.  
14 Get them as close as you can possibly get them today,  
15 but move on. And then get this document where it's got  
16 your place holders. Then Rose's point is well taken.  
17 You can then take and take care of those place holders  
18 to get the language of the place holder, you know,  
19 exactly the way you want it.

20           MR. KING: So by considering, for example,  
21 you're saying ecological balance way too vague, but we  
22 know that's a priority and out task in hand in the  
23 future would be, okay, what specifically do we mean by  
24 that.

25           MS. KOENIG: Because I think when you go and

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1 we're all done with the task and you put the -- you  
2 know, you give it to a TAP reviewer they have to be able  
3 to have a reference sort of like what Barbara is saying,  
4 they got to be able to search the literature and come up  
5 with a scale or a number. And I'm not saying all  
6 numerical values embodies ecological balance but there  
7 are factors and there are studies that do look at water,  
8 that do look at air, that do look at heavy metals, and  
9 most of those again are in -- I mean it's in the rule.  
10 I mean we talk about air, we talk about heavy metal, we  
11 talk about certain things.

12 MR. KING: Okay. Jim, then Andrea.

13 MR. RIDDLE: I appreciate what Keith said  
14 there a lot, and that is to keep place holders in and  
15 see if we can further refine them, but once they're gone  
16 they're gone, so today is the day to keep place holders,  
17 but I think on that particular one the promotion of  
18 ecological balance that I struggle with whether that  
19 should even be included because all the factors that we  
20 might use to measure it may already be in the other  
21 criteria. Are there adverse effects on the environment  
22 from the manufacture, use or disposal. That's one. And  
23 then are there adverse biological or chemical  
24 interactions in the agro ecosystem. Those are already  
25 mandatory. So those may cover it. We may find that we

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1 don't need to refine it further. But for now if we can  
2 just keep it as a place holder in this draft, I'd be  
3 happy with that.

4 MR. KING: Andrea. Yes, finally.

5 MS. CAROE: All right. In setting up this  
6 list of criteria, in setting up any requirements in this  
7 regulation the US and the EU have been different in  
8 philosophy. The US set a criteria that they don't fall  
9 below. The European set a higher criteria that they  
10 allowed to derogate off of and come down off of. That's  
11 the way they work it. We've never worked that way. We  
12 set a criteria, this is the rules, this is what's out  
13 there. I think we need to continue to do the same thing  
14 with the criteria for materials that these petitioners  
15 are looking at. And they need to have bench mark  
16 numbers, and whether that's Clean Water Act or the  
17 criteria for what is a wetlands, and that exists and it  
18 is tangible, or what is a rain forest. Those  
19 definitions are out there. I think we need to put down  
20 real things, and not have will consider because then the  
21 petitioner is investing in something they have no idea  
22 how this Board is going to think about whether they're  
23 consistent or not consistent with a vague idea. I don't  
24 think that's really fair.

25 MR. KING: I think we're in agreement on that,

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1 and I think your point really builds on Rosie's that if  
2 we look at it as Keith and Jim have said place holders  
3 for today, have them be as part of that draft, and then  
4 we can further define those place holders perhaps by  
5 looking at the statute or the regulations to see if it's  
6 already supported, and if not where do we go, you know,  
7 to further define that.

8 MS. CAROE: Each one of these is a filter, and  
9 if you look at all of them together that is taking it --  
10 I don't think any one of these has got to be so strict  
11 because once you do that like Rosie said nothing is  
12 going to make it through the filter except water, and,  
13 you know, I mean that's it, and not so sure about water.  
14 I mean that's the truth of the matter is. The fact that  
15 we're looking at it from so many different perspectives  
16 is what's going to make it a thorough evaluation. It  
17 doesn't have to be one item to the -- you know, to that  
18 level.

19 MR. KING: I've been superseded by another  
20 chair.

21 THE CHAIRMAN: I see lots of squirming going  
22 on. We've been at it now for two hours so let's take a  
23 15-minute break.

24 \*\*\*

25 [Off the record]

1 [On the record]

2 \*\*\*

3 THE CHAIRMAN: Okay. Let's see. We'll turn  
4 it back over to discussion. During the break Becky came  
5 up and said that she and Rose have caucused during the  
6 break and they have some things to offer. So, Mark, as  
7 I turn it back over, you can call on them.

8 MR. KING: Yeah, one quick thing. We hope to  
9 be really completed in this process in about an hour for  
10 today just looking at sort of the place holders that  
11 Keith said so let's continue with the discussion, and  
12 we'll start with Rosie and Becky since they have some  
13 valuable input.

14 MS. GOLDBURG: Okay. We have tremendously  
15 valuable input, and we propose not trying to redraft  
16 items B, C, and D, but rather striking them from the  
17 explanation of compatibility because they are all  
18 environmental criteria that really fall under another  
19 National List criteria, which have a lot to say about  
20 the environment. That said, we think that it may be  
21 quite valuable for the Board now or in the future to  
22 explain some of the other National List criteria because  
23 they really aren't all that specific when it comes to  
24 dealing with certain environmental considerations. But  
25 given that the criteria already talk about things about

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1       like environmental contamination during the manufacture,  
2       misuse or disposal of a substance and so on, B, C and D  
3       are somewhat redundant to the first six criteria.

4               MS. KOENIG: What we're saying is sort of like  
5       what Keith said the environmental ones are really  
6       embodied in the other criteria really strongly. The  
7       social -- if you notice, we didn't include E, which is  
8       renewable resources recycling. Those aren't really  
9       embodied in the other criteria. But as Becky said, we  
10      feel that even though they're embodied in the other  
11      criteria they need to also have a little bit more  
12      definition so that we can actually put in those bench  
13      marks, be it water, air. You know, spend a little bit  
14      more time defining in those sections because if not --  
15      if we do that, it's not bad to have it here. Actually  
16      having that preamble, all those things again are in the  
17      principles so it's not saying that you're not looking at  
18      them but what we're saying is we now really want you to  
19      concentrate on those aspects of sustainable ag that are  
20      not embodied within the other criteria, which really are  
21      economic and social factors and such.

22             MR. KING: So a quick comment, and then we'll  
23      go to Jim, so we have our general introductory  
24      paragraph, however, beyond that these are the specific  
25      areas as you've stated that we'll look at. And Jim

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1 is...

2 MR. RIDDLE: Yeah. Well, I can go along with  
3 that for B because I do think ecological balance is  
4 covered off by the other more specific criteria, and I  
5 also agree with the need for some guidance on some of  
6 those down the road. But now that we moved the  
7 reference to the NOSB principles just as some kind of a  
8 reference point in the introduction part of that  
9 understanding was looking at those principles and seeing  
10 if there's some particular points that we want to  
11 highlight in these. And I feel that biological  
12 diversity is not covered by the other criteria, and the  
13 same thing with impact on global warming or minimizing  
14 impact on global warming. I don't think that's covered.  
15 I think that's a stand alone that is relevant, so I  
16 guess I'm not comfortable with that. So long as we see  
17 this as a draft and the place holder type approach, I'd  
18 rather keep C and D in there myself at this point.

19 MS. GOLDBURG: Just to make further comment.  
20 I'm not going to fall on my sword over C and D, but  
21 criteria two is the substance, manufacture, use and  
22 disposal do not have adverse effects on the environment.  
23 That's about as broad as you can get.

24 MS. KOENIG: You can define that and say -- we  
25 could put under this consideration of, you know,

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1       endangering habitat. We could embody those in there,  
2       but what I'm saying in terms of a TAP review let's go  
3       back to what are we doing this for. We're doing it to  
4       make the function easier for somebody who's preparing a  
5       TAP and then for us to evaluate a TAP. It's much easier  
6       to do it in a systematic fashion so when you get to  
7       those criteria -- it's sort of like you're asking them  
8       to be redundant in certain ways and repeat information.  
9       And I think that two again we can have those same points  
10      but let's logically put it where the statement is the  
11      most strong towards that in particular.

12               MR. RIDDLE: Yeah, but we aren't defining  
13      those others here today. We aren't providing any  
14      guidance or...

15               MS. KOENIG: Well, what we're proposing is  
16      that we take those and go back to the other criteria and  
17      see which ones do overlap, and then this way your last  
18      one can really spend more time maybe detailing the ones  
19      that they don't focus on. It's just a proposal  
20      suggestion.

21               MR. KING: Okay. Nancy had a comment, then  
22      Keith, then Owusu.

23               MS. OSTIGUY: I actually agree, and I didn't  
24      talk with Rosie and Rebecca during the break, but I  
25      think repeating them isn't necessary. Now we might need

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1 to define what we mean by the environment and include  
2 these kinds of things. I think they should be included.  
3 But to be repetitive is one thing that drives me nuts  
4 about sometimes the current TAPS is when it's addressed  
5 in five different places.

6 MS. KOENIG: And they cut and paste.

7 MS. OSTIGUY: Yeah. And all they do is cut  
8 and paste, which is what I would do too so I'm not  
9 criticizing them for doing it, but it's difficult as a  
10 reader. If you would like to have a succinct summary of  
11 a topic why repeat it in three places.

12 MS. KOENIG: Unless you're trying to weigh the  
13 importance, and that's valid. If you think that it is  
14 so important that you have to weigh it in every category  
15 then I think there's a validity in checking it twice but  
16 then that should be a decision that you make as a group  
17 understanding that. Every time you repeat something  
18 usually it means that you're repeating it because you're  
19 weighing it as a very important factor.

20 MR. KING: Keith, you had a comment.

21 MR. JONES: Yeah. We actually envisioned that  
22 you'll have so much fun wrestling with criteria number  
23 seven that you won't go back and wrestle with the rest  
24 of the six. I say that facetiously but there are  
25 certainly areas in the other six criteria that need this

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1 analysis just as you're doing with criteria number  
2 seven, and I think Rosie's point is very well taken is  
3 that as you begin to look at how these sections  
4 interlink and relate to one another you will come across  
5 with some understanding as to the outliers that are not  
6 addressed in any of the other criteria, and that  
7 actually need to be embodied in number seven. But it's  
8 only doing that kind of systems thinking that you'll  
9 begin to identify the outlier, so I think Rosie is  
10 really on the right track here and shouldn't be  
11 dismissed out of hand because as I said in my slide  
12 yesterday you can begin to assign proxies for some of  
13 these other points and the other criteria, you know,  
14 bird kills related to environmental manufacturing or  
15 something like that. You can begin to work on those  
16 things if the place holder is already there. And I  
17 think that's what Becky is saying is that, look, there's  
18 a broad place holder here that's already in some of  
19 these other criteria. We need to acknowledge that, go  
20 back and wrestle with what that means, what's the upshot  
21 of that, but really focus on those things in number  
22 seven that are really the outliers that are not captured  
23 in any other place.

24 MR. KING: Owusu.

25 MR. BANDELE: You were talking about B, C, and  
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1 D. I have a concern with D, the global warming. I  
2 fully understand the importance of it and agriculture's  
3 potential contribution to those problems, but any  
4 process that releases carbon dioxide in the atmosphere  
5 would contribute. I'm just wondering how would you  
6 envision the quantification of that impact.

7 MR. KING: Jim.

8 MR. RIDDLE: For further development.

9 MS. GOLDBURG: Yeah. I want to respond to it.  
10 I think that's actually one of the most quantifiable  
11 things that's up there that you can think about the  
12 various greenhouse gases and their CO2 equivalents and  
13 manufacturing and what not. And if you really wanted  
14 to, we probably don't want to come up with numbers, but  
15 I think someone is going to drive their SUV to work  
16 during the manufactures of a substance and so on.  
17 There's going to be some impact on global warming, but  
18 what we don't want is a process where probably either  
19 huge amounts of CO2 are released or lesser amounts of  
20 some of the more potent greenhouse gases.

21 MR. KING: Okay. So as a general statement  
22 here, I'm hearing that we have our place holders. We've  
23 listed place holders. And we're talking about striking  
24 some, elaborating on others. To make the best use of  
25 our time, I think that what we're saying really is that,

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1 again this is a working draft, from an action item  
2 standpoint that we will look at the statutory  
3 requirements, the regulatory issues to find out is there  
4 crossover with any of these, and if so, and it's a  
5 stronger statement, it may eventually be dropped. But  
6 as a general rule are we comfortable with what's up  
7 there. Do we still want to strike those two for now,  
8 consider it.

9 MS. KOENIG: I'd like for you to say they're  
10 going to be embodied in the other criteria, not struck  
11 because it's a whole document.

12 MR. KING: I understand. I understand.

13 MS. KOENIG: I mean I don't think we can look  
14 at those criteria in isolation, and as long as they're  
15 embodied, and I think they can more easily be embodied  
16 in those criteria, then I mean a great example is every  
17 time we do a TAP people want to know about economic  
18 impact. Hard to get, and some of that data will not be  
19 available, but if you have it under the sustainability  
20 criteria then if it is available we can force the point  
21 for more elaboration on that subject. And, again,  
22 that's a very hard one to do but just because it's  
23 difficult doesn't mean we shouldn't at least try to  
24 generate the data.

25 MR. KING: Jim.

1                   MR. RIDDLE: Well, I agree totally with what  
2 both of you have said, and Nancy's point of not having -  
3 - eliminating redundancy unless there's a point to being  
4 redundant like you were saying. But until we're further  
5 elaborating the others is there a problem with leaving  
6 these here for now and then shift them over to where  
7 they're more appropriate later so we don't lose them. I  
8 mean...

9                   MS. KOENIG: Well, I think we pointed out  
10 that even those have to kind of be redefined but I mean  
11 I don't really care what you do with them. I mean as  
12 far as -- I mean I do care. I mean if you want to keep  
13 them there and work on them, that's fine. The more work  
14 the merrier.

15                   MR. KING: We have two people that have  
16 comments, but let me just ask this very obvious  
17 question, and it's one of a starting point. Is the  
18 starting point this document referring back to  
19 everything else we know or is it as Keith had suggested,  
20 I think, the first six criteria, and then moving on from  
21 there, so we focused on this, which I'm comfortable  
22 with, but I just throw that out as...

23                   MR. SIEMON: Our homework assignment is taking  
24 for granted one through six, how do we enhance seven to  
25 compliment one through six. B, C, and D got to go. You

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1 know, it's things that are already covered. If we need  
2 to recover them somewhere else then we'll go there but  
3 we can't be duplicative or this will get all muddled  
4 again. Complimenting one through six, B, C, and D got  
5 to go. We got to move on too.

6 MR. RIDDLE: Well, so far we've deleted A, B,  
7 C and D.

8 MS. KOENIG: Don't take it personally.

9 MR. RIDDLE: No, no. At least we have  
10 something to delete.

11 MS. KOENIG: We thought that E was actually  
12 one that wasn't necessarily covered with that focus than  
13 the other ones because really how energy resources are  
14 used. Does it encompass any kind of renewable  
15 resources. That we didn't feel really was necessarily  
16 embodied in the other criteria.

17 MR. RIDDLE: And it's clearly covered in the  
18 definition of sustainable agriculture.

19 MS. KOENIG: And that might be recycling of  
20 nutrients in the sense of, you know, like some kind of  
21 other products. It's not just energy. It's recycling  
22 systems.

23 MR. RIDDLE: Renewable resources.

24 MR. KING: Andrea.

25 MS. CAROE: Well, I just have a question over

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1 our definition of maximize and reduction. Maximize,  
2 what does that mean? Now much is maximized? How do we  
3 define that? Is there a way that we can...

4 MR. KING: Well, I would answer that as sort  
5 of a positive influent on the review of sorts in a  
6 general sense. I understand what you're saying.

7 MS. CAROE: So promote is more appropriate  
8 than maximize?

9 MS. GOLDBURG: We don't want to maximize the  
10 use of renewable resources.

11 MR. KING: Yeah, that does make sense when you  
12 think about it.

13 MS. GOLDBURG: Let's cut down as many trees as  
14 we can.

15 MS. KOENIG: You want to decrease the  
16 dependency on nonrenewable...

17 MR. RIDDLE: It's versus nonrenewable  
18 resources.

19 MR. KING: Yeah. Yeah. So...

20 MS. KOENIG: Decrease the dependency on  
21 nonrenewable resources.

22 MS. CAROE: So do you want to say that...

23 MR. KING: Or potential to promote. I mean  
24 we're thinking about a system or a model that does  
25 promote the use of a renewable resource versus a

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1 nonrenewable.

