

UNITED STATES DEPARTMENT OF AGRICULTURE

+ + + + +

NATIONAL ORGANIC STANDARDS BOARD

+ + + + +

MEETING

+ + + + +

WEDNESDAY,

OCTOBER 17, 2001

The Board met in the South Building Cafeteria, 12th Street and Independence Avenue, S.W., Washington, D.C., at 8:00 a.m., Carolyn Brickey, Chairperson, presiding.

PRESENT:

- CAROLYN BRICKEY, Chairperson
- RICHARD H. MATHEWS, Program Manager
- OWUSU A. BANDELE
- KIM M. BURTON
- DAVID CARTER
- GOLDIE CAUGHLIN
- REBECCA J. GOLDBURG
- STEVEN HARPER
- MARVIN HOLLEN
- MARK KING
- ROSALIE KOENIG
- WILLIAM LOCKERETZ
- JAMES RIDDLE
- ERIC SIDEMAN
- GEORGE SIEMON
- WILLIAM WELSH
- KATHERINE BENHAM

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

## I-N-D-E-X

<u>Public Comment</u>	<u>Page</u>
Emily Brant Reagan .....	3
Thomas Harding .....	11
Jim Pierce .....	20
Kelly Shea .....	28
David Engel .....	36
Tom Hutchinson .....	44
Bill Wolf .....	46
Phil Laroka .....	53
Sissy Bowman .....	56
Dan Herman .....	64
David Wicker .....	65
Brian Baker .....	72
 Task Force Report, Outreach to Producers	
Rose Koenig, Chair .....	74
 Committee Action Items .....	91
 Dr. Robert Post, Food Safety and Inspection Service .....	140
 Committee Reports .....	212
 Election of Officers .....	242
 Discussion of Next Meeting .....	254
 Adjourn .....	264

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
 1323 RHODE ISLAND AVE., N.W.  
 WASHINGTON, D.C. 20005-3701

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

2 (8:17 a.m.)

3 MR. SIDEMAN: Carolyn will not be here at  
4 least for two or three hours. She has a meeting with  
5 actually a very important person here in Washington,  
6 so I'm going to be running the meeting for a while.

7 The first order of business today is going  
8 to be public comment and then we're going to have a  
9 task force report. Richard is not here either, but  
10 Richard will be here.

11 MR. SIDEMAN: Jim, are you ready to start?

12 MR. RIDDLE: Sure.

13 MR. SIDEMAN: The first speaker is going  
14 to be Emily Brant Reagan from OMRI and she's got a  
15 minute to gather her thoughts.

16 MS. REAGAN: Good morning. I'm Emily  
17 Brant Reagan. I'm with the Organic Material Renew  
18 Institute, Policy Director. I am grateful to be here  
19 this morning. My topic is to address some issues  
20 about livestock feed ingredients.

21 First, however, I'd like to thank the  
22 board for all your hard work and all the time you've

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 committed and valuable time working in a volunteer  
2 capacity to do this stuff. It's not easy work, and we  
3 really appreciate the effort you've made.

4 Livestock issues, as we've heard during  
5 the meeting, are really kind of pressing right now  
6 with the rule implementation period. There's a lot of  
7 materials that need review. The Livestock Committee  
8 and the NOP staff have developed a very promising  
9 approach to handle some of the outstanding problems.

10 Verification is needed for a review of these  
11 ingredients. There's a draft circulating, and I  
12 believe it will be posted on the web for public  
13 comment after this meeting, but I thought I'd just  
14 jump start my comments on that to let you know where  
15 we're headed.

16 We think this piece of information is very  
17 timely. It's needed by the producers and the  
18 certifiers so that we can go ahead and implement the  
19 rule. I urge you to move forward promptly on  
20 reviewing this draft, but also to look at it carefully  
21 and not hastily and consider the impact of those  
22 decisions.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           OMRI works to review materials, brand name  
2 materials.       That's our major mission for our  
3 organization.    And we face decisions every day about  
4 the status of livestock materials.  They're not easy  
5 to review.  Often they have 30 and 40 ingredients for  
6 a standard feed additive or for biotic.  So they take  
7 a lot of thinking, and there's a lot of issues on all  
8 those ingredients.

9           Last year we spent considerable time with  
10 our Advisory Council and seeking public comment to  
11 develop a fairly comprehensive list of approved  
12 generic vitamins and minerals, and we also crafted a  
13 policy to deal with the incidental agricultural  
14 carriers, botanicals and direct fed microorganisms.  
15 We welcome NOSB attention to this subject so we can  
16 build confidence and consensus in the organic  
17 community around all these topics.

18           While the current draft proposal that's  
19 going to be circulated proposes to allow all vitamins  
20 and minerals permitted by AAFCO which is the  
21 Association of American Feed Control Officials, we  
22 suggested NOSB and the industry look closely at the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 implications and weigh carefully this approach against  
2 other possible approaches.

3 Our advisor and subscriber comments  
4 supported a somewhat more conservative concept that  
5 all vitamins/minerals approved for organic use should  
6 be limited to the ones that are already included in 21  
7 CFR as regulated by FDA. We also remind the Board of  
8 the policy that was expressed in 1995 by this Board  
9 that use of synthetic vitamins should be consistent  
10 with the National Research Council guidelines as a  
11 basis for nutrient requirements, and this is also  
12 cited in the preamble of the rule.

13 Both OFPA and the rule at 237(B)(2)  
14 prohibit, quote, "The use of feed supplements or  
15 additives in amounts above those needed for adequate  
16 nutrition and health maintenance for the species at  
17 its specific stage of life." So this is going to take  
18 a little review because, for example, while FDA lists  
19 as regulated vitamin K for many species, NRC  
20 recommends that it's not required for ruminants. So  
21 it seems to me if you are looking at the regulation,  
22 you need to look at also when are they truly a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 synthetic vitamin and when is there the NRC  
2 requirement also condones that?

3 We're in the midst of doing an analysis  
4 which we will give you in a chart form to make this  
5 easier to compare, but it seems to show that there's  
6 many available forms listed in 21 CFR for every  
7 necessary nutrient, vitamin and mineral. We will be  
8 giving this list to you and we'll request your serious  
9 consideration.

10 I think a good suggestion would be to seek  
11 a presentation from FDA officials to explain the  
12 difference in standards of data requirements for a  
13 material that's listed at 21 CFR versus those which  
14 they have granted a letter of no objection to OFPA and  
15 permitted listing of their publication. There is a  
16 different standard of data, and I think you should be  
17 aware before you just wholeheartedly adopt one set  
18 versus the list in *The Federal Register*.

19 Quickly, I'd say another really important  
20 point is that the draft talks about carriers, and it's  
21 a really good idea, I think, to separate the use of a  
22 minor amount of agricultural carriers from the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 requirement from organic feed. But the big problem  
2 with this issue are the secondary ingredients. It  
3 could be like wheat middlings. There's also minor  
4 secondary ingredients in vitamins and the vitamins  
5 themselves that may have GMO sources. So take a look  
6 at that. We have done extensive work on GMO policy,  
7 and we're going to continue to work with the industry  
8 and the community and bring that back to you. So  
9 hopefully we can all work together to get some  
10 progress on that issue.

11 Thank you very much.

12 MR. SIDEMAN: Any questions? We'll go on  
13 and comment more about that issue of minor ag products  
14 and carriers and GMO. What are your suggestions on how  
15 that would be done?

16 MS. REAGAN: We've developed this decision  
17 tree. Basically, it takes a stricter look at  
18 ingredients going into human food and livestock feed  
19 than it would if it were more secondarily applied as a  
20 soil application or in a crop because we make a  
21 distinction between direct and indirect GMO sources.  
22 But right now our policy, for instance, would say that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 anything that's derived from a GMO cannot be an animal  
2 feed at all at any level. So this is a real problem,  
3 especially in vitamins, the oil-based vitamins,  
4 Vitamin A, D and E, and it's the same problem for  
5 human food.

6 We're not seeing that they're available in  
7 non-GMO form. We have to figure out how to deal with  
8 that because they are being used in food and feed and  
9 basically they're not identifiably from sources that  
10 are not GMO.

11 MR. SIDEMAN: Do you see a solution? My  
12 problem with this is I, too, see the problem but I  
13 haven't come up with a solution other than just say  
14 they're okay rather than telling farmers they don't  
15 have the option to use those vitamins.

16 MS. REAGAN: Right. Right. Well, that's,  
17 you know, we're just faced with that decision now.  
18 We're trying to get some answers, too, because we  
19 realize the manufacturers are coming to us saying, for  
20 instance, the new commodity companies like Archer  
21 Daniels Midland are issuing statements saying there's  
22 no genetically altered DNA in this product, even

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1       though it was probably derived from commingled  
2       products. So, therefore, we would tell you -- you  
3       know, they're issuing these statements sort of like,  
4       you know, people are requesting affidavits and they  
5       get a statement like this that says don't worry about  
6       it. It's been tested. There's no rDNA in there, so  
7       it's not genetically altered. That doesn't meet our  
8       definition, but we need to figure out what's going on  
9       because I think there's a lot of different responses  
10      to that kind of information.

11               MR. SIDEMAN:     Would you personally be  
12      opposed to disallowing them or disallowing them saying  
13      it's an incidental amount and a tiny amount that's  
14      probably not any more than you're going to get from  
15      genetic drift by using organic corn chips?

16               MS. REAGAN:     I don't want to go on the  
17      record. We can talk about it. I did some surveying  
18      of certifiers at the meetings this week end to find  
19      out what are they allowing right now. I think it's in  
20      our food. I mean you can't ignore it.

21               MR. SIDEMAN:     That's something for  
22      everybody to be thinking about, even off the record.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Thomas Harding.

2 MR. HARDING: Good morning. First, I want  
3 to thank the NOSB and the USDA and the NOP and not  
4 only those who are sitting here but those that came  
5 before you because you've done an outstanding job, and  
6 I'm glad I'm not sitting where you are because you  
7 have a very difficult job.

8 I want to speak about two issues real  
9 quickly. I've reformulated them as I sat here for the  
10 last several days. I just want to share some thoughts  
11 of some of the people I work with and some thoughts  
12 that we feel that may help move things a little faster  
13 along.

14 The first thing is on fish, the aquatic  
15 systems. Regulating organic wild and farmed aquatic  
16 systems is the title. It is my opinion and that of  
17 those that the best model for us to follow to develop  
18 and implement a responsible certified organic aquatic  
19 system is the one that nature has provided within a  
20 balanced biodiverse ecosystem, one that takes into  
21 account the current desperate situation of our global  
22 fisheries, farmed and wild, one that in a responsible

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 way restores and sustains our global fisheries,  
2 protects our family fishermen, rural communities and  
3 associate economic environmental and cultural assets  
4 with absolute stewardship.

5 By undertaking the development of organic  
6 aquatic standards inspection and certification of  
7 qualified aquatic systems responsibly and by utilizing  
8 a legally defined and regulated label, that is  
9 certified organic, and by informing our intelligent  
10 market place with integrity about the integrated  
11 values these products represent, we can make a very  
12 big difference and lead the way for others to follow.  
13 Leaving this work in the hands of unregulated  
14 ecolabels will not enhance our family principles but  
15 will simply further confuse and dilute our growing  
16 market place of concerned consumers.

17 In closing, we already have at least two  
18 models with certified organic standards for aquatic  
19 systems and a group of committed consumers and  
20 retailers. All aquatic systems will not qualify.  
21 This also is true of our terrestrial systems.  
22 Restoration and sustainably managed systems do not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 require control, fenced in systems necessarily.

