

MINUTES
NOSB Working Session
October 22, 2003

NOSB Members: Dave Carter, Jim Riddle, Kim (Burton) Dietz, Goldie Caughlan, Owusu Bandele, George Siemon, Rose Koenig, Andrea Caroe, Ann Cooper, Becky Goldberg, Dennis Holbrook, Michael Lacy, Kevin O'Rell, Mark King arrived at 9:15 am;

NOP Staff: Barbara Robinson, Richard Mathews, Keith Jones, Arthur Neal, Katherine Benham, and Francine Torres.

Absent: Nancy Ostiguy arrived at 3:00 p.m.

1. Convene – 8:48 am EDT – Dave Carter, NOSB Chair
2. Keith Jones gave a power point presentation entitled, "Protecting Organic Integrity," outlining the responsibilities of USDA and NOSB. Keith defined "product integrity" as "meeting desired objectives." (The term product integrity assumes process integrity.)

There are four objectives:

1. Reliability – does the product meet expectations today?
2. Consistency – will the product meet expectations tomorrow?
3. Transparency – can customers see that expectations are built into the product? and
4. Validation – are expectations taken seriously? (Trust is self-evident in any relationship.)

Concerning organic products, integrity can be destroyed by: 1) Inconsistencies between ACAs in how they interpret and apply the NOP; 2) "Certifier shopping"; and 3) ACAs usurping the role of the NOSB by approving substances not on the National List, (including approval of materials based on a petition being submitted.) Immediate correction of the situation is vital.

Action steps to ensure product integrity:

NOP – Immediate communication to all ACAs that NOP views any and all violations of standards seriously; NOSB – Streamline substance evaluation process to ensure reliable, consistent, valid, and transparent decisions in as real time as possible.

1. Use documentation to capture and validate the Board's recommendation to ensure reliable, consistent, valid, and transparent decisions (short term action); and
2. Examine the scope of substances being reviewed (intermediate action). The fact that "ingredient" is not defined in statute provides the Board wide latitude. Board needs to weigh the pros and cons of narrowing or expanding the scope of materials which need to be reviewed.

KJ presented "Essential elements of credible substance review" taken from "Tough Challenges for Eco-label Programs" by Chuck Benbrook -

<http://www.pmac.net/RAMP/NEW/Ecolabels.pdf>

(All substances reviewed by the Board will already be screened by NOP for health and safety.)

1. Use a logical basis – a process and/or analytical method to identify the risk that the program is trying to reduce;
2. Target objectives must be quantifiable in some sort of baseline from which reductions in risk can be calculated;
3. Credible risk indicators must be established to serve as proxy for real world risks;
4. The process must set forth acceptable levels of risk arising from use of materials in a given use or setting;
5. Independent 3rd party review (TAP process); and
6. Must be transparent to all interested parties.

Q/As for KJ:

Andrea: What about scope?

KJ: Look at broad categories.

Andrea: What is an ingredient?

KJ: Board must wrestle with the issue. NOP will work with NOSB on concept paper with options, pros, and cons.

George: NOSB goes beyond objectivity and food safety. Subjectivity must be on the table.

KJ: NOSB must deal with ambiguities.

Becky: Does this focus primarily on handling issues?

KJ: Looking at all materials, but handling materials give NOP more grief.

Rose: Would have liked this info 3 years ago.

KJ: Yes, but we learn by operationalizing the process.

Rose: Has problems with concept of “benchmarks”.

KJ: The Board still needs documentation and consistency.

Kim: Where is NOP at on material recommendations made prior to May, 2003?

KJ: NOP will present an update during public session.

Dave: Five areas needed by NOSB for the things Keith presented to happen: 1) Consistency in the petition process; 2) Need functional relationships; 3) NOSB needs to have a role in the selection and oversight of TAP contractors; 4) There must be more transparency and better use of the website; and 5) Organic is about subjectivity, but the Board must be consistent in our determinations.

KJ urged the Board not to get complacent – as leaders, we must deal with these issues to protect organic integrity.

3. Barbara Robinson led a discussion on the NOP’s new materials review forms. She reported that she attempted using the forms to re-review methionine as an example, and found the process “extremely difficult”. It took her 12 hours over 10 days to complete the form. She reviewed TAP reports, minutes, comments, and independent research. She found the TAP lacking important information, with contradictions and inconsistencies. It contained judgmental adjectives and phrases such as “used to lower costs”. BR stated that when such a statement is made, it needs to be backed up with data, such as a feed/cost analysis.

When the Board encounters inconsistencies, incomplete, or inaccurate information, the Board needs to fill in the blanks. “You are obligated to find the info.” Rose commented that the TAP report should not advocate for or against a substance. BR stated that “organic” goes beyond food safety to cover protection of organic integrity. The Board needs validation that petitioned substances comply with the criteria. At the end of the day, the NOSB must protect organic integrity as perceived by consumers. This is not about protecting producers or handlers.

On the materials review form, the criteria are grouped by the types of questions asked, (e.g. environmental impact), instead of by production or handling. Each Board member will need to go through the criteria for each material prior to each Board meeting. Rose commented that the TAP reports must contain relevant research conducted in organic systems. Richard stated that one of the biggest problems with TAP reviews has been that the NOSB and NOP have not told contractors exactly what to look for. NOP/NOSB must update petition requirements and petition screening procedures, so that there is a consistent and well documented initial review by the NOP.

BR walked through her review of methionine, explaining the rationale for her answers. The Board’s goal should be to be able to defend our recommendations. Kim pointed out that this is a learning process – we have to stand behind past decisions, and move on. BR agreed that all materials must be addressed on a case by case basis.

NOP will provide the NOSB with a written report containing the results of the initial screening. All petitions received will go on the web. This will trigger documentation on how the material is dealt with.

When completing the forms, NOSB members must explain both “yes” and “no” answers. Submission procedures – TAP reports must be in to NOP at least 60 days prior to meeting. Posted. Committee recommendations need to be in to NOP at least 30 days prior to meeting. Posted. Committee chairs or co-chairs will present the committee’s recommendations during Board meetings.

15 minute break.

Rose asked if a “scale” can be a factor in materials review. Jim responded that this will be addressed in the Board’s discussion of compatibility. Kim mentioned that past NOSB actions have avoided “scale”. Dave and George commented that organic practices likely lead to scale implications, but scale is not a criteria in and of itself. NOSB and NOP should not set scale limitations or use regulations to determine winners and losers. Goldie commented that the “sustainability” test forces us to address some social impacts. Andrea mentioned that organic principles are easier to attain for smaller operations, but large operations can also follow the rules. Mark said that scale is site specific. Rose concluded that we may need a position paper on the issue.

Dave described the work of the Policy Development Committee in developing a draft guidance document on compatibility. Jim presented the committee’s draft. There was general discussion of the draft. It will be discussed in detail on Thursday pm.

Dave mentioned that the materials review forms need to be formally adopted by the Board during the public session as draft changes to the Board Policy Manual, since the BPM already contains materials review procedures and voting forms. Andrea commented that we will use the form during the Friday am working session, but we may have recommendations to improve it after we work with it for a while.

4. Adjourned at 11:45 am EDT.

Respectfully submitted,

Jim Riddle
Secretary, NOSB