2 MS. KOENIG: Yeah, then you decrease the  
3 dependency on nonrenewable resources.

4 MR. RIDDLE: And reduction should be reduced  
5 there.

6 MR. KING: Reduce the dependency of external  
7 inputs or nonrenewable resources. I mean I don't know,  
8 do we need to take it that far? Do we need to add on  
9 external input or the use of nonrenewable resources? Is  
10 that what we mean by external inputs, nonrenewable?

11 MS. GOLDBURG: External inputs especially  
12 nonrenewable resources.

13 MR. SIEMON: I think it could be and recycling  
14 period because the material we're talking about is an  
15 external input itself. That can stay too.

16 MR. KING: Good point. It is considered by  
17 default an external input in many cases.

18 MR. RIDDLE: Yes.

19 MR. KING: Yes, but. Go ahead.

20 MR. RIDDLE: But a fundamental principle is  
21 organic agriculture minimizes the use of synthetic  
22 inputs. That's a fundamental principle, and it's one  
23 that's not capture in the other six criteria. So it's -  
24 - you know, I think it's important to either leave it in  
25 or move it to its own stand alone point.

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1                   MR. SIEMON: That would be probably the best  
2 but let's just leave it in right now. It belongs here.

3                   MR. KING: So we just want to leave external  
4 inputs. We're not going to add nonrenewable resources.  
5 Are we going to consider...

6                   MR. RIDDLE: Promoting the use of renewables.

7                   MS. CAUGHLAN: How is it worded?

8                   MR. SIEMON: As far as place holders, I think  
9 we can leave it.

10                  MS. CAROE: What goes in must come out. I  
11 don't understand that so if...

12                  MR. KING: He's saying off farm inputs or out.  
13 That's why we're trying to define it further. Okay? Do  
14 we really mean nonrenewable resources that are purchased  
15 and brought into or onto an operation. I think that's  
16 what we're trying to get at.

17                  MR. RIDDLE: That's a fundamental concept of  
18 organic agriculture.

19                  MR. KING: Exactly.

20                  MS. CAROE: Okay. Can we apply this to a  
21 material just so I can get a feel for how we would be  
22 looking at this?

23                  MR. KING: We'll do that tomorrow.

24                  MR. SIEMON: I was thinking microbial  
25 compound, that might do recycling rather than bring

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1 manure from the outside. I'm just trying to think of  
2 something what we're talking about here.

3 MS. CAROE: Okay. But this also applies to  
4 processing aides for handling, these criteria, so I mean  
5 take something that's already on the list like glycerine  
6 or something like that. How would that apply?

7 MR. RIDDLE: But it's as applicable.

8 MR. KING: Yeah, so it may or may not apply to  
9 every single one.

10 MR. RIDDLE: It may or may not.

11 MR. KING: Can we leave that as sort of a  
12 place marker for now. We got one going through.

13 MR. RIDDLE: The next one, let's just...

14 MR. KING: Let's look at F.

15 MR. SIEMON: I had a hard time knowing what  
16 material would positively influence the welfare. I know  
17 it would positively influence health of an animal but  
18 you have specifically up here natural behavior and  
19 welfare, so could you give me an example of material  
20 that would affect that versus health. Health, I  
21 understand. But this is a little different twist you've  
22 thrown at me. What material would affect the natural  
23 behavior and welfare of an animal that isn't all about  
24 the health that's covered in the rule?

25 MR. KING: When I think of natural behavior, I

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1 think of the environment that they live in almost more  
2 so than a material.

3 MR. SIEMON: So fence post would be a  
4 material?

5 MR. KING: Well, I mean I see your point. I'm  
6 just thinking out loud.

7 MR. SIEMON: I'm just trying to -- renewable  
8 plastic fencing because it's less harmful to the animal?  
9 I'm just trying to think of something.

10 MS. CAROE: No, it would just be more like fly  
11 control or something like that maybe.

12 MR. SIEMON: Okay. That's a...

13 MR. KING: It could be, yeah, like pest  
14 management. In the case of pest management, I think in  
15 the regulation it already talks about natural over the  
16 others.

17 MR. RIDDLE: Yeah, but that's in terms of  
18 practices. Here this is a substance evaluation.

19 MR. SIEMON: It's about a material that  
20 influences their natural behavior and welfare.

21 MR. RIDDLE: So it's consistent.

22 MR. BANDELE: Well, do you want the material  
23 to...

24 MR. RIDDLE: And I think it's appropriate to  
25 say, I'm sorry, Owusu, positive influence on the health,

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1 natural behavior, and welfare if you'd like to add that.  
2 It is a separate way of looking at it but...

3 MR. SIEMON: That definitely would help make  
4 the sentence make more sense to me is add health. I  
5 just thought that might be covered somewhere else.

6 MR. RIDDLE: No, it's really not.

7 MR. SIEMON: Okay. Then I would suggest F  
8 that we add on the health natural behavior and welfare  
9 of animals.

10 MR. KING: Okay. Owusu.

11 MS. KOENIG: Meaning all three?

12 MR. RIDDLE: Yeah, as applicable.

13 MR. BANDELE: The material having a positive  
14 influence.

15 MS. GOLDBURG: When applicable.

16 MR. RIDDLE: When applicable.

17 MR. BANDELE: The material having a positive  
18 influence on the natural behavior. Aren't we more  
19 concerned with the material not interfering with the  
20 natural behavior?

21 MR. RIDDLE: Yeah, but we tried to phrase it  
22 in a positive instead of the absence of a negative.

23 MR. KING: Back to your point.

24 MR. BANDELE: I think those are two different  
25 things. I think if you're looking for material to

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1 positively influence the animal that's one thing, but if  
2 you're looking for a material not to interfere with the  
3 positive, I don't think that that's interchangeable to  
4 me. And I thought that would be a bigger concern with a  
5 synthetic.

6 MR. RIDDLE: So what you're -- does not have a  
7 negative influence.

8 MS. KOENIG: Well, I think it goes back to  
9 Barbara's point. If you change those two questions,  
10 which we probably will, it's going to read does it have  
11 an influence, negative or positive, however you want to  
12 put it. I mean these things are probably going to come  
13 into the form of a question because it's for a TAP  
14 reviewer to analyze so I think that'll be washed out  
15 when we change it into a question.

16 MR. KING: And I think if we think in terms of  
17 are these things in general that we want to be here and  
18 we can word smith a little bit more later as we put it  
19 into action, if you will. Jim, go ahead.

20 MR. RIDDLE: Yeah. I think it's really a  
21 fundamental question though is do we phrase it what is  
22 the influence on, blah, blah, blah, or does it have a  
23 positive influence or does it not have a negative  
24 influence.

25 MS. KOENIG: What is the influence? We want

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1 to know both. They probably have...

2 MR. RIDDLE: But we're looking for qualitative  
3 guidance, I think.

4 MS. KOENIG: But you want to know -- I mean  
5 qualitative can be positive qualitative, and there can  
6 be negative in the same thing. Mostly everything has  
7 pros and cons. So you really want to know on all those,  
8 you want again that literature research. You don't want  
9 to form -- we want to be objective. We don't want to  
10 value judge. We can't value judge in our questions.

11 MR. RIDDLE: No, but I saw this as setting  
12 some bench marks which can be used for the value  
13 judgment, and I agree in terms of what the TAP reviewer  
14 -- we want to know pros and cons. We don't want to lead  
15 that, but how we determine whether something is  
16 consistent and compatible, it has to not have negative  
17 influences or...

18 MS. KOENIG: I just don't think these are  
19 black and white. Mostly everything has a -- you could  
20 probably take any of these peroxides, go back to hydro  
21 peroxide, okay, the reason why it's so great is because  
22 it kills a lot of bad things because, you know, the  
23 reason why it's bad is because if you analyze it for  
24 biodiversity it kills a lot, and then it becomes bad.  
25 So I think the thing is you want to know the non-value

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1 judgment, what does it do in the system, how does it  
2 affect things in one way, how does it affect things  
3 another way, and then you look at both of those and  
4 decide which is acceptable.

5 MR. KING: And one thing, I think what we're  
6 talking about here is we do want to know the pros and  
7 cons, but ultimately we may judge it based on the  
8 positive indicators that we find.

9 MS. KOENIG: Right. Exactly. Exactly. But  
10 you don't just ask for one, and then not get the other.  
11 That's value judgment.

12 MR. KING: Yes. I think that's a valuable  
13 point, and yet I understand what Jim is saying. We will  
14 most likely look at it...

15 MS. KOENIG: Right. We're going to take --  
16 you know, we want to -- certainly there is based on that  
17 definition if you look at -- based on the rule there is  
18 a slant as to what is -- what we're promoting and what  
19 we're not promoting. But you don't really ask the TAP  
20 reviewer necessarily to analyze it only in one way.

21 MR. RIDDLE: I'm looking at the questions in  
22 our material review form, are there adverse effects, is  
23 there the potential for detrimental interaction, are  
24 there adverse biological or chemical interactions. I  
25 mean those already have value judgments built into other

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1 criteria, into the other questions that are being asked.  
2 So I don't see this as inconsistent to have that kind of  
3 terminology here.

4 MS. KOENIG: Yeah, I see what you're saying in  
5 that sense then.

6 MR. KING: Can we in general agree though that  
7 these are areas we do want to look at in the end as  
8 positive indicators for animal behavior and health,  
9 however you -- okay. And we do want to leave this one  
10 in there.

11 MR. RIDDLE: Yeah, we're not hearing that.

12 MR. KING: Okay. On to -- well, we kind of  
13 covered...

14 MR. RIDDLE: I think we've -- we're satisfied  
15 in our expectations for G.

16 MR. KING: So H.

17 MS. KOENIG: We didn't go -- why don't people  
18 just bring up on what they have issues now because we  
19 weren't going line by line. We were kind of bringing  
20 up...

21 MR. KING: Well, yeah, we're, I guess,  
22 deciding do we want to leave these in there, okay, as  
23 place holders, if you will.

24 MR. SIEMON: Is protection the right word  
25 versus something like encourages. Protection is kind of

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1       like relative. You got a standard already, and that's a  
2       hard...

3                   MR. RIDDLE: I don't know.

4                   MR. KING: Well, and again I guess we want to  
5       look at this as do we want to consider economic  
6       viability as the question for today, and we can work  
7       smith and have more action at the committee level. Is  
8       everyone in agreement that that's something we want to  
9       consider?

10                  MR. RIDDLE: It's part of the sustainable  
11       agriculture definition.

12                  MR. KING: Yeah. Right. Okay. So next I,  
13       equivalents with international organic regulations  
14       including Codex.

15                  MR. SIEMON: I heard say why don't we just  
16       drop including Codex, international standard  
17       regulations, and why don't we say equivalent or  
18       stronger.

19                  MR. KING: Andrea.

20                  MS. CAROE: Well, I would say does it conflict  
21       with international and existing standards so that we can  
22       also look at AOS and other standards as well.  
23       International alone?

24                  MR. KING: Keith.

25                  MR. JONES: Let me tell you this gives me --

1 this phrase gives me pause, and let me tell you why.  
2 The United States does not like to tie itself to any  
3 given standard other than its own out there. It doesn't  
4 want to minimize its flexibility, and in fact we may  
5 find ourselves where we want to argue a position that is  
6 different than a consensus position that exists in the  
7 rest of the world because we believe it is best for U.S.  
8 producers. And what I would like to see these points  
9 is, you know, we need to do what is best for U.S.  
10 producers and handlers. If that is an issue in  
11 international trade, then that has to be addressed at  
12 that level. In other words, that will be addressed in  
13 the negotiations that occur on international trade, but  
14 we should not unilaterally disarm, and I would encourage  
15 the Board not to take the approach of unilaterally  
16 disarming but always insure that the Board's decision is  
17 like straight up what is the best options for U.S.  
18 producers and U.S. processors and then let that get  
19 sorted out through the trade process.

20 MR. SIEMON: But does that mean we can  
21 consider this? We don't have to be bound by it or  
22 limited by it but it's a consideration how it interacts  
23 with international.

24 MR. JONES: Well, I think it might be a  
25 fleeting thought. You might come to the conclusion

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1 that, okay, this is different, okay, but what I'm  
2 saying, George, is that I don't want you to be  
3 constrained by doing something in the best interest of  
4 American producers just because it may be different than  
5 existing regulations out there or other regulations.

6 MR. KING: Okay. One quick question, and then  
7 Andrea, Jim, and Owusu. So, Keith, to put your language  
8 into action if we look at a TAP review in the future and  
9 it said -- and it had international standards listed  
10 like it does now, and is this in harmony, if you will,  
11 for lack of a better term, you still see that as  
12 important but not to limit us by...

13 MR. JONES: Well, I think that information is  
14 useful. I think it's usefulness is limited though  
15 because you should not be constrained on any decision  
16 that you make other than what is best for U.S. producers  
17 and processors. In other words, the fact that the  
18 material is not used in Europe while interesting should  
19 not affect your vote. You are here to represent U.S.  
20 producers and U.S. processors. Okay. It is a point of  
21 information. It is an interesting point of information.  
22 It should not be where you make your final judgment.

23 MR. KING: Andrea.

24 MS. CAROE: Can we at least look at the  
25 rationale that international standards have made on a

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1 particular material as they apply to our other criteria  
2 so, you know, if it's not allowed in the Netherlands  
3 because, you know, they're at sea level and they're  
4 worried about their water or, you know, whatever, it may  
5 not be applicable but it may be important for us to  
6 understand their rationale for not allowing the material  
7 or allowing the material.

8 MR. JONES: Yeah. I would be careful though,  
9 Andrea, about drawing absolute conclusions and saying  
10 what has happened in the Netherlands therefore is a  
11 perfect analogy for what is going to occur in the U.S.  
12 Okay.

13 MS. CAROE: That's not what I said. That's  
14 not what I said. I said reviewing the rationale as it  
15 applies to our criteria, so look at their reasons for  
16 doing certain things, and if they influence our  
17 decisions on our other criteria so bring it back in  
18 house.

19 MR. JONES: Yeah, I wouldn't preclude any use  
20 of any data sets out there, okay, in terms of your  
21 decision-making process, but I do not ever want to see a  
22 board come to the conclusion that because a material is  
23 not used in Europe or not used in Japan or not used  
24 wherever that we can't use it. Okay. That just can't  
25 be.

1                   MR. KING: Okay. We got Owusu, Rosie, George,  
2 Jim, Rick.

3                   MR. RIDDLE: What, you've reordered it?

4                   MR. KING: What?

5                   MR. RIDDLE: Well, earlier I was up here  
6 with...

7                   MR. KING: Okay.

8                   MR. RIDDLE: I'll be quick.

9                   MR. KING: Okay, go ahead.

10                  MR. RIDDLE: What I'm hearing is it's a valid  
11 consideration, some valuable information that we should  
12 have but shouldn't lead to any foregone conclusion or be  
13 the rationale for our recommendation, but what triggers  
14 the tap reviewer to ask those questions, right now  
15 there's really no basis by keeping this in as a factor,  
16 and I'm very open that it be rephrased, so equivalents,  
17 that's a problematic term here, I think. What we need  
18 to know is the status, international status, and then  
19 that's just part of our consideration, so I think it's  
20 important to keep in the mix because this will trigger  
21 asking the question and getting us the information so  
22 that we can protect American farmers and handlers.

23                  MR. JONES: The way I would handle this is  
24 that just as you use your principles as a point of  
25 reference, I would ask as a point of reference the use

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1 of material in other international regulations. I would  
2 not make it, if I had a preference I would not make it a  
3 part of your criteria. It should be some information  
4 that you're aware of, that you're cognizant of. Okay.  
5 But it should not in any form be part of your decision  
6 process because again you're here to represent you're  
7 here to represent U.S. producers, U.S. processors, U.S.  
8 interests. Okay.