2           What we need is a paradigm shift. What we  
3 need is to look at the system very differently than we  
4 do at the land-based system. Otherwise, soon we'll be  
5 flooded with EU and Chilean-certified organic fish,  
6 and I don't think that's what we need here for our  
7 market place or for our family fishermen. At least  
8 today we need to make a decision, a decision that  
9 we're going to move this process forward and allow  
10 standards to develop or we're going to say no to it  
11 and we're going to go on about our business, but we  
12 need a decision.

13           The second part is about materials,  
14 materials petitions, national lists, and annotations.

15       For nearly two decades and more in some cases,  
16 private producer-owned certification programs have  
17 struggled with materials, the materials process, the  
18 whole review and, of course, building materials lists  
19 for fertilizers, pesticide processing aids, and the  
20 like. At this point, we may even have a very closely  
21 related list that also requires working with, even  
22 before the publishing of the final reg.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           The materials process is relatively clear.  
2           It seems to be cut and dried, as is the TAP review  
3 process, at least to the point that it gets where we  
4 all start to look at it in the public view. The  
5 approval process from the standpoint of how we go  
6 around and look at a material from both a science base  
7 and, in some cases, a philosophical base remains to be  
8 seen how good that process is.

9           I think it's really important that this  
10 process of approval be clear, consistent, and make  
11 sure that it is a science base and that where our  
12 philosophical values come in we should go back to our  
13 family principles. I mean it's really important that  
14 we understand that the public/private process  
15 certainly has slowed down what you're trying to do  
16 here and may be the reason why some of us look at it  
17 as a system that's really not functional but  
18 dysfunctional at times. That's no criticism for you  
19 because we've all inherited this system.

20           When a material is approved from the  
21 national list, it should apply to all soil, crop,  
22 livestock and food processing categories. For

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 example, an approved processing synthetic material  
2 should be approved for all processed organic food  
3 categories, not a single category, i.e., dairy, soy  
4 foods, milled and processed grains, meat and meat  
5 alternatives.

6 Annotation should be used to a minimum and  
7 certainly never to give what is perceived to be a  
8 process category an advantage to one or other or many  
9 vendors. It's very important that we look at this  
10 thing. It's not saying that's what you're doing, but  
11 that certainly is the perception sometimes, that there  
12 is advantages to some and no advantages to others.

13 The present process for annotation that  
14 qualifies certain processes is to me a mistake. Let's  
15 trust the system. Let's move on with the system.  
16 Let's make sure that whatever we do, we maintain an  
17 open, transparent and a balanced system of decision  
18 making. And by the way, this should be more science  
19 than philosophy. It should get back to family  
20 principles.

21 Thank you.

22 MR. SIDEMAN: Thank you, Tom.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Any questions?

2 MR. LOCKERETZ: You said that if we don't  
3 certify "wild," the product species will be flooded by  
4 organic fish from Europe and Chile, but how will that  
5 be possible since imports to this country that say  
6 organic have to have been certified by USDA,  
7 accredited, certified USDA standards and that there  
8 are no standards for aquatics, wild aquatics. Here  
9 there are no standards that we would accept an import.

10 Is that not so?

11 MR. HARDING: Well, that's certainly what  
12 the rule says. Let's see what happens in the  
13 meantime. We still lack a definition from OGC on  
14 whether in fact products that say organic that doesn't  
15 carry the USDA seal. There are questions on the table  
16 with regard to this issue.

17 MR. LOCKERETZ: That case talks about a  
18 much, much bigger issue than wild aquatic species.

19 MR. HARDING: Sure we are. I'm speaking  
20 specifically about aquatic species. Your point  
21 yesterday with regards to processing age is also  
22 something we need from the standpoint of OGC. They're

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 in the same category clearly, or the lack thereof.

2 Any other questions?

3 MR. BANDELE: I have one in terms of what  
4 you were saying if a particular material was approved  
5 in one instance, it should be approved across the  
6 board. I was wondering though if in some cases, in  
7 one system there may be some alternatives, some  
8 realistic alternatives that could be used whereas in  
9 the other those alternatives may not be in existence.

10 How would you deal with that?

11 MR. HARDING: Well, certainly that comes  
12 into the evaluation process and if there are  
13 legitimate really qualified materials to substitute,  
14 no question. But in any discussions I've seen, not  
15 only with this meeting but many meetings preceding  
16 this meeting, we do not have substitutes that fall  
17 into the economically, or functional or they're not  
18 even very good. They're 100 year-old material  
19 substitutes. Where we have a category -- for example,  
20 I'll give you one you dealt with yesterday, sodium  
21 phosphate or, for that matter, calcium hydroxide --  
22 there's a lot of materials. In a functional

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 standpoint, what's wrong with opening it up to all of  
2 the food categories in the process? What's wrong with  
3 that? Unless you have some reason to say no to it,  
4 you should include it for the time being. And if you  
5 really want to grow the industry, you should open up  
6 and trust the system, not specifically say for dairy  
7 or for soy foods or for milk products or for this or  
8 that.

9 I think what it'll do, it will cause us to  
10 go and find legitimate benign substitutes as we evolve  
11 the industry and add more value. But on the other  
12 hand, we will not look like we're closing the door to  
13 other parts of our community. I think it's very  
14 important that those annotations don't say for dairy  
15 only. With all due respect, I work primarily with the  
16 dairy community, so I'm looking at this thing in the  
17 long term. So I would like to say open it up to all  
18 food categories unless you have a real serious  
19 scientific reason in fact that that material is not  
20 beneficial in another process --

21 MR. SIDEMAN: Kim.

22 MS. BURTON: Tom, something that would

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 assist the board and those of us that have to make  
2 these decisions is to actually have more input from  
3 these people who are petitioning these materials. We  
4 had nobody here yesterday from the soy industry to  
5 help us make that --

6 MR. HARDING: I totally agree.

7 MS. BURTON: I'm not criticizing the  
8 process of the material but it certainly would help  
9 all of us, help understand what the needs are.

10 MR. HARDING: If I had read my last line,  
11 I would have said exactly that because the lack of  
12 good, clear applications, the lack of support here by  
13 the industry making the petition, all that falls into  
14 the same category. All I'm saying is that drawing the  
15 category from the beginning and then if you have to go  
16 back in five years after all, you have a window there  
17 that's right there. You don't have to put  
18 applications in three years and five years. It's  
19 going to happen anyway.

20 Thank you very much.

21 MR. SIDEMAN: Thank you.

22 Jim Pierce.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. PIERCE: Thank you very much for  
2 moving this over here.

3 MR. SIDEMAN: You're welcome.

4 MR. PIERCE: You might also think about  
5 announcing who's on deck so that they can be ready to  
6 stand up.

7 I don't have a prepared written statement.

8 Dennis Slack suggested that I sing for you but, since  
9 he's not here to record, I don't think that'll happen  
10 either.

11 We're here in the center of democracy  
12 essentially watching a piece of history being made.  
13 I, like everyone else who will probably stand up here  
14 and testify, thanks you for moving this process  
15 forward, for the hard work and dedication and  
16 selflessness that you've all expressed in taking on  
17 this often thankless job.

18 Searching for a metaphor on the way over  
19 here, I thought about the analogy of laws and sausages  
20 and how many people watch slaughter facilities and  
21 then turn vegetarian. I just hope that people aren't  
22 going to watch you guys amending the national lists

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and then going off organic food, although I'm  
2 considering, I am seriously considering giving up  
3 writing petitions.

4 Constructively but critically, I would  
5 like to offer a few observations and points from  
6 yesterday. I think the petition process may have  
7 taken a step backwards yesterday. Tom put many of  
8 these points very eloquently in that if a petition  
9 comes forward for specific use, it needs to expand to  
10 include all possible uses.

11 Sodium phosphate I guess was a good one.  
12 Sodium phosphate was allowed for dairy. The petition  
13 was for tools, to use it as a tool in the development  
14 of soy products. If it's a suitable material, if it's  
15 not insidious to the environment or the food or the  
16 consumer or the intent of the rule, then it should be  
17 available as a tool. Likewise with the sodium  
18 hydroxide. That was the one for peaches. If it's  
19 good for peeling peaches, it's not just about J.R.  
20 Woods. It's about peeling stone fruit if that's the  
21 only way to get the peel off. If caustic lye peeling  
22 is an insidious process, then it shouldn't be allowed.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 If it is not an insidious process, then it should be  
2 allowed for peaches or apricots or plums or whatever  
3 it needs to be used for. Enough said on that.

4 Another point that Tom touched on is you  
5 can not, should not and fortunately don't have to run  
6 this whole program. Behind you is the NOP and the  
7 certifiers and the farmers. Those that do foliant  
8 nutrient, calcium chloride. If calcium chloride is  
9 safe to spray on plants in order to give them calcium  
10 uptake, then approve it and then assume that if a  
11 person doesn't have enough calcium in their soil and  
12 they have to be doing this year after year, that their  
13 farm plan, their management plan is out of kilter and  
14 the certifier is going to point that out to them and  
15 they're going to have to add some calcium to their  
16 soil. The system will work if you just loosen the  
17 reins and let it go a little bit.

18 The annotation. I think in some attempts  
19 to keep the industry pure, you've over-annotized and I  
20 think if you go back and read -- and I wish I had the  
21 actual language for your copper sulphate annotation  
22 was very specific and way too specific. If copper

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 sulphate, which is widely used in the organic  
2 industry, if it is safe-- and these people made a  
3 brilliant point about how little they put in the water  
4 and how they manage it already. If they're going to  
5 build up copper, then that's going to come out in  
6 their farm plan as well.

7 Upcoming issues. This afternoon Dr.  
8 Robert Post will be here to talk about labeling of  
9 meat issues. This is a big deal for us, for me.  
10 There will be a handout that I wish I had ready today  
11 but I just need to copy it off. It'll be a handout  
12 with some positions and some questions. The problem  
13 with the paradox with the meat is that since it was  
14 only allowed organic recently, it has a lot further to  
15 catch up to get into the organic system and, of  
16 course, like a few things, there's a lot of other  
17 agencies with the FSIS as another regulatory agency.  
18 They have to all be brought into concert. I think  
19 you're ready to deal with this issue.

20 Last one that I'd like to mention is that  
21 the transition to organic on a staggered level is  
22 confusing and probably a disparity. I'm not sure how

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 workable that is. As hard as I try to understand the  
2 issue that farms come in in April, some of them have  
3 until October, some of them have until their  
4 anniversary date. I think you're ready to deal with  
5 that as well and, there again, there are certifiers  
6 here. Hopefully there will be some certifiers on your  
7 board in the future. That's a certification issue  
8 that I think they're prepared to help you deal with.

9 We'll go back and hopefully have safe  
10 flights home to our life, wherever that life may be,  
11 and I write some more lyrics to long-time ago popular  
12 songs. I wish you well until we meet again. Thank  
13 you.

14 MR. SIDEMAN: Any questions?

15 MR. BANDELE: I just have a comment. I  
16 agree with both of your points and I think my vote  
17 would indicate that. On the other hand, with the  
18 copper sulphate issue, in some cases it may -- the  
19 annotations of allowing just a very, very limited use  
20 but the other cases without those annotations, some  
21 board members because of problems with copper  
22 sulphate, the European community is -- so without

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 those annotations, it may not have been passed at all.

2 So sometimes, even though it appears as though it's  
3 narrowing, the rule may not be able to use them at  
4 all.

5 MR. PIERCE: Briefly though, if you had  
6 allowed copper sulphate for use in controlling --  
7 production, then you have to leave it up to the  
8 management at that point. You don't have to say every  
9 other year that 10 pounds per acre. You look at that  
10 annotation years from now or other people will look at  
11 it, not having seen the process or seen your faces up  
12 there, I just think that that was -- but I think you  
13 did a very good job of presenting the synopsis of  
14 those materials so that everybody could get moving  
15 forward on it.