9 MR. KING: Okay. Owusu.

10 MR. BANDELE: Yeah, what you just said is  
11 basically how I felt about it because in the past we  
12 have had materials whereby we looked at what happened  
13 like the Chilean nitrate, for example, so our standards  
14 were different. But I still think that's a very  
15 important piece of information when you look and see  
16 maybe across the board that material is not used for  
17 various reasons. I still think that's good background  
18 material in the evaluation.

19 MR. KING: Rosie.

20 MS. KOENIG: I mean that's what I was going to  
21 say. I mean we've been using -- I don't remember about  
22 the Virginia Tech people, but I know most of OMRI under  
23 the background information would always say  
24 international status, and then they would say whether it  
25 was allowed.

1 MR. KING: Status among international.

2 MS. KOENIG: So I mean we could put -- I mean  
3 I think again background information, not necessarily  
4 criteria.

5 MS. BURTON: Why don't you just put identify  
6 international organic regulations so it's just, like you  
7 said, it's just reference material.

8 MR. MATTHEWS: Identify the status of the  
9 substance within...

10 MS. KOENIG: And then -- yeah, just identify  
11 it.

12 MR. MATTHEWS: It seems to me that what we're  
13 really talking about are the experiences of others,  
14 which really gets back to what are the environmental  
15 impacts of this? What are the human health concerns  
16 with this product? It's not so much if we allow this  
17 product are we consistent to the rest of the world.  
18 Like Keith says, we don't care if we're consistent with  
19 the rest of the world. Really we're looking for what's  
20 best for organic farmers here in the United States in  
21 producers and handlers in general. But when you come  
22 right down to it, it seems to me that where this is  
23 leading is that these issues should already be addressed  
24 under what environmental impacts do they have. What  
25 human health concerns are associated with this material.

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1 we've already established that we can say does this meet  
2 the organic consumer's expectation. Why can't we say  
3 does this meet the international organic consumers  
4 expectation because farmers in the U.S. are entering  
5 international trade.

6 MR. JONES: Andrea, you can. I mean you  
7 obviously can write this thing any way you want. I just  
8 want to caution you on trying to make a decision based  
9 on consumer perception in Europe or consumer perception  
10 in Japan or something like that. I mean the thing that  
11 I remain concerned about is that, yes, international  
12 trade is important. It is a growing market outlet for a  
13 number of organic producers. There's a notion here  
14 though that there will at some point in time be  
15 equivalents, okay, and I don't know that I share in that  
16 optimism. I mean I think you're always going to have  
17 elements of compliance with other countries' standards.  
18 Okay. And there may be just certain times where we use  
19 a material that another country doesn't use, and if you  
20 want to ship product to that country you're just going  
21 to have to comply with their standards. That's just a  
22 fact of life. Okay. That's the way trade occurs now.  
23 It's the way trade will occur in the future. And while  
24 again while I think this is useful information I don't  
25 want to ever see a board make a decision on saying,

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1 well, we know this is really the best for U.S.  
2 producers. We don't have the same environmental  
3 concerns that the Netherlands have, okay, but because  
4 it's not allowed in international trade we're going to  
5 turn it down. I think that is a mistake. I think we  
6 really always need to look at what our needs are first,  
7 act on those needs, and let those issues then get sorted  
8 out in the trade arena.

9 MR. KING: Okay. Rosie, and then Goldie.

10 MS. KOENIG: Well, I guess this is a question  
11 for the intent of that when you guys were going through  
12 the thinking process. Was your intent, was it to  
13 identify the substances that people had prohibited or  
14 was the intent to just see if it was allowed? I mean  
15 because there's two ways. I mean I can understand if  
16 you're saying, well, we want to see what they prohibited  
17 because we want to see the reason or the rationale  
18 behind it so we can include that. Maybe there's  
19 information in the Netherlands that we're missing here  
20 to make our TAP more complete, and that's very different  
21 than saying, well, let's just see if it's there. So is  
22 the assumption that it was that and that's why we want  
23 to look at it. Where were you coming from in terms of  
24 that equivalency?

25 MR. KING: To me it was just embracing or

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1 understanding that we live in a global market place, and  
2 I think Keith's hit on the real point here. We're  
3 talking about U.S. farmers. It's not our intent to go  
4 beyond that but...

5 MS. KOENIG: So you were looking at it then  
6 from an economic issue. Could doing this hold up  
7 economic trade?

8 MR. KING: Well, trade in general. There are  
9 a lot of different factors in trade, economic being one  
10 of those. So that was my read on it knowing that as  
11 Dave said some U.S. companies, farmers, handlers will  
12 engage in international trade, therefore, it is  
13 something to at least know about.

14 MS. KOENIG: Okay. So could it be linked to  
15 H? Could it be linked to H? If your intent was trade  
16 or economic viability, could you like something saying  
17 if it is a -- is there international implications -- is  
18 it consistent with somewhere in the H somehow  
19 pinpointing that somebody know that's your intent. What  
20 I'm saying when you have that status, I don't know what  
21 your intent is as a petition reviewer. I don't know if  
22 you want me to look at economic data or you want me to  
23 look at it in terms of environmental perspective or  
24 both.

25 MR. KING: Well, Jim, go ahead, and then we

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1 got Goldie.

2 MR. RIDDLE: Yeah, right. I'd just like to  
3 respond to that. Several rationales, I guess, for  
4 including it. One is the question is being asked right  
5 now as part of the TAP reviews but there's no basis for  
6 that question being asked. This gives the basis because  
7 now it's part of our understanding of compatibility as  
8 there's a whole world out there. And we're charged with  
9 protecting the public interest of U.S. farmers and  
10 handlers, and if we're going to place something on our  
11 list that's going to be a barrier until equivalency can  
12 sort it out we just need to know that. We need to know  
13 what its regulatory status is in regards to the rest of  
14 the world. It doesn't mean we shouldn't put it on there  
15 but we need to do it with full knowledge so that we  
16 don't get accused of you guys have approved something,  
17 and now we've lost millions of dollars of markets  
18 because you didn't even think about its impact on our  
19 behalf.

20 MS. KOENIG: Okay. So back to the definition  
21 of sustainability, which is compatible in terms of the  
22 same -- so you're saying that last one, enhance the  
23 quality of life for farmers and society as a whole, is  
24 that where it fits within the frame work of  
25 sustainability?

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1                   MR. RIDDLE: Yeah. It's not related only to  
2 the economic viability of farm operations. This is  
3 bigger than just the farm. This is society as a whole  
4 linkage, handlers as well. And this is one where I'm  
5 really comfortable keeping it in neutral phrasing like  
6 what Dave has done, what Keith had suggested. We just  
7 need to know the facts.

8                   MS. KOENIG: I guess the only thing is that I  
9 think that that -- we can move on. I just think you  
10 need to pinpoint actually the information you want.

11                  MS. CAROE: It's not a criteria right now.

12                  MS. KOENIG: What's that?

13                  MS. CAROE: It's not a criteria.

14                  MS. KOENIG: Yeah, because right now we could  
15 get the same information. It's allowed. It never was  
16 looked at, and the EU, it's not listed in the EU. You  
17 know, so unless there's...

18                  MS. BURTON: Redundancy from the beginning of  
19 the TAP, starting at the TAP usually.

20                  MS. KOENIG: Well, it's not required in the  
21 TAP but what I'm just saying...

22                  MR. RIDDLE: Right. This gives us a linkage.

23                  MS. KOENIG: But what I'm just saying is I  
24 don't -- unless you pinpoint a specific question then  
25 we're just -- we're likely just to get the status, and

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1 if that's all you want, that's fine. Okay.

2 MS. CAROE: But what do you do with it? You  
3 don't have a criteria. It's not accepted...

4 MR. KING: It's reference material. I put  
5 this...

6 MR. JONES: It's the point that you just want  
7 the information. The program can provide that. The  
8 program with every petition can simply say, okay, you  
9 know, you think this is useful. Here's its status  
10 worldwide. In other words, just because it's currently  
11 being asked by the TAP doesn't mean it needs to continue  
12 to be asked by the TAP, and it doesn't mean that you  
13 can't get it in some other way if you find that kind of  
14 useful in just your thought process. Again, I'm just  
15 very concerned about putting something in a document  
16 that we're going to publish for petitioners who will  
17 come away with the understanding that this is a criteria  
18 that you're going to use to make a determination in  
19 terms of go or no go, and that's not what I'm hearing  
20 you want to do. You want to be aware of the information  
21 but you simply only want to be aware of the information.  
22 Okay. Is that what I'm hearing?

23 MR. MATTHEWS: And possibly could you just ask  
24 for that at the time of the petition when they're  
25 filling out the petition. Why not say as a part of this

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1 petition you need to tell us not only its different uses  
2 but what is its standing within the international  
3 community.

4 MS. KOENIG: Actually that might be better  
5 because then they might find out that nobody else allows  
6 it so they may say, you know, it's not likely, you know.  
7 It may give them a little more information.

8 MR. KING: Goldie, Dave, then Kim.

9 MS. CAUGHLAN: I've been thinking about the  
10 other -- the whole other aspect of it, which is that we  
11 sometimes are extremely myopic or whatever when it comes  
12 -- what if that substance has been approved in those  
13 other countries, and we frequently don't look very  
14 closely at research that's been done in other areas or  
15 what is its record of safety, what was its record of  
16 safety for the health in that country when it was used.  
17 Did they use it for a time and then prohibit it? Was it  
18 a different type of manufacture? I mean...

19 MR. JONES: But, Goldie, that's not a trade  
20 issue. That's a data set issue related to some specific  
21 questions that you already asked, okay, and so I think  
22 the point needs to be recognized that you get at some of  
23 these other questions without asking this one. Okay.

24 MS. CAUGHLAN: If indeed we do get -- if  
25 indeed the TAP reviewers -- I don't recall many times

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1 the TAP reviewers ever look at international historical  
2 uses of a substance, and that's my point. And I'm not  
3 looking at just the economic impact here.

4 MR. JONES: But you might not even get that  
5 data with the way the question -- because the way the  
6 question is right now it's a go, no go question. It is  
7 equivalents with international organic regulations  
8 including Codex. It's go, no go. Okay. And what  
9 you're saying is that there is...

10 MS. CAUGHLAN: International research is what  
11 I'm saying.

12 MR. JONES: There is some research. There's  
13 some data sets out there. Behind any decision that an  
14 international community has made that would be useful  
15 that's an entirely separate issue than a go, no go  
16 decision based on a trade. Okay.

17 MR. KING: Okay. I got Dave, Kim, Arthur, and  
18 Jim.

19 THE CHAIRMAN: Okay. Rick made my point.

20 MR. KING: Okay. So Davis is off. Kim, you  
21 had a point?

22 MS. BURTON: I just heard Keith saying that  
23 perhaps we capture this somewhere else in the process,  
24 and perhaps even USDA provides us that information, and  
25 if they're going to be reviewing the TAP then they're

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1 going to be going through FDA, EPA. Perhaps that's the  
2 area where they provide us -- if you're just simply  
3 looking at material information on where else it's at,  
4 and if you have that data base, then they provide that  
5 to us in the TAP process right at the get-go.

6 MR. JONES: And one of the things too that I  
7 want to caution you on about looking at Codex, Codex is  
8 a guideline. It has no value in international trade  
9 other than a guideline. It is a reference point but it  
10 is not a standard in terms of international trade.  
11 Okay. And you have regulatory schemes in the European  
12 Union that are 190 degrees different from what we do  
13 here in the U.S. which means that you might have the  
14 material approved for use in the European Union that  
15 would never even get on anybody's radar screen. Okay.  
16 So again that goes back to my argument about this notion  
17 of equivalency. Embodied in the statement is the notion  
18 of equivalents that doesn't even exist in the real world  
19 in terms of regulatory schemes or regulatory structures.  
20 So I think it's just problematic from the get-go, and I  
21 think there's a lot of different ways to get at the  
22 tangible questions behind this research, the experience,  
23 that kind of thing, in other questions that get asked  
24 without taking it head on from a trade standpoint.

25 MR. KING: Okay. I had Arthur next.

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1           ARTHUR: Keith just answered, I mean provided  
2 the statements that I was going to provide.

3           MR. KING: Okay. Jim, you had a point.

4           MR. RIDDLE: Yeah, just one other part of the  
5 rationale for including this is the OMB circular 119,  
6 which is executive agency directive that in the interest  
7 of promoting trade your agency should consider  
8 international standards and regulatory applications.  
9 And if there's some other way to make sure that we're  
10 getting that information, and it is being considered --  
11 earlier today we were talking about seed treatments. It  
12 can certainly be a case made that seed treatments are in  
13 the interest of U.S. producers for U.S. agriculture, but  
14 one impact of us approving that would be none of the  
15 things grown from treated seeds could be sold as organic  
16 outside of the U.S. I just want to make sure that we're  
17 getting that information as...

18           MS. KOENIG: That's why if you linked it with  
19 H somehow because you're really talking about economic  
20 viability. That's why I asked you is it the economic or  
21 the trade issues you're concerned about or is it the --  
22 all the reasons why they wouldn't want it on the list,  
23 and if it's economics then it's appropriate at least to  
24 get the status. Like Keith said, it shouldn't make or  
25 break your decision, but then you're aware of it and the

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1 context of trade in some sense.

2 MR. KING: So in this case I think we all  
3 agree we want the information. The question is how do  
4 we get the information, and it sounds as if we have  
5 options other than this to get the information. So the  
6 question is do we want to take it out of here while  
7 still protecting the fact that we see this as valuable.

8 MS. KOENIG: Can we -- going back to H...

9 MR. KING: Realizing, you know, we have about  
10 15 minutes.

11 MS. KOENIG: If it said instead of protection  
12 promotion or does it promote would be the question, not  
13 necessarily protect but does it promote the economic  
14 viability of organic farms at home and abroad. That  
15 implicates that you're going to want them to look at one  
16 of the -- the domestic economic viability and  
17 international economic viability.

18 MS. CAROE: We had looked at the word  
19 encourage too.

20 MS. KOENIG: Or domestic and foreign markets  
21 you could put on it.

22 MR. KING: Yeah. And again what Rosie is  
23 proposing is combining the two essentially, H and I.

24 MS. KOENIG: Because then it's actually --  
25 it's embodied in a criteria that you can then understand

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1 in the context of what you're asking.

2 MR. KING: And I guess I have a question for  
3 the department, two questions. One is this acceptable  
4 in your eyes and, two, how can we insure that it is part  
5 of the information we receive when we get a TAP.

6 MR. JONES: Well, there's a couple of ways  
7 that we can do that. We can obviously ask the  
8 petitioner, you know, to supply that through the  
9 petition process, you know, just as a point of  
10 information, status and other -- using other  
11 regulations. And as long as you tie it to just a  
12 cognitive fact of trade, I think that's fine. It's this  
13 notion that there's a go, no go decision based on  
14 equivalents, okay, and that's the way the current phrase  
15 is written so if you get rid of the phrase and yet  
16 capture what you want in H, we don't have any problem  
17 with that.

18 MR. SIEMON: The only problem I have with what  
19 Rose recommended is that the economic viability is  
20 actually part of the sustainable definition so  
21 personally I'd like to still see it stand alone, but at  
22 the same time gather that information on the  
23 international somewhere else.

24 MS. KOENIG: The other thing is like let's use  
25 an example because it's easier for me to -- let's say

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1 the question was does the substance from the economic  
2 viability of organic farms both domestically and abroad.  
3 If somebody was doing that in a TAP report, say they  
4 were looking at hydro peroxide, and you found out that  
5 hydro peroxide as a post harvest treatment, you know,  
6 helped prevent post harvest diseases, so in essence you  
7 got more yield, okay, so you have more domestic  
8 production. But then if they looked and then you looked  
9 at the broad market and found out that it wasn't allowed  
10 in the EU, well, it wouldn't necessarily promote  
11 economic viability overseas because there could  
12 potentially be trade barriers. That's all they would  
13 have to say in that thing. Not that there exists, but  
14 that that was just an issue. And that's all we need to  
15 know, it's an issue.

16 MR. KING: Dave.

17 THE CHAIRMAN: I would speak against combining  
18 those two because I think that they really are distinct.  
19 And the way that it's phrased up there, it's very  
20 confusing because now is our charge to protect the  
21 economic viability of farmers, organic farmers, in  
22 Venezuela, you know...

23 MS. KOENIG: No.

24 THE CHAIRMAN: Because the way it's phrased up  
25 there, I just -- I think that, you know, the term about

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1 economic viability covers a lot of things, and  
2 identifying international agreements or regulations is  
3 separate from that. I can't make that total connection  
4 because I think there's a separation, and for -- and I  
5 don't know why we get hung up on this but I just think  
6 that it is useful to identify the international  
7 agreements, and then when that information is provided  
8 to the Board we can use that to make a judgment of --  
9 you know, if this thing is found to be really nasty in  
10 the Netherlands then we ought to, you know, take a look  
11 at it or if it's good somewhere else that's a factor  
12 that we use to run through the filter to see how it  
13 affects U.S. farmers.

14 MR. KING: Can't we simply ask for the  
15 information. Okay. All right.

16 MS. KOENIG: Barbara has got it.

17 MR. KING: Barbara has got it. Then we got  
18 Jim.

19 MS. ROBINSON: I don't like grouping them  
20 together either but what you could do is -- I think  
21 Keith is right. You don't want to get into this  
22 equivalents business, but you want to know the  
23 information, and Dave just had a really good example  
24 because suppose you're considering material, and you  
25 didn't know but it has been used in a foreign country,

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1 and it had like devastating experience with results. So  
2 why don't you just say like you have impact on global  
3 warming, impact or effects or experience in other  
4 markets. Then you can say was it a positive experience  
5 or a negative experience, and you take that into account  
6 and you just add that in when you're looking at how you  
7 would evaluate this material. So just instead of I  
8 being what it is, just say experience in other markets,  
9 international markets or foreign markets.

10 MR. RIDDLE: And that would include its  
11 regulatory status as well.

12 MS. ROBINSON: Yes, you can do anything.

13 MR. RIDDLE: I wanted to come back to what  
14 Keith was saying as far as how the information can be  
15 gathered. I agree it should be part of the petition but  
16 that's biased information, and so I want a -- I mean  
17 that's submitted by the petitioner. It's not  
18 necessarily factual. That's their information they're  
19 providing to the department. I want another check. I  
20 want unbalanced whether it's the TAP contract or the  
21 department.

22 MR. KING: Yes, Rick.

23 MR. JONES: A comment I was going to make  
24 quite some time ago, and it relates to a comment that  
25 Goldie was making that had to do with it sometimes shows

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1 up in a TAP, other times it doesn't show up in a TAP. I  
2 want to remind you that this is only one small piece of  
3 the puzzle that we're all working on. And we want to  
4 come out with a better statement as to what needs to be  
5 in a petition. We want to come out with a better  
6 statement of what we want from the reviewers, so this is  
7 a perfect example of something that we need to include  
8 that may not already be addressed adequately somewhere  
9 else. Just keep in mind that we're not saying throw it  
10 out. We're saying that this can be used in other spots  
11 that we're also trying to shore up and make it more  
12 effective.

13 MR. KING: In Rick's general message what  
14 we've heard is look at this holistically or as a system,  
15 and so point well taken. Okay. Are we comfortable with  
16 that? Can we move on? Identify the experience in  
17 foreign markets. Okay, good. Onward, upward, downward.  
18 J, minimum quantity necessary to achieve a desired  
19 function.

20 MS. KOENIG: I don't understand that.

21 MS. BURTON: What's the minimum to achieve the  
22 technical function -- desired function. I like  
23 technical but I think...

24 MS. KOENIG: But we can't control minimum. I  
25 mean we either approve it or not approve it. I mean we

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1 don't -- we can't say -- I mean unless you want to get  
2 into annotations that you only can use two ounces per...

3 MR. KING: Yeah, I can't wait to do that. So,  
4 Kevin, if you could just speak from your experience  
5 because processors probably aren't going to use more  
6 than they need to, are they?

7 MR. O'RELL: No. Customarily those things  
8 cost money so you're going to use -- and they have  
9 negative effects because a lot of the functional  
10 ingredients only work in a narrow range to give you the  
11 desired finished product effect. If you exceed that,  
12 you can have negative effects. If you go less than  
13 that, you can have it too. It's like a bell shaped  
14 curve. But I guess I'm questioning a little bit as to  
15 along with what Rosie said, are we going to -- let me  
16 ask you what the thinking in putting it here was.

17 MS. KOENIG: I have a...

18 MR. KING: We'll got to Rosie, then Jim, and  
19 keep Kevin in the whip here.

20 MS. KOENIG: Are you trying to say that are  
21 there other potential substances that would allow less  
22 of a -- like, for example, on acid there's strong acids  
23 and there's weak acids, so if you're looking at quantity  
24 you can use less of a strong acid to achieve the same  
25 result, so that's the only place where to me a quantity

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1 would -- and then what's the justification because  
2 there's again pros and cons. Weak acids are safer  
3 but...

4 MS. GOLDBURG: Isn't that already covered in  
5 one of the other criteria?

6 MR. KING: Yeah, it is in some ways, and I  
7 guess...

8 MR. RIDDLE: Which one?

9 MS. GOLDBURG: Alternatives.

10 MR. RIDDLE: Alternatives.

11 MR. KING: Yeah. It's also really covered in  
12 labeling too. I mean if you're going to exceed a  
13 certain percent or...

14 MR. RIDDLE: It's crops. It's...

15 MR. KING: Yeah. That's true. That's true.

16 MR. RIDDLE: The desired function is not just  
17 product related. It could be crops. It could be  
18 livestock, pest control.

19 MS. CAROE: And also it may vary depending on  
20 what product you're using in terms of wash material for  
21 fresh produce. It may be different for lettuce than it  
22 is for sprouts or something. I don't know. I mean how  
23 would you answer that question if it's a very generic  
24 material?

25 MR. KING: Well, that's an example especially

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1 if you're washing fresh produce where to get the desired  
2 safety effect you might have a certain level where  
3 someone may think more is better. You see what I'm  
4 saying?

5 MS. BURTON: There's usually guidelines to  
6 materials.

7 MS. KOENIG: I guess the only place you could  
8 do it -- the only example we have in our rule is Chilean  
9 nitrate where you're limiting the amount because of an  
10 environmental factor but that's not necessarily -- but  
11 that does not -- you wouldn't look at that as a  
12 criteria. You would review it, and that would be your  
13 conclusion from doing a good TAP review, not necessarily  
14 -- you don't want people to -- that's like saying I want  
15 you to find the minimum quantity, and they can't do  
16 that. That's for us to decide after we've looked at the  
17 body of information.

18 MR. KING: Perhaps we should restate it that  
19 we just simply want to know -- and I think we get this  
20 from those TAPS, what is the normal use or how does it,  
21 you know, the dose, the amount applied per acre. I mean  
22 we -- George.

23 MR. SIEMON: Well, now that you brought up  
24 Chilean nitrate is the restriction due to the  
25 environmental or is the restriction due to try to

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1 encourage rotation and use of other products? Isn't  
2 that compatible with sustainable and organic principles?  
3 Now you brought that up. I was really off the subject  
4 but that really ties right in with this compatibility  
5 issue what you just...

6 MS. KOENIG: But number two says the  
7 substance, manufacture, use that does not have adverse  
8 effects on the environment and are done in a matter  
9 compatible with organic handling is one of the criteria.  
10 It's criteria two.

11 MR. RIDDLE: That's what we're trying to  
12 determine.

13 MS. KOENIG: But I'm just saying is that  
14 already embodied in what we're asking, do we need to ask  
15 it again? Is that the point that you're trying to get?

16 MR. RIDDLE: Yeah. Yeah, essentially.

17 MS. KOENIG: So the same criteria too.

18 MS. CAROE: So between that and the  
19 alternatives you cover it.

20 MR. SIEMON: Criteria two in the alternative.

21 MR. O'RELL: The point is to try to get the  
22 information about its application in terms of trying to  
23 limit its quantities. I mean it may be we want to limit  
24 it like we did with sodium nitrate but that will be once  
25 we know its application and its effect on the

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1 environment and other things that it can impact.

2 MR. RIDDLE: But like George says though it's  
3 really its impact on the system. It's not a straight  
4 environmental impact but it's to encourage crop rotation  
5 and natural nitrogen cycling.

6 MS. KOENIG: All right. Okay. Then the other  
7 question that you would ask are there established best  
8 management practices...

9 MR. RIDDLE: For use of the substance.

10 MS. KOENIG: For use of the substance or best  
11 manufacturing practices, and what are they.

12 MR. KING: That's a good point.

13 MS. KOENIG: Okay. That's what you're asking.  
14 although they may not be applicable to organic systems  
15 that's all you're going to get. I mean they're not  
16 going to probably have it but that will give you an idea  
17 of how it's recommended in conventional ag. Then you  
18 have something to say, okay, this is how it's used.  
19 Knowing the product, is that sufficient or do we want to  
20 reduce that?

21 MR. KING: Well, and I think what we're  
22 talking about here is two things. One, is this really a  
23 criteria or we want a way to get the information to make  
24 a decision that fits this in some way, which is your  
25 point. How do we get the information that allows us to

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1 make a decision that in the end we're confident means  
2 that we've used the minimum quantities...

3 MS. KOENIG: Well, you can ask for the best  
4 management practice. The best management practice is we  
5 limit -- the minimal amount to get the desired effect,  
6 but that's...

7 MS. BURTON: Usually the manufacturer gives  
8 you those, and that's their...

9 MS. KOENIG: In crops, no. Not necessarily.  
10 A lot of experimental stations will go it. It just  
11 depends...

12 MS. BURTON: Like in handling we would create  
13 our own best manufacturing practices. An MSDS sheet  
14 would give you more technical limits, so we have the  
15 technical data somewhat. It just depends on I guess  
16 where you're looking.

17 MR. KING: So we're kind of back where we were  
18 at before. It's important information. How do we get  
19 the information for consideration so we can make a sound  
20 decision.

21 MS. CAUGHLAN: I'm confused as to why it's  
22 presented as a criteria because I don't see this...

23 MR. KING: It's a draft.

24 MS. CAUGHLAN: No. I'm saying it's a  
25 consideration but it's just not a criteria.

1                   MR. RIDDLE: I agree. I saw this one as  
2                   problematic. I put it in as a place holder for this  
3                   discussion.

4                   MR. KING: Yes. Yes. Okay. Kevin, Rick, and  
5                   Kim.

6                   MR. O'RELL: Isn't this -- if we're asking for  
7                   information this is something that could be in as we say  
8                   we're going to modify the TAP petition for the petition  
9                   process and be requested for information of application  
10                  and use and whatever the substance is as opposed to...

11                  MS. KOENIG: Is there a regulated minimum  
12                  requirement?

13                  MR. O'RELL: ...being a factor listed because  
14                  we're not...

15                  MR. RIDDLE: Yeah. We get that information  
16                  and then with our other factors for compatibility we can  
17                  assess the information we get against those established  
18                  factors. I think Rosie had -- are there BMPs, are there  
19                  GMPs.

20                  MR. MATTHEWS: Right. Right. And this fits  
21                  right into what has been kind of talked all along is  
22                  Rosie is right and saying it the way it is. We talk  
23                  about the best management practice. Well, you've got a  
24                  criteria in there that's asking about how it's  
25                  manufactured in the industry, so why not as a part of

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1 flushing out those criteria as well tell the TAP  
2 reviewer that we want you to address this along with  
3 this particular criteria. Make sure you include this  
4 kind of information. We can also turn to the petitioner  
5 again and say you have to address his criteria, include  
6 this kind of information in your response.

7 MR. KING: Consider the substance  
8 manufacturer, for example, please include PMPB.

9 MS. KOENIG: Yeah, under that criteria.

10 MR. KING: Okay. All right. So I think we're  
11 going to strike it and move on.

12 MR. BANDELE: I was just thinking though some  
13 of the newer products may not have a best management  
14 practice but if we knew the recommended rate that would  
15 at least give some information that the manufacturers  
16 recommend.

17 MS. BURTON: They have to put in the petition  
18 their recommended use. It's already there in the  
19 petition.

20 MR. KING: All right. K, no mining  
21 manufacturing using child labor or through any  
22 violations of international labor organization  
23 conventions.

24 MR. BANDELE: I'd like to have a clarification  
25 in terms of the international labor organization

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1 conventions, what's meant there.

2 MR. RIDDLE: Well, those are -- well, once  
3 again I don't know if the U.S. is still a signator here  
4 or not but those are -- I don't have those as an  
5 appendix here. It's just a piece that didn't get done  
6 but they do exist. They are stated, transparent...

7 MR. BANDELE: What's the nature of them?

8 MR. RIDDLE: Pardon?

9 MR. BANDELE: The nature of them.

10 MR. KING: He's asking in general.

11 MR. RIDDLE: Yeah, well, no child labor, no  
12 slave labor. I don't have -- we're not talking about  
13 farming practices. We're talking about a substance once  
14 again. Not Board members. That's why I clearly put in  
15 no mining or manufacturing using. We're not talking  
16 about once a product is used on the farm.

17 MS. KOENIG: I think the question is is there  
18 because again then while in Korea or while in -- let's a  
19 better friendlier country so it don't look like...

20 MS. ROBINSON: Call it reliance.

21 MS. KOENIG: While in France they're using  
22 child labor or something like that, wherever. Because  
23 if you say no, they would have to extensively go through  
24 -- you want to get a general idea.

25 MR. RIDDLE: Barbara got a good -- reliance

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1 on...

2 MS. CAUGHLAN: We want the status of.

3 MR. RIDDLE: Does not rely on.

4 MR. KING: Is there reliance on.

5 MR. RIDDLE: Once again, we shouldn't shy from  
6 being qualitative here.

7 MR. KING: Okay.

8 MR. RIDDLE: And this is one linked to the  
9 definition of sustainable agriculture, the good of  
10 society as a whole.

11 MR. KING: And we may find out that I is  
12 pertinent or may not be pertinent.

13 MR. RIDDLE: Right. Right.

14 MR. KING: In general terms are we in  
15 agreement we want that as a factor?

16 MR. BANDELE: Yeah.

17 MS. GOLDBURG: Yeah.

18 MS. KOENIG: The only thing is -- well, I'm  
19 trying to think...

20 MR. KING: Almost. Almost there.

21 MS. KOENIG: No, no. I'm just trying to think  
22 how hard it is for somebody to get that information, how  
23 you can direct a contractor to it. For brands it's  
24 certainly easier because you know where the company is  
25 although they can do overseas operations. Some places

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1 have mines, and there's only certain mines or something  
2 like that in certain areas. It's just how -- I mean we  
3 can keep it in and see how it comes out. If all the  
4 TAPs have not enough information to be found then we may  
5 have to...

6 MR. RIDDLE: This is one where the petitioner  
7 would have the burden of proof.

8 MS. CAUGHLAN: If we're going to go there it  
9 isn't just mining or manufacturing using child labor.  
10 As we know, the international situation with chocolate  
11 right now has been blown open around the fact of slave  
12 labor in parts of Africa and other parts so that it  
13 isn't just mining and manufacture. If we're going to go  
14 there...

15 MS. GOLDBURG: Well, it's not just children.

16 MS. CAUGHLAN: Right. Anything involving.

17 MR. KING: We're talking about working  
18 conditions.

19 MR. RIDDLE: Wouldn't that be manufacture?

20 MS. CAUGHLAN: No, it isn't manufacture. It's  
21 actually harvesting and the working on the plantations,  
22 whatever.

23 MR. RIDDLE: Handling production.

24 MR. KING: Yes.

25 MS. ROBINSON: There are countries that -- you

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1 know, there are human rights agreements in countries  
2 that refuse to sign, and there are countries that do.  
3 There is documentation. I know that the state  
4 department keeps track of stuff like that. The first  
5 question out of the chute is from the petitioner where  
6 is the stuff made. If it's made right here in the U.S.  
7 of A, and that's the source of it, then don't worry  
8 about it.