16 MS. KOENIG: I think the one thing people  
17 don't realize -- well, #1, a lot of people haven't  
18 read through the material as much as the Board has  
19 read through the material and it may appear that  
20 people are kind of maybe making rash decisions in the  
21 audience. But I think most board members -- I can  
22 speak for myself -- we read the material, we try to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 analyze things, and there's a lot of criteria that  
2 we're looking at. So what may be the one need of one  
3 set of industry or a very important point for one  
4 individual, that's not the only point that we're  
5 looking at. Those criteria were set forth in the  
6 OFPA.

7 This is my opinion as I see it and I'll  
8 just give you some insight as to how I made the  
9 decision. I look at those criteria. Frankly, mostly  
10 everything doesn't meet everything. If it did, it  
11 would be a lot easier. I guess I think a lot of  
12 people err on the side of caution. We haven't seen  
13 this thing implemented. It's a very new process.  
14 We're really not sure about how it's going to be used.

15 I think naturally people are much more cautious  
16 initially to just, you know, go ahead and do a whole  
17 lot of putting things on things just because of how it  
18 may be implemented.

19 You may not agree with that philosophy,  
20 but I think the process is an evolving one. I think  
21 things will probably change as the program moves  
22 forward. I hate to say it because I'm a grower, too,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and sometimes we need these products, but I think  
2 growers and processors and such are going to have to  
3 be patient with the process. I think the industry  
4 will come up to the plate in many cases and use  
5 alternatives and stretch themselves. I know I've had  
6 to change a lot of things in my operation that I  
7 haven't been frankly very happy with. But the facts  
8 are either you're certified or you choose not to be  
9 certified. To me, the ultimate thing, the market will  
10 go nowhere if public doesn't have confidence. If they  
11 just look at a synthetic list and realize that  
12 everything is just kind of on there and anybody can  
13 use mostly any synthetic that you would use in  
14 conventional agriculture, that's probably to me the  
15 thing that the public -- you know, and that's my  
16 opinion again -- but what the public is most concerned  
17 about is what's in their food.

18 MR. PIERCE: And that's clearly a pitfall.

19 Along with that caution, I would just suggest that  
20 you consider anticipation at the same time, thinking  
21 that down the road there may be a potentially not in  
22 your sight now use for these materials and if that is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 bad, then that's where it needs to be annotated.  
2 "Allowable except" I think is the decision process you  
3 should come up with. But you're right. The pitfall  
4 is that the whole thing becomes meaningless and I've  
5 stood right here and lectured you on that, too.

6 MR. SIDEMAN: Any other questions?

7 Thank you, Jim.

8 Kelly, you're next and I'd like to say  
9 that if you haven't signed up and you'd like to make  
10 comments, please do so now.

11 MS. SHEA: Good morning to everyone. I'll  
12 say, like everyone else, thank you so much to the  
13 NOSB, NOP, and USDA for what they're doing right now.

14 This is the first time I've ever commented to the  
15 Board. I usually sit and listen, but I didn't sleep  
16 so well last night about a couple of things, so I'd  
17 like to share some things with the Board.

18 I've been in the organic industry for over  
19 10 years, and my job has mainly been of value adding  
20 for family farmers. I began working with fruits and  
21 vegetables, worked for the Minnesota Trade Office for  
22 a while, worked with IP or identity-preserved soy bean

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 farmers mainly segregating non-GMO products. I worked  
2 with organic soy bean farmers, wheat farmers, small  
3 grain farmers and the last two years I've been working  
4 with organic dairy cattle.

5 I want to share with you some thoughts  
6 about the seriousness of the decisions that are made  
7 at this board. I want to share with you the fact that  
8 many, many companies are out there and many, many  
9 farmers are out there hanging on to your every word,  
10 waiting to see what you're going to decide, waiting to  
11 see what the NOP will do with your decisions, and  
12 waiting to see how that will affect their farms.

13 Recently *Colorado*, which is a packaged  
14 foods marketing publication that comes out and talks  
15 about the state of the organic industry, said that in  
16 year 2000 all organic foods in the U.S. totaled \$8  
17 billion. They said that organic food has been growing  
18 by 15 to 20 percent a year and by 2005 it'll be over  
19 \$20 billion. They also, according to SPINS data that  
20 was in *Natural Food Merchandiser* in June of 2001,  
21 organic dairy has grown faster than any other sector.  
22 Forty-one percent it grew in the year 2000 versus 27

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 percent for the rest of the industry. Therefore, it's  
2 pretty conservative to think that it's going to  
3 increase by about two and a half times or it needs to  
4 increase by about two and a half times to meet  
5 consumer demand in the year 2005.

6 Now here comes the myth. The myth is that  
7 industry is going to try to build huge dairy farms to  
8 meet that demand. That's a myth. The company I work  
9 for, Horizon Organic, is selling the land they  
10 purchased in California to build a dairy. Out of the  
11 three dairies our company is currently operating, the  
12 dairy in Colorado will shut down. It does not have  
13 the land base to meet the access to pasture  
14 recommendation. The other two dairies we own, one in  
15 Idaho and one in Maryland, have began transitioning to  
16 pasture for lactating cows since January of 2000, last  
17 year, based on the rule coming out. We've hired  
18 grazing experts, we've hired forage experts, and we've  
19 spent a lot of capital expenditure changing the  
20 infrastructure of those dairies to comply.

21 You've heard erroneously that those  
22 dairies will be sold because they can't comply. And I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 only bring this up -- I wasn't going to comment but  
2 I've heard board members say things to me over the  
3 last couple of days that are myths. The reason our  
4 company has put the dairies up for sale is to get the  
5 35 million to 40 million capital that's in those  
6 dairies to expand our brand out of the refrigerator  
7 and onto the shelf. The dairies will not be able to  
8 be sold unless they're compliant. What our agreement  
9 with the buyer is that they sign a document that they  
10 will keep those dairies organic for 10 to 20 years and  
11 sell the milk back to us. So basically the company is  
12 trying to have their cake and eat it, too.

13 I'm not here to talk to you about the two  
14 dairies that Horizon owns. We've got the money, the  
15 people and the brains to make sure they comply. I'm  
16 here to talk to you about the 200 to 500 farms that  
17 sell the product to us, and that's dairy farmers and  
18 grape farmers.

19 I'll basically wrap it by saying I'm very  
20 excited about the access-to-pasture recommendation  
21 that the Livestock Committee has put forth. It's  
22 something that's needed in the industry. There's one

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 thing I want you to think about and there's one thing  
2 that's not included in the recommendation, and that's  
3 the fact that the family farms that are waiting to  
4 hear what you decide did not begin to transition their  
5 ground to pasture a year and a half ago like our  
6 company did. They're buying seed this harvest to  
7 plant this spring and, if this recommendation has to  
8 be in effect by October, I'm not willing to lose one  
9 family farm, not when people cavalierly say, well,  
10 yes, I saw a place and it's going to go out of  
11 business. These guys didn't make it in conventional.  
12 That's why they went organic. I don't want to see  
13 another business -- think about what you're doing and  
14 make this part of a long-term farm plan. I'm sorry to  
15 be emotional. I know these people. Thank you.

16 MR. SIDEMAN: Thank you, Kelly.

17 Any questions for Kelly?

18 MR. RIDDLE: Just one brief comment. I  
19 appreciate your testimony and I agree. I see this as  
20 a farm plan issue and I think that's integral to the  
21 Livestock Committee recommendation that we'll be  
22 voting on today. So long as the ability to comply is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 being demonstrated and implemented, that would be an  
2 ongoing condition in the farm plan of that particular  
3 operation on a case-by-case basis. That's how I  
4 understand the recommendation and that's certainly how  
5 I would support that it be implemented as certifiers  
6 are accredited.

7 MS. SHEA: It needs to be in the  
8 recommendation because it's not in the recommendation.

9 It says that it's a farm plan system of management of  
10 pasture, but not getting -- and somebody like this guy  
11 who with the road in front of his house, he might have  
12 to buy some more land and that's going to take him a  
13 couple of years to put shoes on his kids and save up  
14 the money for additional -- transition --

15 MR. RIDDLE: Okay. You'd like it to be  
16 even more explosive is what I'm hearing, that -- to  
17 implementation.

18 MS. SHEA: I don't want --

19 MR. BANDELE: Kelly, let me be clear. So  
20 what would your recommendation be in terms of that  
21 scenario that you just painted? I'm not a livestock  
22 person. I'm trying to understand exactly what you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 would recommend in that regard come October 2002.

2 MS. SHEA: When we talked about the  
3 principles of organic agriculture yesterday, we talked  
4 about something that we're all working towards. We  
5 talked about a bar that we're all working towards and  
6 the idea that access to pasture is that it is required  
7 by the rule. Every certifier is going to be  
8 implementing that at every farm. I believe that we  
9 need to trust the certifiers to work with the  
10 producers to get them there and we need to trust that  
11 a certifier can look at a producer and say, you have  
12 no intention of ever getting there. You have no land  
13 base. You can make this.

14 But if a producer can say, here's a letter  
15 from my neighbor Joe. He's going to retire in a year  
16 or two. He's going to sell me his land. He's going  
17 to transition it to organic and they're monitored. I  
18 don't know the exact warning we would use to do that,  
19 but I don't want to see this be a drop dead date for  
20 people because it takes a couple of years just to  
21 establish a standard nutritive pasture and some of my  
22 producers in the Northeast that are grazers aren't

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 managing the pasture the way the rule calls for. It  
2 calls for water management. They're going to need to  
3 fence out their water areas probably and move the  
4 water to a tank so that as the animals are drinking,  
5 they're not depositing waste in the streams. These  
6 best management practices are being implemented by  
7 states and counties, fencing out for -- areas. This  
8 is something they're not doing today on all farms and  
9 also the idea that the inspector will say, how much  
10 nutrition are these animals getting from grazing  
11 because nutritive quality is now part of the  
12 definition of pasture in the rule. So they're going  
13 to need some help with what they plant. A crop is an  
14 entire year. Do you see what I mean? The timeline is  
15 long.

16 MR. SIDEMAN: Kelly, thank you for your  
17 comments. I think the Board is going to seriously  
18 take them in consideration.

19 MS. SHEA: Thank you very much. And I'm  
20 sorry. I wish I wasn't crying all the time.

21 MR. SIDEMAN: The next speaker, who I  
22 forgot to give a warning to, is David Engel.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. ENGEL: I want to also very much thank  
2 you. I appreciate not only your efforts but I was  
3 noticing, thinking to myself yesterday and the day  
4 before, how lucky you guys are to have this kind of  
5 input into your deliberations. I think it's really,  
6 really neat.

7 I'd like to share a story this morning to  
8 try to convey my thoughts. A story helps to put a  
9 different perspective on things and hopefully when you  
10 remember it later, maybe help you with problems. It's  
11 not meant to be personal.

12 My friend Roger was fishing the other day  
13 and, as he was leaving the lake going up, he had a  
14 bucket of fish and the game warden came up and said,  
15 where'd you get those fish? Do you have a license?  
16 Roger thought for a moment and said, no, sir, I don't.

17 These are my pet fish. I take them down to the lake  
18 for outdoor access once a week and I throw them in and  
19 then when I whistle they jump back in the bucket and  
20 we go home. And the game warden said, yes, right,  
21 I'll bet. Come on, buddy.

22 So Roger said no, that's true, sir. Would

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 you like to see? And the game warden said, yes, this  
2 I got to see. So they went down to the lake and Roger  
3 threw the fish in the water and they were standing  
4 there watching and waiting. The game warden said,  
5 well? And Roger said, well what? And the game warden  
6 said, well, aren't you going to whistle and have them  
7 jump back in the bucket? And Roger said, have who  
8 jump back in the bucket? And the game warden said,  
9 the fish. And Roger said, what fish?