9 MS. KOENIG: Well, that's not true because  
10 there can be a lot of different manufacturers.

11 MS. ROBINSON: That's true. That's true.

12 MS. KOENIG: You'd have to look at all  
13 manufacturers of that generic...

14 MS. ROBINSON: That's true, but the  
15 information is obtainable. I mean if there's nothing  
16 wrong with asking for this, and you'll find out soon  
17 enough whether this is so unbelievably difficult to get  
18 that all you want to do is whenever a material comes  
19 before you and you're talking to people, you  
20 periodically stand up and say, and by the way don't buy  
21 this from a company that doesn't sign up for human  
22 rights. Maybe you just incorporate as a matter of your  
23 principles but, you know, it's okay to recognize it.

24 MR. KING: Jim.

25 MR. RIDDLE: And the ILO may not be the

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1 appropriate reference point but for now it's a place  
2 holder and gives us a chance to see if there's something  
3 more appropriate.

4 MR. KING: Owusu.

5 MR. BANDELE: I think there's another use too,  
6 and that is if folks know that we're concerned about  
7 this issue, and then when the TAPs go up on the Web  
8 site, et cetera, then some information may come from  
9 other sources.

10 MS. CAUGHLAN: That's a very good point, very  
11 good point.

12 MR. KING: Yeah, that's very good actually.  
13 Okay. So we're all in agreement this one stays. We'll  
14 move on. Where are we at? L, consistency with  
15 substances historically allowed in organic production  
16 and handling. I like it. My question is how do we  
17 determine consistency with, and I just throw that out  
18 for...

19 MS. KOENIG: I think you look at the  
20 historical status like we do with...

21 MR. MATTHEWS: I would caution that historical  
22 not be ancient history but also -- I mean it could be  
23 ancient history but it should also be what's there on  
24 the National List at this time as well, so I mean when  
25 you talk historical make sure you're looking at the

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1 entire span.

2 MR. KING: Okay. I got Kevin, Kim, and Nancy.

3 MR. O'RELL: Well, Richard touched on some of  
4 what I was going to say, but in addition to is this  
5 something that we're trying again to just obtain  
6 information for or do we use it as a factor in our  
7 criteria for determining a substance for use, and how  
8 does that affect new products that come that may not  
9 have a historical background?

10 MR. KING: Well, I think one of the things at  
11 least I heard in conversations with the program and at  
12 the committee level is that, yes, consistency is  
13 important in general, and so looking at what the Board  
14 has done not just in the past but perhaps in an ongoing  
15 role, I heard that as important. I got Kim, Nancy, then  
16 Rosie, then Jim.

17 MS. BURTON: Yeah. My question was just where  
18 were we going with this because to identify the  
19 historical use, we typically do that in the TAP report  
20 already. Are we establishing this as criteria, does it  
21 have to have historical use or again is it just  
22 reference material because we don't want to stymie the  
23 technology. I jotted down sodium nitrate. We got the  
24 whole spirulina issue, and that's not a historical use.  
25 That's a good way to look at something because we need

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1 to know whether it had historical use, but are we using  
2 this as a criteria for evaluating something. So I was  
3 just wanting to know what was the intent with this, and  
4 maybe further clarify this statement. If we're just  
5 looking for historical use, then let's just ask for it.

6 MS. CAUGHLAN: Yeah, what is the historical  
7 use but seeing...

8 MR. KING: I got Nancy, Rosie, Jim, and now  
9 Goldie.

10 MS. CAUGHLAN: I don't know that it has to be  
11 consistent.

12 MS. OSTIGUY: My only question is how far back  
13 in history do we want to go? You know, if we pick 20  
14 years ago there's things that we might not think are  
15 acceptable at this point so do we really want that  
16 information even, so there might be -- we might want to  
17 further define this by saying, you know, starting from  
18 this year forward we want that information. There's  
19 going to be a point where it's superfluous. If it was  
20 20 years ago, we've all decided that it's not something  
21 that we're likely to use.

22 MR. KING: Well, I can give you two, OFPA or  
23 the -- I'm just throwing those out but that's a good  
24 point. Yeah. Okay. Rosie.

25 MS. KOENIG: I think -- sort of what Kim said

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1 but the -- you know, we're looking for -- the definition  
2 of sustainable agriculture has nothing to do with  
3 historical use of anything. So you put it in the  
4 history section. Now there are things that may be  
5 historically used that, yes, are sustainable but just  
6 because it's historical doesn't mean it's sustainable.  
7 Do you know what I'm saying? So that's why it doesn't  
8 belong in seven.

9 MR. KING: Okay. Jim.

10 MR. RIDDLE: Well, I think it does belong in  
11 seven. I think it needs to be both historical and  
12 current use, needs to be taken in consideration, but  
13 it's only one factor. Just because something doesn't  
14 have historical use and is inconsistent with current  
15 does not mean it wouldn't be approved. It's just  
16 something to consider.

17 MS. KOENIG: Yeah, but when you have it under  
18 the definition of something because don't forget in the  
19 section we're defining sustainability. Okay. The  
20 assumption is to me when you're looking at history means  
21 that if it is historically on there means that it is  
22 sustainable. If it wasn't historically there then  
23 somebody judges it as not being sustainable. Maybe  
24 I'm...

25 MR. RIDDLE: No. If I could just respond. We

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1 got a whole host of criteria, and we approve things that  
2 don't pass all the criteria, and I just see this as  
3 relevant factor to be considered just like any of these  
4 others, and just because something has been used and is  
5 consistent doesn't mean it should be approved. We  
6 should say enough is enough on some things, on others  
7 say this has never been approved before, so what?

8 MS. KOENIG: I'm not arguing in terms of  
9 background information. Okay. I'm not begging that  
10 question. I think it is useful information. It's just  
11 -- I mean we get that all the time. It was listed by  
12 CCOF and it wasn't listed by Washington State, so I look  
13 at it and say, well, that really gives me a lot of  
14 information. Does that mean Washington never looked at  
15 it or did they -- so if you're going to do an analysis  
16 of why it was or why it wasn't it's good information but  
17 when I see that historical stuff there was very few  
18 agencies that actually did a materials process, and we  
19 don't know whether -- if somebody could provide us the  
20 information that, yes, Washington looked at it and the  
21 reason why they decided it shouldn't be added with this,  
22 and I can agree with that criteria.

23 MR. RIDDLE: But don't just look backward.  
24 Look forward. Do we want future determinations to be  
25 consistent even of our own consistent with ourselves?

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1 Do we want future boards to be consistent?

2 MS. KOENIG: Yeah, and we do.

3 MR. RIDDLE: Okay.

4 MR. KING: All right. Now I've got Goldie,  
5 Kim, Owusu, Barbara, and Rick.

6 MS. CAUGHLAN: I'm going to pass because I...

7 MS. BURTON: The re-review process flashed at  
8 me.

9 MS. KOENIG: Okay. I can buy it. Good  
10 argument, Jim.

11 MR. KING: All right. That was quick. Owusu.

12 MR. BANDELE: I'm having trouble with these  
13 being either make or break or just things to consider,  
14 and it seems like the more we talk about it is just  
15 things to consider, things to consider, and then if you  
16 take like, for example, some of the stuff that's been  
17 used historically by certifiers like they list three, et  
18 cetera, wouldn't really have any relevance either. I  
19 understand we could consider it but I don't see it as a  
20 make or a break. And this is true with most of these.

21 MR. KING: As Jim said, these are not stand  
22 alones. They're important but no single point up here  
23 is a stand alone. Barbara.

24 MS. ROBINSON: I just was going to add two  
25 points. One, ask the question again. Put it in the

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1 question. And, secondly, you might have approved a  
2 material or a previous board may have approved a  
3 material, and you're looking at another material that is  
4 so similar. This is not just, well, did we approve it  
5 before or did somebody approve it before. It's not  
6 just the re-review. It's also consistent with historic  
7 previous approvals or prohibitions. It's in effect  
8 asking you to be consistent with the previous record.  
9 Okay. So I don't see anything wrong with having it in  
10 there. And then I think where Rose is going is this is  
11 how you'd argue it if we were actually looking at a  
12 material and you got to that criteria. And Rose would  
13 say just because that Board approved it back then  
14 there's no reason to approve it again. And that would  
15 be giving it the kind of discussion and weight which is  
16 the exact reason why you ought to have it in here, so  
17 you can ask that question when you get there.

18 MR. KING: Okay. I got Rick, then Goldie.

19 MR. MATTHEWS: And mine parallels very well  
20 with Barbara's. If you read this it says consistency  
21 with substances, plural, historically allowed. And what  
22 I've been hearing in conversation has been predominantly  
23 this substance, its historic aspects, whether it's been  
24 used or on the National List for similar use or  
25 whatever. So you do, I think, need to differentiate

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1 between the two. You're talking about that particular  
2 substance's history, and then you're talking about  
3 similar things like ivermectin versus moxidectin, so I  
4 just wanted to point that out.

5 MR. KING: And I think the way we want to  
6 record that, we know it's here, but two different, very  
7 different things. This particular substance, how was it  
8 used in the past or has it been used in the past, and  
9 then how does this substance relate to the universe of  
10 substances, and is it consistent. Okay.

11 MR. MATTHEW: The second version that you just  
12 did is actually what this statement says. It's not what  
13 we were discussing.

14 MR. KING: Okay. I got Goldie, then Andrea.  
15 Sorry.

16 MS. CAUGHLAN: Again, it was just what I was  
17 going to say, and now it's been said. Wonderful how  
18 that works. I'm beaming it out.

19 MR. KING: Good energy.

20 MS. CAROE: Can we just clarify it then to say  
21 consistency with this substance or similar substances?

22 MS. ROBINSON: Or previous substances or other  
23 substances.

24 MR. KING: Yeah, I think -- and again we can  
25 word smith a little bit later but in general terms is

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1 this what we're trying to say. I think that's where we  
2 want to go.

3 MR. RIDDLE: And I just flashed on something  
4 when Rick was speaking that should it also say and  
5 practices.

6 MS. CAUGHLAN: Well, organic production and  
7 handling practices.

8 MR. RIDDLE: Yeah.

9 MR. KING: Then what do we say in our opening  
10 -- no, you're right. It's just substance use and  
11 manufacture.

12 MR. RIDDLE: So is it consistent with  
13 practices that are used.

14 MS. CAUGHLAN: Substances or practices...

15 MR. RIDDLE: We are. The substance, but is it  
16 consistent with other substances and practices.

17 MS. ROBINSON: Right. You're confusing your  
18 definition with your criteria. You're using your own  
19 definition again to define what...

20 MR. RIDDLE: Yeah, I understand that. That's  
21 a problem.

22 MS. ROBINSON: You'll naturally do that, Jim.  
23 I think you'll naturally consider the practice and how  
24 it's used but just stay with the substance.

25 MR. RIDDLE: As the noun, yes. We're also

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1 measuring it against other substances that are  
2 historically allowed but also other practices. This is  
3 a systems approach. This is another like concept that -  
4 - I didn't capture this the first time. I'm actually  
5 having a new idea of my own.

6 MR. KING: Okay. And I just...

7 MR. RIDDLE: I don't know. Just something to  
8 throw out there because we do look at things not just in  
9 the context of substance evaluation but in the whole  
10 system the practices. How does it match up with the  
11 practices that are historically allowed.

12 MR. KING: Dave, then Owusu.

13 THE CHAIRMAN: Okay. Yeah, I would weigh in  
14 on -- I think Jim is on the right track because I think,  
15 you know, if you're going to look at parasiticide you  
16 not only measure that against another parasiticide but  
17 then you also talk about pasture rotation or other  
18 practices in a holistic system or an organic system that  
19 may be an alternative to the substance.

20 MS. CAROE: We already look at alternatives.

21 MR. RIDDLE: Yeah.

22 MR. KING: Okay. Hold on. I got Owusu, then  
23 Andrea, I want you to make that point, and then Barbara.

24 MR. BANDELE: It may be implied but I was  
25 thinking we're really looking at consistency with

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1 substances historically allowed or disallowed because  
2 some of the substances -- you know, we may have a record  
3 also of those being disallowed.

4 MR. KING: Yeah, I think...

5 MR. RIDDLE: That's a real good point.

6 MR. KING: I think that should be considered.  
7 I think Andrea's point is important.

8 MS. CAROE: Well, I mean what you had just  
9 said about practices, Jim, we look at when we look at  
10 alternatives because when we look at an alternative to  
11 material it's not just one for one, it's what can you do  
12 in place of using this material. So I think it's  
13 covered. I don't think it has to be put in here. I  
14 think this should be kept simple and to the point and  
15 focused on what we...

16 MR. JONES: Jim, it really is covered. I mean  
17 you already go through that rumination around practices  
18 when you look at alternatives, okay, and your threshold  
19 question is are there alternatives for this substance,  
20 and if your conclusion is yes then you've already  
21 identified that set of...

22 MR. RIDDLE: But I'm not thinking of it only  
23 as an alternative practice to use of a substance but is  
24 the substance -- how does it match up with the practices  
25 that are currently allowed as an alternative

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1 necessarily.

2 MR. JONES: But you would already get at that  
3 question in the other criteria...

4 MS. CAROE: The alternatives to using the  
5 substance in terms of practices or other available  
6 materials.

7 MR. KING: Then that's criteria six so...

8 MR. RIDDLE: That's fine. I throw out ideas.

9 MR. LACY: Sometimes they stick, sometimes  
10 they don't.

11 MR. RIDDLE: That's right.

12 MR. KING: Barbara disappeared. She must not  
13 have a comment now. Okay. So where are we at, are we  
14 okay with this? Is this where -- do you want to leave  
15 it at that? Okay. All right. M, compatibility with  
16 the precautionary principle, i.e. when a substance is  
17 used manufacture raises threats of harm to human health  
18 or the environment precautionary measures should be  
19 taken even if cause and effect relationships are not  
20 fully established scientifically. The proponent of a  
21 substance should bear the burden of proof to demonstrate  
22 compatibility. I've heard precautionary principle a lot  
23 today, so I think we're in agreement that is something  
24 we want to look at. Kim.

25 MS. BURTON: I'm in charge of safety at our  
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1 plant so I think of a minimum requirement for wearing a  
2 respirator or something for using a cleaning chemical or  
3 dumping ink into a drum or something like that. You  
4 have minimum requirement. And I almost read this as  
5 that we should even take further measures regardless of  
6 what an MSDS sheet says. And even though there's no  
7 scientific data to that if it doesn't require a mask  
8 then we should require one because that's the best thing  
9 to do, but it's very vague and it's subjective. In a  
10 manufacturing plant, I see this as a problem. I see  
11 this as a problem statement. And the proponent should  
12 bear the burden of proof to demonstrate compatibility so  
13 as we look at materials and handling they have an MSDS  
14 sheet that has personal protective equipment  
15 requirements, and are we going to say, well, you bear  
16 the burden of truth. Prove this further, and we're  
17 going to require more protection. So to me it just  
18 seems like we're getting into regulatory areas that are  
19 really not our burden.

20 MR. KING: Okay. And that's what we're to  
21 consider. I got Mike, Nancy, and Rebecca.

22 MR. LACY: I just couldn't figure out on this  
23 one how you were going to measure the threat of harm to  
24 human health and the environment if you're not going to  
25 take into account scientific information.