10 So the connection of the story here with  
11 what I'd like to share with you this morning --

12 MR. RIDDLE: Yes, what is the connection?

13 MR. ENGEL: As a community, particularly  
14 the focus here today, these last two days, the NOSB  
15 and the NOP, we've caught up a mess of fish here with  
16 our rules and regulations. Whether they're in a  
17 bucket or in the lake or not, it doesn't make a whole  
18 lot of difference. We're having to handle a system  
19 here and process is everything. There's meetings like  
20 this and there's lots of talk and there's tons of  
21 paper and discussion of pros and cons and materials.  
22 All this is the bucket of fish and we're all working

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 with that.

2                   But, and you ask, but what? And I say  
3 don't forget and you say don't forget what? And I say  
4 don't forget the farmer. I'm a farmer and when I come  
5 here and I see -- for example, let's just take this  
6 issue that Kelly was talking about and there's other  
7 issues, too, but that's a good one. When you put that  
8 word significant in your recommendation for the  
9 pasture, that has an effect. I've been looking at  
10 this for quite some time. Well, for six months since  
11 the word has been in there, since June but after June  
12 it was put in there. I've talked with different  
13 farmers and none of them are going to meet that. None  
14 of them because you're talking about over six months  
15 of age basically. It's not said in the rule like that  
16 but what's going to happen is the certification agency  
17 is going to have to take that and use it and if the  
18 farm plan paradigm is not looked at or if it's looked  
19 at in -- really, what it boils down to is many  
20 different people looking at it. I can look at this  
21 board right here. There's no certification  
22 representation on this board. I think that's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 something that would be very, very helpful for you all  
2 to have when you look at things like that. Labeling  
3 issues yesterday. Private labeling.

4 There is little farm representation here.

5 I mean people that are really farmers and know what  
6 it's like to have to get up and go out and get  
7 something done when you wake up in the morning and a  
8 calf is out or a cow has calved. To put together a  
9 pasture system that's going to cover everything from  
10 six months of age onward. Nobody is doing that. Not  
11 even Jim Lederburg. You all don't know who Jim  
12 Lederburg is, but he's got 25 - 30 cows. He's  
13 pasture-based. He sold his green chopper. He does  
14 everything with pasture. But he won't meet that  
15 pasture requirement if it's applied. So that's just  
16 an example.

17 In general, don't box it in. Watch the  
18 language. I think my letter to you earlier, the way  
19 the rule is written right now for access to pasture,  
20 outdoors, environmental considerations is really good.

21 I think certification agencies can work with that and  
22 apply it on a farm plan basis.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Another example. The OCI standards are  
2 mostly standards which are AOS. The NOP standard,  
3 like I just said, they're not pre-scriptive or post-  
4 scriptive, whatever the word is.

5 MR. SIDEMAN: Are there any questions for  
6 Dave?

7 I was wondering. I guess there are two  
8 parts to this. One is I get comments from both sides  
9 and the word significant actually went in there  
10 because we had comments coming to us from people who  
11 wanted zero pasture and people who wanted 75 percent  
12 of the feed from pasture. So the word significant,  
13 after lots of discussion on the Livestock Committee,  
14 was our best way of approaching that. We felt that it  
15 could take into account regional differences.

16 I guess my question for you is that you  
17 live in Wisconsin, which can grow a lot of grass, and  
18 why are there so many dairy farms that are selling  
19 organic milk in a place like Wisconsin who can't meet  
20 the pasture requirement when it only says significant?

21 MR. ENGEL: All I can speak from is my own  
22 example, but as I say, when I see what others are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 doing they're doing about the same thing. I have 200  
2 acres and --

3 MR. SIDEMAN: How many cows do you have?

4 MR. ENGEL: There's 120 head.

5 MR. SIDEMAN: Are you milking about 80 of  
6 them?

7 MR. ENGEL: No. Forty five.

8 MR. SIDEMAN: Milking 45 and how many  
9 acres of pasture?

10 MR. ENGEL: Well, the acreage of pasture,  
11 there's maybe 30 acres of permanent pasture and then  
12 I've got a perimeter fence around or partly around  
13 another 45 or 50 acres that I use. I rotate. I don't  
14 put something in pasture. Management-wise, if I don't  
15 use my rotation to manage pastures, then it means I've  
16 got to go in there several times a year because the  
17 cows won't eat certain things. So you have to manage  
18 it.

19 My situation. I have the young stock  
20 under six months of age which I will comply with.  
21 They're either in a hutch or they're in a pen. And  
22 then I have one, two, three other groups besides the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 cows, besides the milkers. The milkers I won't comply  
2 with. It's significant. It's easily 30 percent. I  
3 just don't manage my land like that. And to say that  
4 I should, I don't mind. I've got, like I say,  
5 perimeter fence. I've got lanes. I've got water  
6 three different places. That's the limit that I have  
7 chosen to go to, just like I will only choose to buy  
8 certain equipment or do things a certain way.

9 Frankly, I'll quit farming. I'll quit  
10 milking cows, which I may be at that point anyway, but  
11 I've heard other folks say the same thing concerning  
12 having to comply with something like this. It is such  
13 a major, whereas if you can take it gradually. But  
14 right now what the certifier is faced with is they  
15 have to take and do their best in applying that. I  
16 would have to say some agencies will do it in a  
17 gradual way that may not be such a shock. But it's--

18 MR. SIDEMAN: That's what the Livestock  
19 Committee was meaning in their message.

20 MR. CARTER: You might want to follow up  
21 on that same thing because Kelly's comment previously,  
22 I mean about the transition period, I think is very

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 important. As far as just saying that family farmers  
2 aren't going to be able to meet this at all, just the  
3 input that we've gotten from our part of the world, in  
4 Colorado, New Mexico and particularly working with  
5 some dairy farmers up in the Straw Valley of Wyoming  
6 and the like is that they have said that they felt  
7 that trying to put this threshold -- and the  
8 definition is significant -- I mean that which gives a  
9 little bit of leeway -- is actually going to give an  
10 advantage to family farmers. In particular, an  
11 organic system where you're trying to emphasize more  
12 management than off-the-shelf tools to solve every  
13 problem, that it's more labor intensive to do that so,  
14 therefore, it's more appropriate to an owner/operator  
15 system.

16 MR. ENGEL: But I could take 50 farmers  
17 that are owner-operated that are 40 to 60 to 70, 80  
18 cows, less than 100, which I don't know if that makes  
19 a whole lot of difference really but their systems are  
20 not set up to do a pasture basis system. They've  
21 chosen to keep the -- they have their silos there,  
22 they have their investments. A silo is a \$25,000

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 investment. Even to set in place a whole other grass-  
2 based system depending is, to do it right, is \$20,000  
3 - \$40,000. It just is. To do it right.

4 So I don't know. That's fine for the  
5 people in Wyoming but I know in our area there's a lot  
6 of farms that are really, really going to be hard-  
7 pressed unless the farm plan paradigm does--

8 MR. SIDEMAN: Keep working with us on it.

9 MR. ENGEL: We will.

10 MR. SIDEMAN: Tom. Tom Hutchinson.

11 MR. HUTCHINSON: Good morning. I'm Tom  
12 Hutchinson from the Organic Trade Association. Thank  
13 you all for your work and your receptivity to  
14 suggestions for solving potential problems.

15 First, OTA supports the comments of the  
16 Organics Materials Review Institute. OTA will be  
17 working with FAS, as per their presentation, to help  
18 identify specific problems experienced by exporters of  
19 organic products. Please consider referring organic  
20 exporters with such problems, whether or not they are  
21 OTA members, to me at OTA so OTA can compile evidence  
22 of export problems.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           OTA also strongly urges NOSB to approve  
2 the recommendation of the Accreditation Committee for  
3 private labels. They will be happy to clarify the  
4 issue and present the argument for the need for the  
5 provision.

6           OTA urges NOSB to explore the possibility  
7 of establishing a rolling review of materials, one  
8 fifth of the list every year over the five-year review  
9 schedule. OTA applauds the work of the Aquatic  
10 Animals Task Force but has reservations about allowing  
11 an exception to the requirement for 100 percent  
12 organic feed. OTA is also concerned about animal  
13 health care when unhealthy animals must be treated by  
14 treating the whole group of animals.

15           OTA notes the time spent on discussion of  
16 the allowability of a sunset clause in the annotations  
17 and urges NOSB to request the presence of a  
18 representative of OGC at all NOSB meetings. Thank you  
19 very much.

20           MR. SIDEMAN: Thank you, Tom. Any  
21 questions for Tom?

22           MR. RIDDLE: This would be your points on

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 disk?

2 MR. HUTCHINSON: Yes.

3 MR. RIDDLE: Thank you.

4 MR. SIDEMAN: Bill Wolf and after Bill is  
5 going to be Phil Laroka.

6 MR. WOLF: Well, first I was not planning  
7 to stay for this comment period and I realized that I  
8 have two issues and two things that I needed to share  
9 with you. Tom has added a third. So I'd like to  
10 address that one first and hopefully not go over time.

11 First of all, I'm Bill Wolf and I've been  
12 involved in the organic industry for 30 years. Today  
13 I'm representing myself, having been an organic farmer  
14 for 10 years, having been an organic product supplier  
15 of fertilizers, pest controls, and materials for 17  
16 years, and a consultant in the organic field for 20  
17 years. I volunteer with OTA -- panel.

18 About the audit trail which Tom mentioned.

19 I believe it's an audit trail issue when we talk  
20 about the private label issue. I believe there are  
21 three primary concerns and that the recommendation  
22 from the Accreditation Committee is excellent and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 solves the problem. It solves three problems. The  
2 intent of the Organic Foods Production Act was to  
3 protect the integrity of the consumers' ability to  
4 identify and to guarantee. There are loops in the  
5 audit trail that are broken if the name or the  
6 identity in some way is not clearly identified on the  
7 final label of the final product. So that's the  
8 essence of the problem.

9 The other problem, to put it bluntly, is  
10 many companies that are in the organic industry, their  
11 primary product is labels and if the certifier does  
12 not have the ability to verify the movement of those  
13 labels and the ingredients that they are shipping  
14 around, then you got a problem. It happened recently  
15 in several facilities at several locations where only  
16 accidentally was the label -- they identified that it  
17 had been mis-labeled and perhaps intentionally.  
18 Trader Joe's was nearly busted in the northwest over  
19 this recently because they had moved a label, a  
20 package from one egg producer to another that was not  
21 certified by CCOF as one example.

22 Finally, I believe it is only a technical

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 correction, and I submitted my personal comments to  
2 the NOP to that effect, in terms of the technical  
3 correction deadline, and the reason I believe it's a  
4 technical correction is -- and I have some documents,  
5 not with me, that explain that pathway -- that it was  
6 the intent of Congress in the hearings to have the  
7 integrity of the audit trail maintained and to have  
8 the consumer fully aware of the process.

9 In addition, the original draft rule  
10 essentially contained that intent in some of its  
11 language and there was no comments that opposed that  
12 concept. So that's my deal on that. Can I start my  
13 five minutes now? That wasn't on the agenda. I'll  
14 try to keep it very brief.

15 I wanted to talk today about two items.  
16 One is continuous improvement of the organic system  
17 and what that means in your decision making and the  
18 second is about fear and trust, and they're somewhat  
19 related. Organic is a system of continuous  
20 improvement. Mimicking nature. What I mean by  
21 mimicking nature is that the evolution, your struggle  
22 to decide which synthetics can be used in organic

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 systems, is our feeble attempt to mimic nature's  
2 supreme capacity to choose and evolve.

3 As an example, you've been discussing the  
4 -- that discussion has been going on for many years  
5 ever since the livestock portion of the organic  
6 industry began.