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1 MS. OSTIGUY: I'll actually go for both of  
2 them. To address what you brought up, Kim, if you were  
3 going to follow the precautionary principle and you had  
4 a chemical that was being used, and for other chemicals  
5 or for let's say much higher exposure than you could  
6 ever anticipate from a chemical of interest you might  
7 wear protective equipment. Would you have to under the  
8 precautionary principle for a level that there's  
9 absolutely no scientific documentation that there's any  
10 particular harm. The answer is actually no because you  
11 have to consider the effect of wearing the protective  
12 equipment, so it's looking at the whole. Now if there  
13 are some scientific data saying that harm is possible  
14 but we haven't -- don't have irrefutable proof in some  
15 ways it's like looking at global climate change. There  
16 are people that will argue on one side and people that  
17 will argue on the other, and the question is do we  
18 proceed as if global climate change is happening or do  
19 we proceed as if it's not. The precautionary principle  
20 would tell us to proceed as if it is. So you're using  
21 scientific data. It's just instead of -- you know, when  
22 we are doing statistical analysis of our data we set our  
23 chance of erroneously concluding that nothing is --  
24 erroneously concluding that something is happening when  
25 nothing is at 5 percent. We don't want to do that. At

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1 the same time we have an error of the opposite  
2 happening. It turns out that actually if you look at  
3 that error in most studies the chance of -- if you have  
4 a study that was -- that concluded that nothing was  
5 happening, the data error is typically within the range  
6 of 40 to 60 percent. What that means is that you have a  
7 40 or 60 percent chance of having concluded that nothing  
8 was happening when something was. That's the opposite  
9 of the precautionary principle, which is the way we  
10 currently work in science. We're very conservative  
11 about saying that something is happening, and the  
12 precautionary principle in some way flips that. So  
13 that's the way to think of it. Where you might make the  
14 error, are you going to say that something is happening  
15 when it might not be or are you going to say that  
16 nothing is happening when something might be.

17 MR. KING: Okay. I got Rebecca, Owusu, and  
18 then Mike and Rosie.

19 MS. GOLDBURG: I strongly think that the  
20 precautionary principle is part of our philosophy of  
21 dealing with substances. However, as it's articulated  
22 there and how I think of it in policy discussions the  
23 principle is usually enunciated with respect to health  
24 and environmental effects, which are other criteria. So  
25 if we only want the precautionary principle to deal with

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1 the other criteria that have to do with human health and  
2 the environment, I'm not sure it belongs in this  
3 compatibility list. If we are concerned with the  
4 precautionary principle with respect to recycling of  
5 resources or welfare of animals or labor, then we need  
6 to leave it in here. And, you know, I can't quite  
7 convince myself that we are but I'll leave that open.

8 MR. KING: Okay. Thank you. I got Owusu,  
9 Mike, then Rosie.

10 MR. BANDELE: I just kind of see this as being  
11 used in situations, emergency type situations, and the  
12 problem in terms of the precautionary principle often  
13 times it's really difficult to make the cause and effect  
14 being scientifically. Sometimes that takes years and  
15 years, but there may be cases in which something is  
16 apparently happening even though we can't prove it  
17 statistically. So I think it's important. My only  
18 concern is the legal ramifications of us turning down  
19 the material without scientific basis, you know, and  
20 then the legal implications of that response to the  
21 petitioner's concerns.

22 MR. KING: Yeah, that's certainly a  
23 consideration. Mike.

24 MR. LACY: Owusu stole my thunder. I think I  
25 would be satisfied if you could put up there when a

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1 substance, its use and manufacture raises threat of harm  
2 to human health or the environment as evidenced by some  
3 type of scientific information or there's some  
4 scientific basis to that. Then the rest of it would be  
5 okay with me.

6 THE CHAIRMAN: Give me that language again,  
7 Mike.

8 MR. LACY: It's not very good. I'll have --  
9 how about if I give it to you in the morning.

10 MR. RIDDLE: So you'd be taking out even if  
11 cause and effect relationships are not fully established  
12 scientifically, and modifying that so that it does lean  
13 on some science.

14 MR. LACY: As long as you had some scientific  
15 basis on the front end of that sentence, that would be  
16 acceptable.

17 MR. KING: Okay. I got Rosie first though.

18 MS. KOENIG: I guess -- everybody thinks they  
19 know what this means.

20 MS. BURTON: I'd like to put it to use  
21 somehow. I'm having a problem with that.

22 MS. KOENIG: I'm thoroughly confused of how  
23 through the TAP process that somebody -- what would we  
24 ask...

25 MS. BURTON: Let's look at flavors. Okay.

1       Flavors are flammable. They're flammable. They contain  
2       alcohol. They're a flammable liquid that you have to by  
3       law handle in a certain way, organic flavors,  
4       conventional flavors. You can't mail them through the  
5       U.S. mail. You can't ship them Fed Ex because they have  
6       to have special handling. So it's a material that has -  
7       - it's a substance that raises a threat to human health.  
8       It's flammable. And it can harm -- I imagine harm the  
9       environment. The precautionary measures for any  
10      material and handling, and I'm not sure how it -- I  
11      assume crops or anything else, you're required by law to  
12      already have protection in place for the human. Not so  
13      much the environment that I know of but -- well, and the  
14      environment because dumping -- disposal. So I feel  
15      regulatory covers this. I'm not against it but I just  
16      don't see where it's applicable.

17               MS. KOENIG: I don't understand how what  
18      information -- like how would the TAP reviewer look at  
19      that, and how would they analyze this information  
20      because what I'm thinking when I read that is that if  
21      anything could be potentially harmful to human health  
22      then it wouldn't therefore be sustainable is what you're  
23      saying in this category. That's the only way I can  
24      interpret it. But I don't know, is that -- what do you  
25      mean by putting it in there? Do you just want us to

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1       like have that umbrella that this is something that we  
2       should understand as we go through the sustainability  
3       criteria or like how does that become a criteria? How  
4       do we value it, how do we judge it, how do we measure  
5       it.

6                   MR. KING: Okay. I got Jim, Nancy, and then I  
7       think Keith. Okay. We'll strike Keith.

8                   MR. RIDDLE: You know, my simplified version  
9       of precautionary principle is better safe than sorry.  
10      You know, look before you leap. But that didn't quite  
11      seem like it captured -- was adequate. To me I think  
12      it's a critical and consistent approach to organic  
13      agriculture. Organic agriculture is not necessarily  
14      science based, but we know it's right, you know. We  
15      know it's farming in harmony with the earth even though  
16      everything that we prohibit we don't empirically have  
17      the data upon which to base the prohibition. But we  
18      have taken the better safe than sorry approach towards  
19      agriculture, and so here I'm very open to rephrasing it,  
20      but I think it's critical and it's not only human health  
21      and environment. I think those are already covered in  
22      other criteria or more directly linked but I think it  
23      does have a place in the compatibility discussion. And  
24      I think by having it in there is exactly what's going to  
25      give us the legal basis for a challenge if we don't have

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1       it, but then we make a determination, oh, we're just not  
2       really comfortable with this. We don't have all the  
3       empirical data to reject it but we don't have any  
4       reference to precaution. I think we're more vulnerable  
5       to not be consistent, transparent and all that. So, you  
6       know, I'd like to play with this...

7               MR. KING: Well, two things. One, I got Nancy  
8       next and then Kim and Keith, but I wanted to go to  
9       Rebecca real quick. You listed three things earlier  
10      besides human health and the environment that you felt  
11      were important, and could we just jot this down.

12             MS. GOLDBURG: The question I raised was  
13      whether we want to apply the precautionary principle to  
14      anything other than human health and the environment  
15      with other criteria, and I ticked off three of the  
16      considerations up there that wasn't comprehensive. And  
17      I would really like an example of where we would want to  
18      apply the precautionary principle in a labor setting or  
19      an animal welfare setting or whatever else is up there  
20      because...

21             MR. RIDDLE: Consumer perception.

22             MS. GOLDBURG: Consumer perception.

23             MR. RIDDLE: That's clearly one.

24             MS. GOLDBURG: So you would say that the  
25      burden of proof is to establish that there won't be a

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1 problem with consumer perception when we approve a  
2 synthetic material. I'm just not sure about that.

3 MR. RIDDLE: Not that there won't be a problem  
4 but it's something that we need to address. Are  
5 consumers going to reject organic products, are they  
6 likely to. We aren't going to know empirically but if  
7 something GMOs, radiation.

8 MR. SIEMON: Cloning.

9 MR. RIDDLE: Cloning.

10 MR. SIEMON: Cloning is a good example.

11 MR. RIDDLE: Yeah. RVST.

12 MS. BURTON: Okay. I think I have it because  
13 to me if we have scientific basis established where it  
14 causes human health and environmental, we will have that  
15 data so I would recommend that you simply insert the  
16 word when after the third sentence, effect relationships  
17 -- basically when science is not established. So let me  
18 see if I got this right. When a substance is used and  
19 manufacture raises a threat of harm to human health or  
20 the environment or whatever else we want to put in there  
21 precautionary measures should be taken even if the cause  
22 and effect -- or should be taken when scientific data is  
23 not fully established or something -- see where I'm  
24 coming, Rosie?

25 MS. KOENIG: Well, a good example is list re-  
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1       inerts, I guess.

2               MS. CAUGHLAN: Can't hear you, what?

3               MS. KOENIG: List re-inerts. By definition,  
4 we don't know. So try to use that. Use that because  
5 that would fit in my mind so prove to me how we can  
6 judge that like how that fits in it. I think maybe by  
7 example.

8               MR. KING: I think you just said it.

9               MS. KOENIG: I know, but I don't...

10              MR. KING: You don't know so...

11              MS. KOENIG: So therefore -- okay, so in other  
12 words if things aren't established we're going to take  
13 the high road.

14              MR. RIDDLE: That gives us a basis to stand  
15 on.

16              MS. KOENIG: All right, so that's the  
17 precautionary.

18              MR. KING: Kevin, I had you down.

19              MR. JONES: Well, I was just going to try to  
20 throw out some examples but that's it.

21              MS. CAUGHLAN: It's better than the RBST  
22 because the RBST offends -- it offends...

23              MS. KOENIG: So the document by saying EPA has  
24 classified that as of unknown toxological. EPA has  
25 classified it. That's fine with us. That's our bench

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1 mark.

2 MS. BURTON: Where no regulatory body has  
3 identified a risk or something like that.

4 MS. KOENIG: No. It's when -- it's like the  
5 bench mark is if a regulatory body cannot -- have not  
6 figured out the scientific data themselves...

7 MS. BURTON: Right. Right. Right.

8 MS. KOENIG: ...how can then we make a  
9 decision. We're going to take the precautionary  
10 principle because...

11 MS. CAUGHLAN: Radiation is a better...

12 MS. GOLDBURG: Yeah, I think that's a good  
13 consumer perception example.

14 MR. KING: Okay. All right. So are we --  
15 let's look at where we're at.

16 MR. RIDDLE: How about just delete of harm to  
17 human health and environment, just raise threats or

18 MS. GOLDBURG: Concerns.

19 MR. RIDDLE: Concerns, yeah.

20 MS. GOLDBURG: And I'd put the words something  
21 about -- do we have burden of proof in there? Yes, we  
22 do. Okay. That's fine.

23 MS. CAUGHLAN: The cloning was a really  
24 good...

25 MS. GOLDBURG: Okay. So just raises concerns,

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1 and then we're going to strike threats of harm to human  
2 health or the environment. Yeah, that -- that's a good  
3 foundation.

4 MS. KOENIG: I think this is one that if the  
5 question was asked it would be more clear. Does the  
6 substance -- would the precautionary principle apply to  
7 the substance and why, and then I can understand it.

8 MR. RIDDLE: Just rejection by consumers could  
9 be one.

10 MS. KOENIG: But you'd have to establish it  
11 somewhere even with soft data.

12 MR. RIDDLE: Yeah, I agree. And it links to  
13 others.

14 MR. KING: Owusu, then George.

15 MR. BANDELE: If we used list three in that  
16 situation though there's not any scientific basis for  
17 not allowing those.

18 MR. RIDDLE: No. It doesn't mean they're  
19 prohibited. We can consider them case by case.

20 MR. BANDELE: We got the word in here when  
21 there is scientific basis.

22 MR. RIDDLE: But they can be considered.

23 MR. BANDELE: So there are some situations  
24 where there is no scientific basis but we still take  
25 precautionary...

1 MR. KING: Yeah.

2 MR. BANDELE: My point is I don't think that  
3 scientific basis, the first part, should be there.

4 MR. KING: So, okay. Should we just not have  
5 scientific in there?

6 MR. BANDELE: I don't think so because he goes  
7 on to say that when it's not fully established.

8 MR. RIDDLE: Oh, I see, yeah. We don't want  
9 to -- it's probably better below.

10 MR. BANDELE: Right.

11 MR. KING: Is not fully established. Okay.

12 MR. RIDDLE: When a substance is used or  
13 manufactured raises concerns precautionary measures  
14 should be taken...

15 MR. KING: I think Owusu's point is what if  
16 there isn't any scientific data.

17 MR. BANDELE: No, but it says not fully  
18 established so that takes care of that.

19 MR. KING: Okay. So you're okay with that.  
20 Okay. Good.

21 MR. RIDDLE: And this is a draft.

22 MR. KING: Yes, it is. It is. Okay, so are  
23 we okay with that one? All right. They're having their  
24 own conversation. Now George has a couple of things he  
25 wanted to bring up about possible additions.

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1                   MR. SIEMON: Yeah. I was given this  
2 assignment before I had this draft so one of the things  
3 I'm disturbed about is we really aren't saying  
4 preventative management here or anything like that, and  
5 I think we need to have something that if a material  
6 encourages or is compatible or enhances preventative  
7 management is a criteria that we should have here. And  
8 I think that will be the case where that will swing us  
9 over a tad to remember, oh, this does help preventative  
10 management. I just don't see anything in here about  
11 that, and it really isn't covered in the other criteria.  
12 So I'd like to suggest something, enhance preventative  
13 management or...

14                   MR. KING: Can we all just focus on the  
15 conversation, please?

16                   MR. SIEMON: ...something like that. I don't  
17 know what the right wording is but compatible with  
18 preventative management.

19                   MR. KING: Okay.

20                   MR. SIEMON: I think there will be a material  
21 -- I just hate to see us do this without the word  
22 preventative in this document. It just seems...

23                   MR. KING: Yeah, and so George's proposal is  
24 to add, and Dave has something up there, encourages or  
25 enhances preventative management.

1                   MR. SIEMON: I don't really have an example,  
2 no.

3                   MS. KOENIG: Methianine. You could argue that  
4 it's preventative, you're preventing disease.

5                   MR. SIEMON: So that's my first one.

6                   MR. KING: Okay. Are we all okay on that?

7                   MR. RIDDLE: Yeah.

8                   MR. SIEMON: Okay. The next one is more  
9 complicated but, you know, I heard Brian Leahy say  
10 today, and it's so true, organics is always based on  
11 healthy soil. And I know we all think that but I have  
12 man example. So I had one that said, this is rather  
13 hard, helps promote plant and animal health through soil  
14 fertility. And while I can get in a lot of trouble on  
15 that one, I'm going to go back to the calcium decision  
16 we made years ago where we didn't allow it as a  
17 fertilizer but we allowed it as a feed additive. And  
18 with organics in my world you always want to feed the  
19 soil, which feeds the plant, which feeds the animal.  
20 And so for me to have not allowed to feed the soil but  
21 to allow us to feed directly to the animal violated one  
22 of the foundation principles of organics. There may not  
23 ever be an example again like that. But to me that was  
24 a classic compatibility with organic systems and  
25 principles that we -- I didn't agree with the decision.

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1 THE CHAIRMAN: Can you give me that language  
2 again, George?

3 MR. SIEMON: I've been struggling with this.  
4 Helps promote plant and animal health through soil  
5 fertility, and unfortunately I only had that one  
6 example. I wish I could think of another one.

7 MS. CAUGHLAN: That's a good one.

8 MR. SIEMON: So that's a foundation.

9 MR. KING: So this really goes beyond criteria  
10 five, which talks about soil organisms. This is  
11 general...

12 MR. SIEMON: I've read through these trying to  
13 get ready. I just can't say how these are covered  
14 myself. This is truly compatible organic system type  
15 stuff, soil health.

16 MR. RIDDLE: And see, yeah, it used to be  
17 covered off by the linkage to the principles.

18 MR. SIEMON: I even had questions about that.  
19 It was biological activity. But anyway let's not go  
20 there. We already threw that one out.

21 MR. RIDDLE: Yeah. That's why it wasn't -- it  
22 had its own...

23 MR. SIEMON: So somebody help me out on this  
24 point then. If we're not allowing synthetic fertilizers  
25 then what does that say about this particular point?

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1                   MR. BANDELE: We do allow synthetic  
2 fertilizers if we choose to.

3                   MR. SIEMON: That question was never really  
4 resolved because some people say that OFPA disallows us  
5 from doing that.

6                   MS. KOENIG: That was a prohibited practice.

7                   MR. KING: Yeah. Right. So your question  
8 really focuses on fertility in general here, and what do  
9 we mean by that.

10                  MR. SIEMON: No. It focuses on the fact that  
11 we're talking about a synthetic substance, and this is  
12 soil fertility, and the act does not allow that.

13                  MR. BANDELE: That's a complex...

14                  MR. SIEMON: So you're saying it could be not  
15 a fertilizer that decreases soil fertility.

16                  MR. BANDELE: No, I was thinking of fertilizer  
17 so you're right in what you're saying.

18                  MR. KING: Yeah. That's an issue, and then I  
19 think that Emily's point is too that a practice or a  
20 system or...

21                  MR. RIDDLE: To me fertility is too narrowly  
22 defined there. I think we're really talking about oil  
23 ecology, soil health. Plant and animal health -- but  
24 that is the fundamental principle. I know where George  
25 is headed.

1                   MR. SIEMON: People have found tremendous --  
2 much better advantage feeding the soil than feeding the  
3 animal the same material.

4                   MR. HOLBROOK: By virtue of what he just said  
5 you're feeding the symptom. You're not feeding the  
6 cause, and by putting it in the soil you're eliminating  
7 the symptoms potentially.

8                   MR. KING: Say that again.

9                   MR. HOLBROOK: Well, he's just talking about  
10 the product, what was it, calcium...

11                  MR. SIEMON: Calcium hydroxide.

12                  MR. HOLBROOK: You're using that as a feed  
13 supplement because you have a deficiency in the soil  
14 most likely which is not producing it through the plant  
15 itself. And so there you're treating the symptom versus  
16 the cause so if you're able to use that in your soil  
17 fertility program you're going to increase that  
18 potentially, thereby you're going to be able to gain  
19 more in the diet that that animal is going to be  
20 pasturing off that land.

21                  MR. KING: And so what we're really saying is  
22 to focus on the source, and the source is the soil or  
23 the beginning of the system. And so let's not put what  
24 we believe is a band aid in a feed issue or nutritional  
25 issue that could essentially go all the way back to the

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1 soil.

2 MR. HOLBROOK: Right.

3 MR. KING: Okay. Nancy.

4 MR. SIEMON: The difference is a synthetic  
5 issue as to the branch.

6 MS. OSTIGUY: Yes, because you can also apply  
7 the same logic to soil that why do you have the  
8 deficiency there. Is it a matter of solitium [ph] being  
9 deficient just because of the rocks that are there, et  
10 cetera, which isn't that equivalent to the animal issue  
11 of deficiency in the food that you're trying to replace  
12 but it depends on what you're adding it for. Is it to  
13 replace something that you're not doing well in the soil  
14 process.

15 MR. SIEMON: And the thing we ran into that  
16 one is just the basis of some are very long term. They  
17 don't have an immediacy of availability versus some that  
18 were more available, and so the answer was there's long  
19 term ones available so let's not allow that but that  
20 didn't help the immediate year one, year two problem, so  
21 it's the somewhat long term versus short term, and  
22 that's why we rejected the product. We didn't think it  
23 was -- we thought it was too short term.

24 MR. KING: And I think there are two separate  
25 things here that George is saying the soil is the

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1 foundation, and Nancy brings up the issue if you can  
2 envision a circle or a cycle at what point are we  
3 choosing to intervene here.

4 MR. RIDDLE: Yeah, and in option one and two  
5 was included by having the definition of organic  
6 production, which really captures this in there. I'm  
7 not hearing opposition to this. I think it could use  
8 more work, refinement on that. I just wondered if there  
9 are any other ideas, any other concepts that we've  
10 missed.

11 MR. KING: George, do you have anything more  
12 on your list?

13 MR. SIEMON: No.

14 MR. KING: Does anyone else have a suggestion,  
15 something that could be added in general terms today  
16 without an extreme amount of work smithing but that we  
17 should at least consider. I mean which is not to say  
18 that we can't add something later. Okay. Thank you all  
19 very much.

20 THE CHAIRMAN: All right. Thanks, and I  
21 really want to commend not only the work of the policy  
22 development committee but the committee as a whole here  
23 for this because I think this is a really good strong  
24 step forward for us.

25 MS. CAROE: And the NOP.



1 meeting of the Board during which an election will be  
2 held to fill the remainder of the term, the important  
3 part being that the election is by majority vote so if  
4 there is more than one person that is nominated for a  
5 position, we will do it by secret ballot. If there are  
6 more than two people nominated for a position, we will  
7 continue to vote until somebody has a majority vote.  
8 Before I open the floor for nominations for Chair, I'd  
9 like to take a point of personal privilege. And I think  
10 as everybody knows last month I announced to the Board  
11 that I would not like my name to be placed in nomination  
12 for reelection as Chair.

13 MS. OSTIGUY: And he's changed his mind.

14 THE CHAIRMAN: No, and I have not changed my  
15 mind although dinner last night was -- yeah. And I  
16 think everybody knows that I really wasn't a candidate  
17 for it the first time around but this time I was adamant  
18 that I will not allow my name to be put into nomination.  
19 But I just want to say that when I was elected two years  
20 ago, and after the shock wore off, I guess, I sat down  
21 and really laid out three things that I wanted to  
22 accomplish as Chair and for the Board, and I shared  
23 these with Ken Clayton and A.J. Yates a couple weeks  
24 ago. But the first thing was that we were in a critical  
25 time for the Board, and I draw the analogy from my work

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1 in cooperative development that it's the importance of  
2 making the transition from the steering committee or the  
3 organizing board to a board that is an operational board  
4 for a federal regulation, and the procedures that we've  
5 done to do that. The second thing as Chair was I wanted  
6 to make sure that provided the opportunity for all of  
7 the voices of the organic community to be heard at this  
8 table so that there was open and transparent discussion.  
9 And the third thing that I wanted to accomplish was to  
10 build really a collaborative, cooperative relationship  
11 with the program, and I think we saw this afternoon how  
12 we can move things forward when that relationship  
13 exists. I think that in many of the instances I feel  
14 very good about the last couple of years, and it was  
15 during the last four months that really then some things  
16 began to happen in terms of communication, my  
17 relationship with the agency that I began to feel  
18 increasingly frustrated and even somewhat a little  
19 jaded. I called it getting a case of the willies for  
20 those of you that know Willie Lockrits [ph]. But when  
21 those type of things happen, I always think that it's,  
22 you know, time to recognize that it may be best to  
23 change the people in the discussion, and the only one  
24 that I can control right now is the one that sits right  
25 here, and so I think and I made the decision that I

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1 think it's best for me to step aside and for someone  
2 else to come forward and to fill this chair, and to  
3 continue the work that is so important in developing the  
4 communication, the relationship with the program making  
5 sure though that the integrity of this Board is never  
6 compromised. And so the only thing that I would ask is  
7 whoever fills this chair that all of us around the table  
8 and everyone in the audience give them their full  
9 support because I found that so important for the last  
10 two years. This Board has been an incredible resource.  
11 And final thing I want to say is I want to thank all of  
12 you, and excuse me while I choke up a little bit, but  
13 the opportunity to serve as Chair of this Board when the  
14 national organic rule was implemented a year ago, and  
15 the opportunity to serve as the Chair of this Board  
16 earlier this year when the organic community stood up,  
17 and I think this Board was out in front, standing up to  
18 protect the integrity of the organic rule are two things  
19 that I will never forget, and I will always -- Sue and I  
20 will always appreciate very deeply. So thank you all  
21 from the bottom of my heart, and with that I would  
22 accept -- the floor is open for nominations for the  
23 position of the Chair. Is there a nomination for the  
24 position of Chair? Okay, Kim.

25 MS. BURTON: I'd like to nominate Mark King.

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1 THE CHAIRMAN: Okay.

2 MS. CAUGHLAN: Second.

3 THE CHAIRMAN: It's been moved and seconded  
4 that Mark King's name be placed in nomination. Is there  
5 any other nominations? Are there any other nominations?  
6 Are there any other nominations?

7 MR. LACY: I move that nominations be closed.

8 THE CHAIRMAN: Okay. There's been a motion  
9 that nominations be closed.

10 MR. SIEMON: Second.

11 THE CHAIRMAN: And seconded. All in favor of  
12 Mark King as Chair of the NOSB signify by saying aye.  
13 Opposed, same sign. Motion carries.

14 MR. KING: Well, I graciously accept, and I'm  
15 honored and Dave will certainly be a tough act to follow  
16 but I look forward to working with everyone closely, and  
17 appreciate your support thus far, so thank you very  
18 much. This is a very exciting industry and one that I  
19 am grateful to be part of.

20 THE CHAIRMAN: Thank you for accepting, Mark.  
21 One of the things I should have clarified too because I  
22 asked the question at the dinner last night and it was  
23 the will of the Board that the transition happen after  
24 this meeting, so don't -- one more day to bring a whole  
25 new meaning to the term lame duck. The floor is now

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1 open for nominations for the position of Vice Chair.

2 MS. CAUGHLAN: I nominate Jim Riddle.

3 THE CHAIRMAN: Okay. The name of Jim Riddle  
4 has been placed in nomination. Is there a second?

5 MR. LACY: Second.

6 THE CHAIRMAN: It's been seconded. Are there  
7 any other nominations? Are there any other nominations?  
8 Are there any other nominations? Hearing none, I will  
9 accept a motion that nominations be closed.

10 MS. CAUGHLAN: I move that the nominations be  
11 closed.

12 THE CHAIRMAN: Is there a second?

13 MS. CAROE: second.

14 THE CHAIRMAN: All those in favor of Jim  
15 Riddle as Vice Chair of the NOSB signify by saying aye.  
16 Opposed, same sign. Motion carries. The Board is now  
17 open for nominations to the office of Secretary.

18 MR. SIEMON: I nominate Kim Burton, Kim Dietz.

19 THE CHAIRMAN: Okay.

20 MR. LACY: I will second it.

21 THE CHAIRMAN: Okay. The name of Kim Dietz  
22 has been nominated and seconded. Are there any further  
23 nominations? Are there any further nominations? Are  
24 there any further nominations?

25 MS. CAUGHLAN: Motion to close.

1           THE CHAIRMAN: A motion has been made to close  
2 nominations. It's been seconded. All those in favor of  
3 Kim Dietz, signify by saying aye. Opposed, same sign.  
4 Motion carries. And I should offer, Mr. Riddle, would  
5 you like to say something as Vice Chair and Kim as  
6 Secretary?

7           MR. RIDDLE: I say quite a bit. Well, I do  
8 want to use the opportunity to express my admiration to  
9 you, Dave, and appreciation. It hasn't been an easy  
10 time but it's been a good time, and I think this Board  
11 has functioned well. We continue to improve in our  
12 procedures, and so I'm really glad that you're still  
13 going to be on the Board, and I look forward to  
14 continuing working with you. And about the only thing  
15 the Vice Chair does is, I think under our policy manual  
16 is manage the Board policy manual, and then occasionally  
17 touch the gavel. But I'm honored to serve on the  
18 executive committee in that capacity.

19           THE CHAIRMAN: Great. Kim.

20           MS. BURTON: Well, thank you all. George, for  
21 Kim Dietz. That was the first time I was officially  
22 recognized. It was strange. I too am very proud of  
23 this Board. I think we're a great group of people, and  
24 we work very well. And what we did today accomplishing  
25 that set of criteria has been a challenge for this

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1 industry for 10 to 15 years, so I commend all of you on  
2 doing a good job at that. I also would like to announce  
3 that I'm going to step down as materials chair. I think  
4 it's time for somebody else to take over materials.  
5 We're starting with a new phase. We're starting with  
6 new procedures. And I thoroughly enjoyed materials, and  
7 I think it's been great just like being Chair it's been  
8 great to be with materials at a time when we just  
9 implemented this rule, and I look forward to supporting  
10 this Board further.

11 MS. CAUGHLAN: And you've done a terrific job.  
12 I think we all are indebted to you tremendously.

13 THE CHAIRMAN: Okay. With that, there will  
14 obviously be some reorganization. The new Chair will be  
15 working with members of the Board to talk about the  
16 committees and how we restructure those. And so I think  
17 that this is a good team, and again I just want to say  
18 as the outgoing Chair that this Board is an incredible  
19 Board and the resources that are here, I think the  
20 organic community is well served. So with that now as  
21 far as how we move toward tomorrow when we get into this  
22 with the materials that we have in front of us, I think  
23 the comments that I've heard from a number of folks is  
24 we need to prioritize the committee's need to prioritize  
25 so let me throw it out to the committee chairs right now

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1       how we want to handle any time tonight or in the morning  
2       or how we want to handle the agenda tomorrow.  George.

3               MR. SIEMON:  I need to just understand  
4       tomorrow.  It looks like it's all -- is it working  
5       sessions, non-whole Board working sessions, right?

6               THE CHAIRMAN:  Well, it's going to be yes and  
7       no.  And Barbara and Rick, can you explain to us maybe  
8       your thoughts on how...

9               MR. MATTHEWS:  This is supposed to be set up  
10       tomorrow so that you can break into three groups dealing  
11       with crops, livestock, and processing materials.  Then  
12       you would ultimately come back together to work through  
13       the documents at the full Board.

14              MS. KOENIG:  So we'll have one set of  
15       documents for the whole process.  The committees would  
16       bring their...

17              MR. MATTHEWS:  Yeah.  The committee would work  
18       out theirs for their respective materials and then they  
19       would bring their documents to the full Board, and then  
20       the full Board would create the one master document.  
21       And they're supposed to have this out tomorrow so that  
22       there will be a couple of tables, one on each side, plus  
23       different configuration from where you are now.

24              THE CHAIRMAN:  Okay.

25              MR. MATTHEWS:  So it'll actually be a large

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1 table so that you'll be facing each other when you come  
2 back together but it will still provide three different  
3 working areas.

4 THE CHAIRMAN: Okay. George, Jim, Rose.

5 MR. SIEMON: So there's four different  
6 sessions, or even more. There's five -- the whole day  
7 is basically working sessions so are we expecting the  
8 breakouts to be in the morning and then the whole group  
9 together in the afternoon?

10 MR. MATTHEWS: Yes.

11 MR. SIEMON: Is that the...

12 MR. MATTHEWS: They're going to break out and  
13 you're going to work as committees to do the first set  
14 of the reports. Then you'll come back together and make  
15 sure that you're all in agreement and then develop the  
16 master document.o

17 MR. SIEMON: So then do we need to have it so  
18 we're meeting at different times or can all three  
19 committees meet at once because of the overlap?

20 THE CHAIRMAN: I think we're going to deal  
21 with the overlap issue as best we can just because we  
22 got to take advantage of the time that we have here and  
23 the folks that are double committed will have to...

24 MR. MATTHEWS: And what you'll be doing is  
25 that we have brought CDs with all the TAPs on them so

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1 that there will be one available for each of the  
2 committees, and you'll be able to work from your actual  
3 laptop then.

4 MR. SIEMON: I've got a conflict so I was  
5 wondering if I could have the livestock first thing in  
6 the morning. Would that be possible?

7 MR. MATTHEWS: Well, livestock, crops and  
8 processing will all be going at the same time.

9 MR. SIEMON: All at the same time. I thought  
10 we just said there was conflict.

11 THE CHAIRMAN: No, we're going to be going at  
12 the same time but we will then be coming back as a Board  
13 to, you know. This is a little bit of an experimental  
14 process so we're going to -- Jim and then Rose.

15 MR. RIDDLE: Yeah. I don't know how many  
16 materials each committee has. Some have more than  
17 others, but I'm assuming, I just want to make sure this  
18 is correct, that each committee when they first get  
19 together in the morning is going to set the priority or  
20 the order based on some kind of choice, not necessarily  
21 alphabetical but we -- I don't know if it took -- I  
22 won't -- it took us a long time to go through one with  
23 one person, I don't know that we'll all get through all  
24 of them, so I think we need to be selective in  
25 prioritizing what we start off with, see how it goes,

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1           then just not set ourselves up for failure.