7 Oh, man. That's not fair, gentlemen.

8 MR. RIDDLE: We can ask you questions.

9 MR. WOLF: Well, I haven't gotten to my  
10 point.

11 MR. RIDDLE: Be fair to others.

12 MR. WOLF: I'll talk real fast. It's been  
13 going on for many years. Materials don't replace  
14 whole systems. We have to do more work to develop  
15 holistic livestock systems. During the debate, very  
16 little has been done in the field -- I talked to  
17 George at length over the years about this -- to  
18 replace -- Years ago, I recused myself from taking a  
19 position on -- because I sell a product, seaweed, that  
20 contains a small quantity of -- and the scientists say  
21 that there's not enough there to have any effect but  
22 that's part of the whole system and basically to put

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 it, so continuous improvement is about developing  
2 integrated holistic systems.

3 What that means is that the national list  
4 can't be static and that research must be pushed. In  
5 years ahead, I really hope you will be facing  
6 petitions to remove synthetics from the allowed list  
7 and that is part of the continuous improvement  
8 process.

9 My second point --

10 MR. SIDEMAN: Bill, your time is up. You  
11 can sign up again.

12 MR. WOLF: I will.

13 MR. SIDEMAN: Or you can lead us to a  
14 question and make a quick response.

15 MR. CARTER: What's your second point?

16 MR. WOLF: I just want to say that we all  
17 have vested interests. There is no such thing as  
18 objectivity in the human organism. There is fairness  
19 and there is trust. I wanted to talk about fear and  
20 trust. I believe that the organic community needs to  
21 be open about the issues and be conscious of one  
22 another and not attack personally and not attack

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 individuals as trying to deceive. It is everyone  
2 coming to the table with their personal objectives and  
3 in this troubling time, fear has become a big deal.  
4 That's the essence of what I had to say.

5 I did have a closing and that was earth  
6 worms. Ultimately, we are the servants of earth  
7 worms, very simply because the golden rule of human  
8 ecology is that if we kill off the predators, we  
9 inherit their jobs. Thank you.

10 MR. RIDDLE: I just wanted to be clear.  
11 From your second comments about whether you support  
12 our recommendation on the finding of the phase out as  
13 a date certain and accelerated.

14 MR. WOLF: I recused myself from the  
15 debate about the finding. That's my position.

16 MR. RIDDLE: Okay. So you won't comment.  
17 I'm going to read into what you said.

18 MR. WOLF: I think I'm out in the field  
19 seeing what's happening and I don't think that the --  
20 it's the same issue that Dave was addressing. I don't  
21 think that the poultry producers -- and it's primarily  
22 a poultry issue at this point -- could convert

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 production fast enough to deal with the issue. So I  
2 think you've addressed that problem, but I can not  
3 tell you yes, it should be on the list or no, it  
4 shouldn't.

5 MR. RIDDLE: But I heard also that  
6 endorsement of the research experimentation with  
7 alternatives that we're supporting as well. Correct?

8 MR. WOLF: Yes.

9 MR. HARPER:: Bill and Tom, I just wanted  
10 to make a comment. Yesterday when I started asking  
11 questions about the private certifier issue, I  
12 apologize for creating such a stir because that was  
13 not my intent to object to the recommendations that  
14 are coming out. I was just trying to get more  
15 information. I got the impression that people were  
16 going, what are you doing? You're creating this fire  
17 storm. So I was just trying to get more information  
18 on that. I apologize for making that such a  
19 controversy.

20 MR. WOLF: Thank you, and thank you for  
21 your work.

22 MR. SIDEMAN: Phil, you're next. The next

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 speaker is Phil Laroka and Sissy Bowman will be after  
2 Phil.

3 MR. LAROKA: Good morning and I, too,  
4 would like to thank you sitting on a volunteer board.

5 I know the time and energy it takes to come here and  
6 do all this and the amount of paperwork sometimes.  
7 I'm a little boggled by the amount of trees we have to  
8 cut in our industry to go through this.

9 I will try to be brief, but I am going to  
10 be redundant. I'm probably going to deviate a little  
11 bit because Dave and Kelly touched on the point.  
12 Obviously I'm here to speak that A) if it ain't broke,  
13 don't fix it and B) rules can be changed and, if  
14 warranted, should be changed. The conflict of  
15 interest that leaves farmers out of the certification  
16 link on boards is improper right now. There are two  
17 people that back me on this. Kelly and Dave. Without  
18 the input of the people that started this  
19 organization, without the feeling that a farmer has of  
20 what's going on, the feeling that you can go out of  
21 business, is really importantly that what we missed.  
22 You'll have everything in one set body if a farmer

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 isn't involved. Our involvement actually is limited,  
2 but the fact that we are there is important.

3 I say if it ain't broke, don't fix it.  
4 CCOF with a board of directors consisting of farmers  
5 has been around for 29 years. We have an  
6 international and national reputation of doing a hell  
7 of a good job. If there was a problem in there of a  
8 conflict of interest, it would have been found a long  
9 time ago and we would not be where we are today. Just  
10 as this board yesterday talked about conflict of  
11 interest, we have our fire walls and we have no  
12 problem in showing the accreditation people these are  
13 our fire walls.

14 We sit on the board -- go back to what  
15 Kelly and Dave were saying -- where you may have a  
16 farmer that's making \$12 million a year sitting next  
17 to an herb grower that's making less than \$5,000 a  
18 year. I'm bringing that up because you're getting  
19 input from both the large and the small grower. We  
20 have middle of the road growers, too. Understand what  
21 is going on in the certification process and  
22 understand what is going on out in the field that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 started this whole thing. Remember, CCOF with our  
2 system is the roots of this North American idea of  
3 certification.

4 I was also told in the beginning that one  
5 of the reasons why we should have this conflict of  
6 interest is because the consumer didn't want it.  
7 Where they got this idea is beyond me because every  
8 consumer group that is involved in organic consumption  
9 has gone from either being appalled to the fact that  
10 the farmer is going to be out of this loop or just is  
11 totally baffled by the fact that a farmer can not  
12 regulate himself. They say this time and time again.

13 Lawyers regulate lawyers, doctors regulate doctors.  
14 Why in the hell can't an organic farmer regulate  
15 organic farming?

16 As Marty brought up yesterday, we have  
17 systems where bankers can take a loan from the board  
18 that they're sitting on. If you're not worried about  
19 a conflict of interest in an actual money exchange  
20 right there, how in the world can the NOP not see that  
21 there can be fire walls set up to protect farmers on  
22 the board to regulate their own certification systems?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 From day one I actually had to read it like 10 times  
2 because I couldn't even believe it was there. When  
3 the first rule came out, it wasn't in the first rule.

4 We didn't even have any time to make comments because  
5 we get calls all the time from environmental and,  
6 again, consumer groups saying what is going on? We're  
7 totally behind you to stay on the boards for proper  
8 representation. I ask that this board urge the NOP to  
9 make that change in the law. Thank you.

10 MR. SIDEMAN: Thank you, Phil. Any  
11 questions?

12 MR. RIDDLE: Just a quick comment. The  
13 Accreditation Committee will be putting something on  
14 the table today to address that exact issue.

15 MR. SIDEMAN: Sissy Bowman and next is Dan  
16 Herman.

17 MS. BOWMAN: Hi. I'm Sissy Bowman. I am  
18 the Chairman of the Indiana Organic Peer Review Panel  
19 which operates, basically when we wrote the Indiana  
20 law, we designed it to operate exactly like a peer  
21 review panel does on the national level. We oversee  
22 certifiers in our state and accredit them to our

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Indiana standard.

2 First of all, I'd like to reinforce  
3 everything that Lynn said the first day of public  
4 input about the peer review panel, and I'd like to  
5 reinforce the need for that. There's a statutory  
6 authority in OFPA that says it needs to be there. And  
7 I'll also add. I know that there are budgetary  
8 considerations. Indiana has done this with extremely  
9 little to almost no budget, so if you'd like to see  
10 how to do it on a shoe string, we've got a good  
11 example for you.

12 I have a number of issues. They're kind  
13 of scattered here because I've been writing as I've  
14 been hearing people so I apologize for the lack of  
15 good flow here. I have some concerns about farmers,  
16 too, and one of them -- it's kind of a strange comment  
17 but I just want people to think about this. I have  
18 some real concerns about the status of product that at  
19 the time of implementation of the rule that might be  
20 in grain bins or in boxes that say they're certified  
21 or that are certified by a certifier who doesn't apply  
22 for accreditation or who has dissolved. There's grain

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 sitting in bins, contrary to the concern that there's  
2 not enough organic grain out there. There's grain  
3 sitting in bins, some of it since 1996 and 1997. It's  
4 certified now by some certifiers that have gone out of  
5 business. When the rule is implemented, is that  
6 product certified or does it no longer certify? And  
7 what is the impact this is going to have on these  
8 farmers who have these materials that they're holding?

9 I don't necessarily have an answer for  
10 you. I could come to tears over this, too, because I  
11 talk to these farmers every day. They don't know what  
12 to do about this.

13 On the national list issue, I hate to  
14 disagree with some of my friends and colleagues but  
15 please -- again, you've heard this before -- read  
16 Section 2118 of the Act. It says very clearly there,  
17 materials to petition for placement on the national  
18 list must be petitioned by specific use and  
19 application. No broad categories. It's in the law.

20 I also think that you could add greatly to  
21 your review process by having three steps that you  
22 need to insure. 1) a technical review of the material

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 prior to anything going to NOSB or to a Technical  
2 Advisory Panel to make sure that technically the  
3 petition is complete, that any research referred to in  
4 the petition is available to the National Organic  
5 Standard Board. I mean Smith and Smith in 1921. Who  
6 were they? Was it sound science? Is there even such  
7 a report out there? You really don't know unless you  
8 can see it. And I think that that would streamline  
9 this process and it would definitely streamline all  
10 the discussion when you're voting.

11 Another issue regarding accreditation is  
12 that whereas the National Organic Program has some  
13 flexibility on when a certifier can apply for  
14 accreditation, industry is already going ahead and  
15 trying to make us do things that NOP isn't. Before I  
16 left my office -- I also work as Communications  
17 Director for Indiana Certified Organic which is a  
18 private certification agency. We got a fax from Whole  
19 Foods that said that any certifier that has not  
20 applied for accreditation by October 21 of 2001, that  
21 their certified products will no longer be able to  
22 sold in Whole Foods stores. USDA is giving us a whole

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 other year. Okay. An application doesn't even mean  
2 they're going to get accredited. This is happening in  
3 the grain buying industry, too. Again, what are we  
4 going to do here? We can only do what we can do.  
5 USDA said we have until the 23rd. Is that two days  
6 going to keep product off shelves? I don't know.

7 Another thing, again going back to  
8 farmers, I've heard a lot of input that indicates to  
9 me that people want organics reduced so that  
10 conventional and already large scale production can  
11 simply slap an organic label on it. Organic standards  
12 must not be rewritten to make it easy for currently  
13 existing -- one minute? Okay. I'll get to the point.

14 You've got to make sure you think of small scale  
15 family farms. I just went to Farm Aid. A lot of those  
16 people I saw 10 years ago. The crisis then have gone  
17 to organics in order to try to save their family  
18 farms. If this program does not enable them to stay  
19 on their farms, you're not only making sure that  
20 they're an endangered species but you're going to  
21 destroy a national treasure. America's family farms  
22 are our greatest national treasure. Organics farmers

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 especially. Please think of them with your decisions.

2 Thank you.

3 MS. BURTON: I just had a comment about  
4 the technical reviewing of petitions. Right now the  
5 way it currently works is that the petitions are  
6 received by NOP and they actually go through them  
7 prior to giving them to the Materials Chair and they  
8 do have reference materials with them. Now they're  
9 not validated or checked or anything like that. But  
10 the Materials Committee is working on that whole  
11 process and will certainly take that into  
12 consideration. It's much better than it ever has  
13 been. I guarantee you.

14 MR. HARPER: I have a question concerning  
15 the communication between Whole Foods and the  
16 certification. How did that take place? You  
17 mentioned a date.

18 MS. BOWMAN: It came as a fax to me. We  
19 left on Saturday. It came as a fax to our office on  
20 Thursday or Friday. It was to all certifiers and it's  
21 a one pager and it said that we have to be -- either  
22 already have ISO 65 accreditation but it said if you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 didn't have any of those things, there was a list and  
2 they accept -- accreditation. But certifiers, there's  
3 a lot of them out there including Indiana Certified  
4 Organic. We were waiting until after this meeting to  
5 apply for accreditation. I just think that NOP allows  
6 for a time frame in there, the industry shouldn't be  
7 forcing regulations on us that aren't even completely  
8 implemented yet. It could destroy farmers and small  
9 certifiers.

10 MR. HARPER: I'd like to get a copy of  
11 that.

12 MR. SIDEMAN: Believe it or not, I'm  
13 actually keeping track of the time and we're not quite  
14 going to keep up on time if I don't get through this  
15 list. So if you can keep your comments, unless  
16 they're very, very quick.

17 AUDIENCE MEMBER: That's an April 21, 2002  
18 date on that fax.

19 MS. BOWMAN: What I had said October 21st  
20 of -- We've had the same thing from grain buyers, too  
21 though.

22 MR. SIDEMAN: Kelly, do you have a quick

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 comment?

2 MS. SHEA: NOP could possibly put  
3 something on their website to tell these people that  
4 people are in compliance until October 21 of 2002 and  
5 if stuff was certified that existed with a label on it  
6 before it was produced in 1998, soy beans that are in  
7 a farmer's bin, they're contracting with a broker,  
8 their broker has moved to Japan because Japan -- Sam  
9 Walmart -- I mean these things could be addressed by  
10 the NOSB and by the NOP. Something could be on the  
11 website so buyers and sellers and certifiers could  
12 refer these people to the NOP. We don't have to  
13 decide --

14 MR. MATHEWS: We'd have to take a look at  
15 that issue and we would have to probably run it by OGC  
16 to see how it works and we'd probably get feedback  
17 from NOP on that. It's something that's a real gray  
18 area.

19 MR. RIDDLE: But it is, I think, pretty  
20 clearly stated in the preamble already and just  
21 restating that on the FAQ page at this time sounds  
22 like it's needed.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. HARPER:: I think our understanding  
2 about the definition of what in commerce means because  
3 there's so many different levels. I think that's the  
4 difficulty understanding where that dividing line is.

5           MR. MATHEWS: For grains, it may be two or  
6 three years. For something else, it may be something  
7 else. That's something that needs to be determined.

8           MR. SIDEMAN: Next speaker is Dan Herman.  
9 David Wicker.

10          MR. HERMAN: On Monday I was Robin Downey  
11 and today I'm George Lockwood. George asked me to  
12 give some comments, and I quote, "Madam Chair and  
13 Members, I was unaware that your consideration of the  
14 Aquatic Animal Task Force Report was not going to be  
15 completed yesterday and was unable to change my travel  
16 plans to be present this morning to offer comments as  
17 you take further action on this report.

18           After hearing your discussion yesterday  
19 morning with questions and comments by NOSB members,  
20 it is my request that you continue consideration of  
21 any action on this important matter until a future  
22 meeting. There were numerous comments from NOSB

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 members that warrant careful consideration by the  
2 aquaculture and seafood community.

3 After our consideration and discussion, we  
4 may have appropriate responses to offer in this  
5 process. Thank you for your consideration. George  
6 Lockwood." End of quote. Thank you.

7 MR. SIDEMAN: Thank you. Any comment?  
8 Questions?

9 David Wicker.

10 MR. WICKER: Thank you for the opportunity  
11 to speak again. I come primarily to speak on pasture  
12 access, and I want to give you a little background  
13 information. Prior to the job where I'm at now in  
14 charge of raising poultry, I was a technical director  
15 of the largest amino acid producer in the world,  
16 particularly methionine, for 13 years so I know a  
17 little bit about the subject and I want to address a  
18 couple of technical issues on that.

19 Before I start, I'd like to thank the  
20 Board. You have a very difficult job. I'm glad it's  
21 you guys and not me. And I also thank you for  
22 allowing methionine use. You have a producer here who

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 was worried about excusing himself. Methionine is  
2 necessary. There are no substitutes out there now,  
3 and I dealt with ingredients world-wide because we did  
4 the most ingredient analysis world-wide, as well.

5 A couple of issues in there. 1) it  
6 implies that pasture is a good source of methionine.  
7 Most of your pasture is 70 percent water. It's not a  
8 good source of anything other than energens and  
9 vitamins. It is not a good source of methionine.  
10 Unless you use animal protein in there, warrens,  
11 crickets, etcetera, you're not going to get any  
12 significant sources of methionine out of pasture. It  
13 doesn't state that in your report, but it implies it  
14 in several cases.

15 Another one: it says that methionine is  
16 used primarily for growth and feed efficiency. That  
17 is the way we interpret it in the U.S. Because of our  
18 mix of diets, that's what we commonly see. It is not  
19 first limiting. Methionine is amino acid whenever you  
20 make any protein, your body or a chicken's body or a  
21 pig or whatever. It's the first amino acid laid down  
22 in the sequence of amino acids to form a protein.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 It's later broken out. You don't form any protein  
2 without methionine in there, whether it's a natural  
3 source, synthetic source, or any other source. So  
4 it's absolutely needed.

5 The first one you will see is immunity.  
6 You say it's not used for treating disease. The  
7 reason we don't see it for treating disease is that we  
8 normally feed in excess in the U.S. If you have a  
9 deficiency, you will see skin problems, feathering  
10 problems, cannibalism, pfiesteria, etcetera. And I  
11 know because I run into it. I run marginal levels  
12 sometimes and I use methionine for treatment, for  
13 therapeutic uses. So it is used for therapeutic uses.

14 Another one. The producers in the room  
15 raised some anxious concerns about production of  
16 modern breeds without using methionine. The amount of  
17 methionine used to make a gram of protein is the same  
18 for a 2001 chicken as it was for a 1940s chicken. It  
19 has not changed. You're talking about a basic  
20 metabolic reaction. What we have done is genetic  
21 selection for increased food intake. The more food  
22 intake as a percentage of diet, it appears to be more

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 methionine. The absolute amount required has not  
2 changed.

3 A third one. Lower protein. We're doing  
4 it for feed conversion, reducing nitrogen excretion.  
5 Reducing nitrogen in an environment is lowering total  
6 protein intake. To do that, you got to have a  
7 balanced diet. You can do it by mixing ingredients,  
8 you can do it by methionine, lycene -- I use -- at  
9 times, triptothane, isoleucine. There are a number of  
10 amino acids I use to do this.

11 I think the last one is comparing to  
12 vitamins. Four percent of the dry matter of most  
13 animals are vitamins and minerals, 50 percent is  
14 protein, 49 percent is fat, by the way. You make that  
15 statement. Let me tell you what I do on a practical  
16 basis. My diets contain one to three pounds of  
17 vitamins. They contain about one to three pounds of  
18 methionine. Exactly equivalent with vitamins and  
19 minerals.

20 You said promote growth and feed  
21 efficiency. Immunity is a big one. Immunoglobulin A,  
22 immunoglobulin G are proteins, all your

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 immunoglobulins, red blood cells, etcetera, need  
2 methionine. Also need arginine, by the way, to be  
3 activated. A number of amino acids.

4 So some of the things in here are the way  
5 we perceive it in the U.S. and the world because of a  
6 particular mix of ingredients that happen to be in  
7 that industry. We do need methionine.

8 The other one I'd like to bring up is --  
9 and I do applaud the Board for letting us have a  
10 transition period. We are looking. We're working  
11 with a primary plant breeder to increase the levels of  
12 basic amino acids within ingredients. Now, the  
13 problem is is whether or not we can do it in three  
14 years. You can't take a new strain of corn and soy  
15 bean meal, corn and soy beans, genetically get that  
16 out on the market and get it into anywhere in three  
17 years. You guys may be better at it than I am, but  
18 that's kind of difficult. People are working on that.

19 A number of companies are, and we will try and  
20 develop some. But in the mean time, methionine is  
21 necessary.

22 Appreciate it. Thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. SIDEMAN: Any questions?

2 MR. HARPER: I guess I want you to be  
3 prepared --

4 MR. WICKER: I know. Plant breeders.  
5 It's very difficult to bring a new strain on --

6 MR. RIDDLE: I would just point out that  
7 it's actually four years from now, even if it is  
8 approved on an expedited basis and the recommendation  
9 because it starts October next year.

10 MR. HARPER: But my point is that we have  
11 no assurance what the Office of General Counsel is  
12 going to do with that.

13 MR. SIEMON: Just the difference between  
14 the different varieties of birds, you said there was  
15 no difference in --

16 MR. WICKER: Per gram of protein.

17 MR. SIEMON: Per gram of protein. The  
18 modern bird does not require a higher protein than an  
19 old-fashioned meat bird and the differences in feed --

20 MR. WICKER: Is in ability to eat feed and  
21 consume.

22 MR. SIEMON: Or growth rate.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. WICKER: Or growth rate. First time  
2 methionine was fed was about 1952 in the U.S. It was  
3 used widely in the late '60s because of a shortage of  
4 fish meal. Fish meal and animal proteins are  
5 excellent sources of amino acids. Of course, they're  
6 not permitted.

7 MS. KOENIG: I just want to state for the  
8 record and I'm just going to assume that -- I know  
9 this is probably assumption and I know you probably  
10 have it covered, but just be cautious of organic plant  
11 breeders that you're not using -- you know, that  
12 somewhere they haven't used GMOs.

13 MR. WICKER: That was the first question  
14 we asked.

15 MS. KOENIG: It's just unfamiliarity with  
16 researchers sometimes to the requirements.

17 MR. WICKER: We asked that one first.  
18 Thank you.

19 MR. HARPER: Another question. If you cut  
20 the protein and therefore cut more of the amino acids,  
21 the result is, I'm being told, that you get a fatter  
22 bird. You get a lot more fat content in a bird. Is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that true?

2 MR. WICKER: If you unbalance the ration  
3 and have more energy in relation to the amino acids,  
4 you will have a fatter bird. You also affect skin  
5 integrity, i.e., perhaps it tears when you go to pick  
6 it. Protein is very good, protein to counteract some  
7 of that, a protein source. But you will affect skin  
8 integrity and you will have a fatter bird. Also an  
9 oilier bird. You will get oily blisters formed on the  
10 bird if you go to pick it. A lot of difficulties when  
11 you go to an unbalanced ration.

12 MR. SIDEMAN: Any other questions? Thank  
13 you.

14 The next speaker is Brian Baker. This is  
15 our last speaker. If there's anybody else who'd like  
16 to come up and make a last minute comment, we will  
17 have a couple of minutes.

18 MR. BAKER: Brian Baker, Organic Materials  
19 Review Institute. I'll try and be really brief.  
20 There's just one thing I asked Emily to bring up in  
21 her talk and she didn't have the time to do it. I  
22 simply wanted to thank you for your hard work and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 leadership, especially at this meeting. Like most in  
2 this room, I know how trying yesterday was. I know  
3 that there are people who made comments earlier about  
4 some of the decisions made and I simply wanted to  
5 express my appreciation for you making some very  
6 difficult decisions. Thank you.