2                   THE CHAIRMAN:   Okay.   Rick.

3                   MR. MATTHEWS:   And you could be creative.   For  
4           example, if you had three people on the committee, one  
5           could take category one, another one take category two,  
6           another one take category three, and then you kind of  
7           discuss it together.   I mean it's not that you have to  
8           take them one at a time and everybody work through it.  
9           You guys are free to do it however you want.   What we  
10          are doing is we are providing the mechanics so that you  
11          can break up into three groups and use electronic TAP  
12          reviews, but then how you decide to work it amongst  
13          yourselves is totally up to you.

14                   THE CHAIRMAN:   Barbara, did you have -- okay.  
15          Rose, and then Kim.

16                   MS. KOENIG:   Can we get a hard copy, at least  
17          one, because it's really sometimes hard for me to kind  
18          of scroll up and down.   It's just I'm not efficient.

19                   MS. OSTIGUY:   Several of us have brought hard  
20          copies.   I brought one, and Goldie said she brought  
21          hers.

22                   MS. KOENIG:   For all of them?

23                   MS. CAUGHLAN:   I think so.   I think I have  
24          them all.   Actually Kim had sent out the one and so...

25                   THE CHAIRMAN:   You printed them all.   Okay.

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1 MS. CAUGHLAN: I printed those up.

2 THE CHAIRMAN: Okay. Kim.

3 MS. CAUGHLAN: I haven't cross checked it but  
4 I think that was it.

5 MS. BURTON: Point of clarification, some of  
6 the materials are deferred, and there are some that were  
7 deferred that had TAPs and they have enough information  
8 to complete, but then there are some that don't. Of the  
9 ones that have information, do you want us to work on  
10 those or wait till the next meeting when we actually  
11 come forward with our...

12 MR. MATTHEWS: You're only working on those  
13 that you made a recommendation to us on.

14 MS. BURTON: That we voted on.

15 MR. MATTHEWS: You've already approved the  
16 material, and we're looking for -- and those that you  
17 may have disapproved, but anything that was approved or  
18 disapproved we want to convert it into those terms.

19 MS. ROBINSON: All the materials are in the  
20 book...

21 MR. KING: Yes.

22 THE CHAIRMAN: Okay.

23 MS. ROBINSON: ...that you're going to do.  
24 And every material has a set of forms, so then all I  
25 need to do is go back and look at the TAPs.

1 THE CHAIRMAN: Okay. TAP and minutes and  
2 experience and all of that. Okay. Now the last thing  
3 that we need to talk about this afternoon that's on the  
4 agenda is the next meeting of the Board. And, Barbara,  
5 you had talked about a January-February. I know we're  
6 operating under a continuing resolution right now. But  
7 does that still fit within the program's -- because I  
8 know January and February gets...

9 MR. SIEMON: How about the last two weeks of  
10 January?

11 THE CHAIRMAN: Well, the second to the last  
12 week of January is out for me unless we want to do this  
13 in conjunction with the National Bison Association  
14 annual meeting.

15 MS. CAUGHLAN: Or eco farm is the 21<sup>st</sup>.

16 THE CHAIRMAN: Or eco farm is...

17 MS. ROBINSON: February would be better.

18 MR. JONES: Yeah, BIOPOC [ph] is around  
19 Valentine's Day, three days, I think, either side of  
20 Valentine's Day.

21 MS. KOENIG: Ann and I have a meeting here the  
22 15<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup> so if it was before or after that,  
23 that would be okay.

24 MR. SIEMON: How about the first week of  
25 February?

1 THE CHAIRMAN: How about 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> of  
2 February?

3 MS. CAROE: I think that might be BIOPOC. Is  
4 it the 18<sup>th</sup> through 20<sup>th</sup> that's BIOPOC?

5 MS. COOPER: It's school break too here.

6 THE CHAIRMAN: What's that?

7 MS. COOPER: School break. Washington's  
8 Birthday break is that week so schools are out if people  
9 care.

10 MS. CAUGHLAN: The school break starts the  
11 16<sup>th</sup>, is that right?

12 MS. COOPER: Yes, the 16<sup>th</sup> through the 20<sup>th</sup>.

13 THE CHAIRMAN: How about the 9<sup>th</sup> through the  
14 11<sup>th</sup>?

15 MS. CAUGHLAN: Oh, February. We're still  
16 February?

17 MR. KING: Yes, February.

18 MS. CAUGHLAN: 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> of February.

19 THE CHAIRMAN: Yeah. Rose said she's out  
20 then.

21 MS. KOENIG: Well, is it possible either the  
22 18<sup>th</sup> to the 20<sup>th</sup> or before the 14<sup>th</sup> just so that...

23 MS. BURTON: She's here already.

24 MS. KOENIG: I mean I just don't want to make  
25 two trips two days after to the same place.

1 MR. KING: That's another point.

2 MR. RIDDLE: Does it have to be here?

3 THE CHAIRMAN: No, that's...

4 MS. KOENIG: All right. Have it in Florida.  
5 I could show you some farms. Marty can help.

6 THE CHAIRMAN: She's not responsive on that,  
7 having it in Florida.

8 MS. ROBINSON: It's cheaper -- believe it or  
9 not, it's cheaper to be here because to go some place  
10 else not only do we have to transport you but we have to  
11 transport all of us too.

12 MR. SIEMON: 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>.

13 THE CHAIRMAN: 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>.

14 MS. CAROE: Or the 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>. Did we  
15 already say that was out?

16 MS. GOLBURG: I can't do any of that.

17 MR. SIEMON: BIOPOC is usually around  
18 Valentine's Day.

19 MR. MATTHEWS: BIOPOC [ph] is 19<sup>th</sup>, 20<sup>th</sup>, and  
20 21<sup>st</sup>.

21 THE CHAIRMAN: Okay. So 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>.

22 MS. GOLDBURG: I don't think I can do the 13<sup>th</sup>.

23 THE CHAIRMAN: 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup>.

24 MS. CAROE: 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> is great for  
25 those of us that are on the west coast and have to

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1 travel.

2 MR. KING: Yeah, you don't have to leave on  
3 Sunday.

4 MS. COOPER: I can't do that.

5 THE CHAIRMAN: You can't. Okay. What days  
6 are out for you in there, Ann?

7 MS. COOPER: Basically both the weeks of the  
8 9<sup>th</sup> and the 16<sup>th</sup>.

9 MR. RIDDLE: How about the first week?

10 THE CHAIRMAN: How about the 3<sup>rd</sup> through the  
11 5<sup>th</sup>?

12 MS. GOLDBURG: I have a board of trustees  
13 meeting for my organization.

14 THE CHAIRMAN: What dates does that go?

15 MS. GOLDBURG: It's the 4<sup>th</sup> through 6<sup>th</sup> in  
16 Florida. How about the last week of February, the week  
17 of the 23<sup>rd</sup>?

18 THE CHAIRMAN: The last week of January is the  
19 week of the 26<sup>th</sup>.

20 MR. SIEMON: The upper Midwest conference is  
21 Friday, Saturday, and Sunday.

22 MR. RIDDLE: 26<sup>th</sup> through 30<sup>th</sup>, somewhere in  
23 there.

24 MS. CAUGHLAN: That would be good.

25 MR. SIEMON: That's the upper Midwest

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1 conference.

2 THE CHAIRMAN: Rick.

3 MR. MATTHEWS: How about the first week in  
4 March?

5 MR. SIEMON: That's Expo.

6 THE CHAIRMAN: That's Expo.

7 MS. CAUGHLAN: If you want to do it in  
8 conjunction. If we're going to make it that close it  
9 would be good to have it...

10 THE CHAIRMAN: With Expo. I mean we've done  
11 that before.

12 MR. SIEMON: Expo is March 5 and 6 -- 4<sup>th</sup> to  
13 the 6<sup>th</sup>, so we could do it the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>.

14 THE CHAIRMAN: No. OTA is in Chicago this  
15 year.

16 MR. SIEMON: How about connect it to Expo  
17 March 1, 2 and 3.

18 MS. CAUGHLAN: Yes.

19 MS. ROBINSON: Where is it?

20 THE CHAIRMAN: Anaheim.

21 MR. SIEMON: That goes against trying to do it  
22 in D.C.

23 MR. ELY: When you tie it in with Expo there's  
24 a lot of activities surrounded around Expo that are part  
25 of our business function as well so it's just...

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1 MS. KOENIG: Can we go back to discussing  
2 Florida in February. You're willing to go in California  
3 in March and travel. Orlando has really cheap air fare.

4 THE CHAIRMAN: Well, we were rationalizing by  
5 saying...

6 MS. CAUGHLAN: We heard from Michael Sligh.  
7 We've heard from others, and we remember the history of  
8 this Board. I mean there have been -- there's been one  
9 meeting that hasn't been either in D.C. or Austin or  
10 back here, and Anaheim, so perhaps it won't be this one  
11 but I think we've got to struggle with that. I think  
12 that it's not responsive to the needs of the community  
13 if we just say we cannot go to the inner lands.

14 THE CHAIRMAN: Okay. When is the upper  
15 Midwest conference, Jim?

16 MR. SIEMON: The 27<sup>th</sup>, 28<sup>th</sup> of February.

17 THE CHAIRMAN: So the upper Midwest conference  
18 is the 26<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup>. If we did the meeting the 23<sup>rd</sup>,  
19 24<sup>th</sup>, 25<sup>th</sup>.

20 MS. COOPER: Of what month?

21 THE CHAIRMAN: February.

22 MS. COOPER: I can do that.

23 MR. MATTHEWS: Lacrosse is out. I'm sorry.  
24 That area there costs us an arm and a leg every time.  
25 It really does. I mean if we have three meetings it's

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1 already going to cost us 90 grand. If you go to  
2 Lacrosse we probably won't be able to have three  
3 meetings because it's going to cost us more than the  
4 normal \$28,000 to \$30,000 for a Board meeting. I'm  
5 sorry. That is just too expensive for us to do.

6 THE CHAIRMAN: Okay.

7 MR. SIEMON: Let's go back to January.  
8 January is out because we got a material responsibility  
9 here, you all. I'd really rather we met in January. We  
10 didn't do any materials this meeting. Even December for  
11 that matter.

12 MS. COOPER: What's the last week of January,  
13 the week of the 26<sup>th</sup>?

14 MR. SIEMON: That's what I advocated but it  
15 didn't work for somebody.

16 MS. COOPER: The week of January 26, anyone?

17 MS. GOLDBURG: I'm holding the 27<sup>th</sup> and 28<sup>th</sup>,  
18 but if it pans out I just won't go.

19 MR. SIEMON: I'd like to suggest January 26,  
20 27, 28.

21 MR. KING: I can do that.

22 MS. COOPER: Remember those on the west would  
23 like to travel on a Monday and a Friday.

24 THE CHAIRMAN: March.

25 MS. CAUGHLAN: Again, consider what that does

1 to the materials that are waiting review. We have to  
2 look at the benefit of the consumer and the petitioners.

3 MR. SIEMON: How about December 16, 17, 18?

4 THE CHAIRMAN: Okay. Well, let me just take  
5 this sequentially then. The last week of January is out  
6 for...

7 MR. SIEMON: Nancy.

8 THE CHAIRMAN: Nancy. Okay.

9 MS. OSTIGUY: Well, do whatever.

10 MR. KING: Nancy says do whatever.

11 THE CHAIRMAN: The first week of February is  
12 out for Rebecca. Dennis is grimacing. Okay.

13 MR. HOLBROOK: Yes, my hand is up. That two-  
14 week period is not good for me.

15 THE CHAIRMAN: The week of February 9 is out  
16 for Ann.

17 MR. SIEMON: It's tough for me. I had plans.

18 THE CHAIRMAN: Tough for George. The week of  
19 the 16<sup>th</sup> of February is out for Andrea.

20 MS. CAUGHLAN: Three people.

21 THE CHAIRMAN: Okay. Four people. The week  
22 of the 23<sup>rd</sup>.

23 MR. RIDDLE: The 26<sup>th</sup> on is out.

24 THE CHAIRMAN: Okay. Well, let's look at the  
25 23<sup>rd</sup>, 24<sup>th</sup>, and 25<sup>th</sup>, and I know folks don't like to

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1 travel on Sunday but, you know, sometimes it happens.  
2 Travel happens. So let's look at those dates.

3 MR. RIDDLE: I'd need us to quit early on the  
4 25<sup>th</sup>.

5 THE CHAIRMAN: Okay. Just remember from here  
6 on the 25<sup>th</sup> you're traveling back with the time zone so  
7 it's not quite as bad as coming from the west here.  
8 Okay. Those are the dates and we will -- Rick.

9 MR. MATTHEWS: Okay. If you're going to go  
10 with the 23<sup>rd</sup> of February all work will have to be in by  
11 the 23<sup>rd</sup> of December. It also means -- I'm just giving  
12 you a heads up, and you're going to be working on your  
13 30-day period to put together the committee reviews of  
14 these materials during the Christmas and New Year's  
15 holidays, and that's going to be part of your 30 days.

16 MS. CAUGHLAN: What's happening in March?

17 THE CHAIRMAN: Yeah, what's happening in  
18 March, guys? Let's look. Okay. I hope the new guy  
19 does a lot better in scheduling these meetings. The  
20 second week in March.

21 MS. BURTON: I have an audit. I can't do  
22 that.

23 THE CHAIRMAN: That whole week?

24 MS. COOPER: That whole week.

25 MS. CAUGHLAN: What is the date of Expo?

1 THE CHAIRMAN: Probably the 5<sup>th</sup>, 6<sup>th</sup>, 4, 5, 6.  
2 The 15<sup>th</sup>. The 15<sup>th</sup> is getting too late?

3 MR. KING: I can do the week of the 8<sup>th</sup>.

4 THE CHAIRMAN: Yeah, but Kim can't. The 15<sup>th</sup>,  
5 16<sup>th</sup>, and 17<sup>th</sup>.

6 MS. CAUGHLAN: Are we planning to do the May  
7 meeting in conjunction with...

8 MR. SIEMON: I got written down the 29<sup>th</sup> of  
9 April, 30 and 31.

10 MS. CAUGHLAN: Just keeping in mind that's  
11 going to leave us another short...

12 MS. KOENIG: What are the materials coming up,  
13 what is on the work plan?

14 MR. KING: Can we set a date to the side?

15 MR. SIEMON: For what, March?

16 MR. KING: Is that possible? Because we  
17 clearly...

18 THE CHAIRMAN: Well, okay, first of all let me  
19 just take the week of March 1 by a show of hands,  
20 realizing what Kevin said about companies and conflicts,  
21 but for around the table is Expo going to be -- are you  
22 going to be tied up getting stuff ready for Expo that  
23 week?

24 MR. SIEMON: If it's the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, Monday,  
25 Tuesday, Wednesday.

1                   THE CHAIRMAN: Monday, Tuesday, Wednesday of  
2 that week. Second week of March, any time during that  
3 second week. You got the audit all week, right, Kim?

4                   MS. BURTON: Yeah.

5                   THE CHAIRMAN: Okay. The third week of  
6 March, 15, 16, and 17. What was the problem? I know  
7 the Sunday travel thing and all that.

8                   MR. ENGLE: I think I'm the only one that's  
9 got a problem there or maybe Nancy too.

10                  MS. OSTIGUY: No, I don't. I'm fine.

11                  MS. CAUGHLAN: I think that's it.

12                  THE CHAIRMAN: Okay.

13                  MS. CAUGHLAN: 15, 16, 17, so we travel on the  
14 14<sup>th</sup>.

15                  THE CHAIRMAN: Okay. So we tentatively have  
16 the 15<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup>. The good thing about that is  
17 the Dubliner has quite a thing going on on St. Patrick's  
18 Day. Okay. Let's ruminare, and with that then the 15<sup>th</sup>,  
19 16<sup>th</sup>, and 17<sup>th</sup>, March.

20                  MR. MESH: Where?

21                  THE CHAIRMAN: Where? Well, right now we're  
22 talking here but we're subject, yeah -- it can go...

23                  MR. RIDDLE: What about Chicago then at the  
24 end of April, is that still...

25                  MR. KING: That's six weeks away.



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6 HELD AT: WASHINGTON, D.C.

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8 DATE: OCTOBER 23, 2003

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