7 MR. RIDDLE: Could you say that again?

8 MR. SIDEMAN: Is there anybody who has  
9 comments? I wouldn't mind if you didn't even come up.

10 Well, you have to come up actually so the recorder  
11 can hear you. Anybody else with any other comments?  
12 If not, 15 minute break.

13 (Off the record at 9:42 for a 23 minute  
14 break.)

15 MR. SIDEMAN: The next item on the agenda  
16 is for Rose to talk about the Task Force on Outreach  
17 to Producers. For committee members, I always have  
18 trouble getting a consensus by talking to everybody.  
19 The next thing on the agenda after Rose is committee  
20 action items. That means we're going to be voting on  
21 the items that the committees discussed earlier in the  
22 week. I was thinking about moving them, waiting for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Carolyn to come back, but I can't get a consensus.  
2 I'd like to hear what people think about that. Should  
3 we wait or should we just go ahead and do it?

4 DR. POST: I think we should proceed.

5 MR. SIEMON: When are we going to break  
6 for lunch?

7 MR. SIDEMAN: We're breaking for lunch at  
8 noon.

9 Rose, go ahead.

10 MS. KOENIG: I had the pleasure of having  
11 kind of a task force of one.

12 MR. SIDEMAN: Did you get consensus?

13 MS. KOENIG: I got consensus. I sent  
14 people email back in September just kind of  
15 remembering what the conversation was that led to a  
16 Communication Task Force to begin with because it's  
17 really not necessarily our mandate to work on outreach  
18 to growers about organic farming, but it certainly was  
19 a concern back in March at the first meeting I  
20 attended and somehow got appointed to a task force.  
21 So now I know not to mention problems without being  
22 prepared to somehow deal with them.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Pretty much on an informal basis,  
2 originally I had contacted a number of organizations  
3 that I was aware of that worked with outreach and at  
4 that time same, the group ATTRA, which is Appropriate  
5 Technology Transfer for Rural Areas, they were already  
6 in a process of thinking about submitting what they  
7 call a national initiative to SARE which stands for  
8 the Sustainable Agriculture Research and Education  
9 Division. It's a part of the USDA that primarily  
10 gives grants to sustainable agriculture efforts.

11           So they went ahead and developed a  
12 proposal, which I also attached as an email with that  
13 same email for people to review. I'm not sure if  
14 everybody was able to have enough time to look over  
15 it. They nicely basically are proposing to develop  
16 checksheet tools for organic producers that would help  
17 them understand the organic rules and regulations as  
18 set forth in the rule.

19           In the meantime, talking to the organizers  
20 of the grant as they were writing, we discussed about  
21 just approaching the program itself in the process  
22 just in case the funding didn't come through, that it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 really was a worthy effort. So they went ahead and  
2 did contact Rick and there has been a certain amount  
3 of funding. I'm not aware of all the funding and that  
4 type of thing that went to the organization, but they  
5 basically have gotten started, have gotten the go  
6 ahead to get started on developing the checksheet  
7 tools. Rick mentioned that in his presentation. That  
8 was basically this kind of communication effort.

9 So they're working on that and they still  
10 have the SARE grant in the works, so it may be  
11 possible that they may get a SARE national initiative  
12 and, if they do get that, then there will just be  
13 additional funding to really expand their effort.

14 But basically what they're proposing to do  
15 is to develop what they call a stakeholder team and  
16 both Jim Riddle and I are NOSB members on that  
17 stakeholder team as well as a lot of other individuals  
18 in the organic community including representatives  
19 from Land Grant Institutions, certifiers, OMRI has a  
20 representative, Michael Slye is on it. So it really  
21 is a nice group of different individuals, and it still  
22 is open for people if they're really interested in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 becoming a member of the stakeholder team to contact  
2 George Cooper at ATTRA and express that interest.  
3 Eventually they may say we've got too many members,  
4 but if you certainly have talents or specialties that  
5 aren't represented on the group, those are welcome.

6 I was going to suggest, and I need to  
7 probably talk to Rick about that, to actually list  
8 that stakeholder team on the website so that if  
9 growers or somebody with concerns have comments, that  
10 they could contact one of the members of the  
11 stakeholder team that they may know or represents  
12 their region because the stakeholders do come from all  
13 different regions. So we'll see if we can't get that  
14 stakeholder team list somewhere on the website so that  
15 growers and people concerned about some of the  
16 communication needs will be able to find somebody that  
17 they can get information to to get their information  
18 onto the stakeholder process.

19 But apparently in February there will be  
20 some deliverables to the program as far as check  
21 sheets rules. I know Jim and I have both been  
22 contacted and the process has been initiated already.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 I don't really have much to report because that's  
2 about all I know is that we've been contacted and  
3 they're starting their efforts on that level.

4 So originally I thought we would have to  
5 vote to encourage Rick to go ahead and support the  
6 process, but since they already have -- I mean we can  
7 just vote a vote of endorsement, but I don't even  
8 think that's probably necessary. Do you think? No.  
9 It's a done deal. But we do support it, at least I  
10 do.

11 The other effort that I kind of identified  
12 that we might approach as the NOSB, and I'm still not  
13 sure if it may not really be redundant to what ATTRA  
14 already has, but we may want to consider developing a  
15 database of grower organizations other than certifiers  
16 that we may sometime want to do mailings to about the  
17 program. Just a more extensive contact information  
18 directory. That really is up to the program and what  
19 people feel on the board. The only reservation I have  
20 in recommending us get started on that right away is  
21 that within the ATTRA process, they basically do  
22 extension, they do outreach.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           So I'm sure they have an extensive  
2 database already, so I'm not sure if it's going to be  
3 a redundant effort and we may just want to get Jim and  
4 I engaged in that process and see what their outreach  
5 efforts are going to be and if we feel like they have  
6 enough contact, just not get engaged in doing that  
7 work. So that's really just up to people as far as  
8 what board members feel is the best use for our time  
9 on that. Does anybody have any comments as far as  
10 whether we want to begin a database or anything or  
11 should we just wait and see what will come out of the  
12 ATTRA effort?

13           MR. HARPER:: I guess when I was thinking  
14 about this and as the organic industry grows and as  
15 more and more farmers are involved in organic  
16 production, I know that databases can be as extensive  
17 as you want. I just wonder how cumbersome this is  
18 going to become trying to have that database.

19           MS. KOENIG: The idea would not to be make  
20 a database of farmers. It's actually organizations  
21 that would come in contact with farmers. It's futile  
22 to think that the program could send mailings out to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 every organic farmer, but I think the certifiers  
2 certainly would know where to come and would have  
3 access to information because my concern is there's a  
4 lot of nonprofit organizations out there that work  
5 with small farmers or potential organic farmers or  
6 organic farmers that don't really understand the  
7 process and don't get contact information. To me,  
8 those are the people that are out of the loop. Maybe  
9 I'm over-estimating the number of people that are not  
10 aware of a lot of things, but I believe there's a lot  
11 of growers out there. I think Kelly represents  
12 perhaps growers that have read things and know what's  
13 coming. There's also a lot of growers out there that  
14 aren't aware of a lot of things. They don't even  
15 realize that there's a rule that they can read. Even  
16 if they went to get to the rule, they would get so  
17 frustrated trying to figure out what it all means that  
18 they probably would --

19 MR.CARTER: I want to support that, but I  
20 think that there's a lot of growers out there that are  
21 starting to think about alternatives because they know  
22 that producing more stuff at less cost isn't paying

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the bills for them, so they're weighing the  
2 alternatives. The less daunting that we can make the  
3 entry into organics, the better it's going to be. But  
4 if they don't even know how to tax us and then it  
5 looks like it's nothing but paperwork and all of that,  
6 it's going to steer them away from something that  
7 might be a viable alternative.

8 MS. KOENIG: To me, the reason why ATTRA  
9 is, in my opinion, a good link is because I mean I  
10 grew not on an organic farm but certainly a  
11 conventional farm and have been in agriculture all my  
12 life and also have gone through cooperative extension,  
13 three different land grant universities. So I kind of  
14 understand how the system works and how farmers  
15 typically, especially non-organic farmers, typically  
16 access information. I've done it many times. Called  
17 the Cooperative Extension Service. And you don't get  
18 answers. Some of them know about ATTRA. I'm not  
19 saying that ATTRA is a well known organization. I  
20 think the understanding in that organization is  
21 growing. But when you call ATTRA, and I've done it as  
22 a grower, you do get a phone call back and you get

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 information. I've been always impressed by their  
2 ability to get information back to farmers because  
3 it's a talent that a lot of extension agents don't  
4 seem to have.

5 I don't know how to foster really more  
6 relationship. I'm hoping this first step of the NOP  
7 and ATTRA may lead to maybe official extension arm or  
8 something of the National Organic Program in some  
9 fashion. Because they're already linked to the USDA  
10 in a certain fashion, I think it's a lot easier to  
11 work with them than try to recreate a whole other  
12 group. But that's just my opinion.

13 DR. POST: I don't know whether I should  
14 comment or not on this but I guess I'm going to  
15 anyway. I'm wondering about how well we can maintain  
16 this database. I mean we are the regulatory agency  
17 for the industry, and you have to wonder what will be  
18 our purpose for maintaining such a database. If it's  
19 an educational purpose, there may be some concerns  
20 about doing that. I think that issue has to be looked  
21 at as far as how NOP can maintain the database,  
22 whether NOP is the appropriate place for the database

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 or whether it be some place like ATTRA. ATTRA, in my  
2 experience with ATTRA, it's a very well known  
3 organization and it's very well respected and I think  
4 a lot of farmers do know about it. So I do think some  
5 consideration needs to be given whether NOP is the  
6 appropriate place for this database. I'm getting the  
7 sense that it's more of an educational purpose.

8 MR. RIDDLE: I just have a couple of  
9 comments I wanted to add to your report. On this  
10 database, one thing that is required under the rule is  
11 that certifiers submit a list of all certified  
12 operations so the NOP is going to have to manage that  
13 information somehow.

14 DR. POST: That's for compliance.

15 MR. RIDDLE: Right, right. Yes, there  
16 will be a list of all certified operators compiled  
17 into the NOP but whether it's publicly available or  
18 transferred--

19 DR. POST: That's going to be a restricted  
20 list, I believe. I believe it's going to be available  
21 only to certifying agents is my understanding, if  
22 that's correct. That's going to be for people who

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 applied to one place, got turned down.

2 MR. RIDDLE: No. This is a list of all  
3 certified operations that certifiers are required  
4 under the rule to make publicly available and they're  
5 required to submit it to you. So it would make sense  
6 that that be publicly available but what the program  
7 does with it in terms of just managing it and holding  
8 it or turning it around to ATTRA or whatever, I think  
9 that's what needs to be worked out is how it goes from  
10 there.

11 I wanted to mention that when you ask for  
12 other groups that aren't specifically organic or  
13 certifiers, what's now in my suitcase is a just  
14 released upper Midwest organic directory that lists a  
15 whole bunch of other resource groups. I'll get that  
16 back out and can give that to you if you're starting  
17 to kind of compile these.

18 MS. KOENIG: I think gathering those  
19 resources would be the first step.

20 MR. RIDDLE: But you wanted to do it.

21 MS. KOENIG: I personally think that we've  
22 got so much on the plate that I really don't want to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1       burden board members necessarily with the task of  
2       actually physically doing the database. I think we  
3       certainly can help compile that information and I  
4       guess it would probably be something that we're going  
5       to have to bring up during that task force if the  
6       board feels that there's a strong need to have a  
7       database somewhere that Jim and I can recommend as  
8       members of the task force or perhaps ATTRA to consider  
9       doing. Again, I think ATTRA probably has a lot of the  
10      groups listed already.

11                 MR. RIDDLE: And then on the first part of  
12      the report, the checklist questionnaire, the ATTRA  
13      project, I just wanted to inform the board that right  
14      now Joyce and I are working on upgrading the organic  
15      farm plan questionnaire template, the OCCIOIA Project  
16      which has been used by a lot of programs kind of as  
17      the base of their certification questionnaire. We're  
18      upgrading that right now to be fully rule compliant  
19      and address all of the organic plan requirements under  
20      the rule and that's going to feed into this ATTRA  
21      project. I've spoken with George about that, and it's  
22      also going to be available to the certifiers for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 comment, feedback, usefulness. So just wanted to  
2 mention that that is already in motion.

3 MS. KOENIG: Becky.

4 MS. GOLDBERG: I'll try to be brief. I  
5 think you've pinpointed an incredibly important  
6 problem. The report is quite good. I worry though  
7 that the NOSB and NOP are already over-committed and  
8 when it comes to things like database generation and  
9 so on, the best role we can play is to facilitate an  
10 organization who specializes in outreach and doing an  
11 even better job that they might otherwise and getting  
12 them interested. So that's what I would see our role.

13 MS. KOENIG: So I guess some of those  
14 comments, I'll agree and Jim, it's up to you if you  
15 want to help doing that as representative of that  
16 board, if people have lists of organizations and this  
17 goes out to the audience, too, if people want to  
18 supply more organizational names to somehow be  
19 submitted eventually to some database or compiling at  
20 some location which we don't know -- hopefully ATTRA  
21 or somewhere -- that could eventually get started.  
22 We'll start gathering that information so that when we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 identify the proper means, I guess, of creating one,  
2 we'll have a head start on that.

3 MS. GOLDBURG: -- talk to the Colorado  
4 Department of Agriculture about building a database  
5 for the state and there are funds available, so  
6 another thought is this is done by a state to state  
7 basis by the Department of Ag for the state that it  
8 could be linked up. Jim Larson has been working on  
9 that in the state of Colorado. Some states already  
10 have it, and that would be Department of Ag, it would  
11 be regulatory, it would be linked a cert agency. Just  
12 a thought.

13 MR. HARPER:: Like WSTA because they  
14 certify.

15 DR. POST: -- you could use NASA a tool  
16 for this. National Association of State Departments  
17 of Agriculture. So within each Department of  
18 Agriculture there are compilations of grower  
19 organizations. So it you take it from NASA and one  
20 step up from NASA to NASDA and then let NASDA help  
21 you. I think you could probably really create a  
22 wonderful database.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. KOENIG: I think that when you work  
2 within the organic community you have this impression  
3 that people are well informed and when you go out to  
4 the greater group of growers -- I mean it's not even  
5 growers. I've recently done some talks at two  
6 researchers in land grant institutions that had an  
7 interest in organics and they just had no knowledge  
8 about what the rule was about, so it's not only  
9 growers. There's just so much of a lack of  
10 information out there.

11 MS. GOODMAN: Can I ask one tiny question?  
12 What have you done in communication with the  
13 department here to facilitate the extension of  
14 information through other agencies, through RNA and  
15 through ARS and any of the others?

16 MS. KOENIG: I certainly can't speak for  
17 the department. I think we've seen during the meeting  
18 that there are some collaborative efforts that are  
19 getting started between EAA and certainly the ATTRA  
20 link. The one thing I talked to Rick Mathews about  
21 is I know some of this transition money is going to  
22 some of the -- yes -- and I know the horticulture unit

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 person who used to be at Florida who's in charge of  
2 some of that money. So I think that there's linkages  
3 but what I was hearing through this meeting, I wanted  
4 to make a strong recommendation somehow and I'm not  
5 sure how it's going to be done, is that the key issues  
6 that we think that need to be researched and certainly  
7 methionine alternatives is one of those areas. I mean  
8 we've got to get that information out to where the  
9 sources of monies are coming in or else we're going to  
10 get research on everybody's pet research project but  
11 it's not going to address the needs of the industry.

12 So somehow we need to come up with a  
13 research priority list for some of our concerns, and  
14 I'm going and I encourage people. There's an Organic  
15 Farming Research Foundation SCORE project and they're  
16 meeting in North Carolina in the beginning of  
17 November. I'm going to go there just because I've been  
18 on the team committees on that and maybe I can bring  
19 some of these ideas as far as making sure that the  
20 priorities are heard and really facilitated through  
21 the monies that might be coming through for doing  
22 research. So if anybody has ideas and can identify

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 some priorities, I think it would be important to  
2 either tell me or other people who know people who are  
3 going to the SCORE meeting to bring those out because  
4 those types of things will be discussed at that  
5 meeting.

6 MR. HARPER:: I just wanted to make note  
7 that this is certainly just isolated to farmers. I  
8 mean the process is I get calls all the time that say  
9 where do we find information on what you're supposed  
10 to do and most of them are basically going to  
11 certifiers. They see a certifier name or someone  
12 tells them about a certifier and they call the  
13 certifier and that's where they're getting their  
14 information.

15 I also get calls from ingredients  
16 suppliers. They want to make an organic ingredient.  
17 Where do I get the information to find out? Most of  
18 them don't even realize there's a website and they  
19 have no idea that there's even such a thing that  
20 exists and then again the daunting task of reading  
21 through the regulations to figure it out if you  
22 haven't been in the industry what's really going on in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the regulations.

2 MS. KOENIG: Mark, is anybody from the  
3 National Organic Program going to that Organic Farming  
4 Research Foundation meeting? Are you going to go?  
5 Okay. These are the areas I think that there are  
6 opportunities to really get that information out.

7 MR. MATHEWS: My shoulder is still sore  
8 from all that arm twisting.

9 MS. KOENIG: Oh, you're in the room. I  
10 guess partly because I do believe that industry -- you  
11 have to have research in the process. Industry can  
12 grow to a certain point and then you run into a lot of  
13 road blocks which we're seeing, especially in this  
14 material process, that if there's not some active  
15 research going on, it's going to be difficult to  
16 combat some of these problems that are coming forth.

17 MR. SIDEMAN: Is that it, Rose?

18 MS. KOENIG: Yes.

19 MR. SIDEMAN: Thank you.

20 The next item on the agenda is going to be  
21 the Committee Action Items where we vote on the items  
22 that were discussed earlier in the week. Is there a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 particular procedure you'd like to follow? Just go  
2 committee by committee?

3 MR. SIEMON: Do we have a list of which  
4 action items we're voting on? I tried to go through  
5 the book and see.

6 MR. SIDEMAN: Look at the beginning of  
7 each committee section. Will, do you mind if we start  
8 with your committee?

9 MR. LOCKERETZ: That's fine.

10 MR. SIDEMAN: Okay. Let's start with the  
11 Accreditation Committee. We're going to take a couple  
12 of minutes to find those we got yesterday. We'll take  
13 a one minute break now while we organize ourselves.

14 (Off the record at 10:32 a.m. for a nine  
15 minute break.)

16 MR. SIDEMAN: We're ready to roll. We're  
17 going to take up the items from the Accreditation  
18 Committee first and Willie has the floor. I gave  
19 instructions to the whole board. Bob does not have  
20 copies of the exact motions we're voting on in some  
21 cases and I guess that Catherine has them. Do you  
22 have these?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. LOCKERETZ: I gave those to you  
2 yesterday.

3 MR. SIDEMAN: Okay. We're ready, Willie.

4 MR. LOCKERETZ: The first is principles of  
5 organic production and handling revised version as  
6 recommended by the committee. We discussed yesterday.  
7 No changes since yesterday so the text you have in  
8 front of you we vote on. We don't have any discussion  
9 now. Correct?

10 MR. SIDEMAN: Read your motion first and  
11 then discussion.

12 MR. HARPER:: I'll move approval.

13 MR. RIDDLE: Second.

14 MR. SIDEMAN: Now we are open to  
15 discussion. Does anyone have any further discussion  
16 on principles of organic production?

17 MR. SIEMON: Just to understand the  
18 process, we could make a proposal to strike a word or  
19 two, couldn't we, and then -- okay. Fine.

20 MR. LOCKERETZ: I suggest since we had  
21 discussion for all of these in an open-ended sort of  
22 way, that the discussion be limited to proposed

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 amendments. Amendments are in order.

2 MS. BURTON: For the Section 1.5, the word  
3 social, again just for the record, we've had a lot of  
4 problems or I feel like we've had discussion around  
5 that in the industry and I would propose that we  
6 strike that word. I think it's going to open the  
7 board if we all have different views on what social  
8 means and socially and I would suggest that we strike  
9 that. I make that as a motion.

10 MR. SIDEMAN: Is that a friendly  
11 amendment?

12 DR. POST: I second it.

13 MR. SIDEMAN: A second from the unfriendly  
14 amendment and I'm going to need help from Jim and  
15 Dave.

16 MR. CARTER: Let's vote strictly on the  
17 amendment.

18 MR. SIDEMAN: Vote on the amendment.

19 MS. GOLDBURG: I think we had it  
20 yesterday. The amendment is to strike.

21 MR. SIDEMAN: The amendment is to strike  
22 1.5 from principles of organic production.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. POST: Just the word socially.

2 MR. SIDEMAN: Just the word socially from  
3 that. In other words, these principles would only  
4 address ecological and economic standards.

5 DR. POST: Could you give us a couple of  
6 minutes, please?

7 MR. MATHEWS: Do you have a list of all  
8 the motions?

9 MR. LOCKERETZ: I have copies of all the  
10 motions. Catherine has them from yesterday.

11 DR. POST: She doesn't have them right  
12 here.

13 MR. LOCKERETZ: I'll give you my last  
14 extra copy.

15 MR. MATHEWS: Is it an extra? I'll go  
16 photocopy real quick.

17 MR. RIDDLE: Here's one extra of the  
18 principles.

19 MR. LOCKERETZ: I don't have any more of  
20 the third item.

21 DR. POST: So the motion is actually the  
22 entire document.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. LOCKERETZ: Yes, but the first is an  
2 amendment--

3 MR. SIDEMAN: We had a second. Is there  
4 any further discussion?

5 MR. SIEMON: Just the context of this  
6 whole document is a guideline for NOSB policy  
7 development. Is this for NOP, as well?

8 MR. LOCKERETZ: No. This is our  
9 understanding of what We're all about.

10 MR. SIDEMAN: Let me tell you my take on  
11 it and you tell me if I'm wrong, Willie. I see this  
12 as an internal document for NOSB guidance, but I also  
13 see lots of people referring to it. Certifiers, for  
14 example, when writing their standards would be  
15 referring to the NOSB --

16 MR. LOCKERETZ: In a general way but this  
17 is not intended as standard --

18 MR. SIDEMAN: It's not rule but somebody  
19 could write certain guidelines and their  
20 interpretation of rules based on NOSB principles. Is  
21 that how you see it?

22 MR. LOCKERETZ: That's how I see it.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. HARPER:: And that's what I see as the  
2 problem because of trying to interpret what the word  
3 social means.

4 MR. LOCKERETZ: Well, we had this  
5 discussion. I suggest we vote the amendment.

6 MS. GOLDBURG: Me, too.

7 MR. SIDEMAN: We have to vote this  
8 unfriendly amendment first. So I call the vote.

9 DR. POST: Now we are voting on the  
10 unfriendly amendment. Dave.

11 MR. CARTER: No.

12 DR. POST: Kim.

13 MS. BURTON: Yes.

14 MR. BANDELE: No.

15 DR. POST: Goldie.

16 MS. CAUGHLIN: No.

17 MS. GOLDBURG: No.

18 MR. RIDDLE: No.

19 DR. POST: Eric.

20 MR. SIDEMAN: No.

21 DR. POST: Steve.

22 MR. HARPER: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. POST: Mark.

2 MR. KING: No.

3 DR. POST: Rosalie.

4 MS. KOENIG: No.

5 DR. POST: Willie.

6 MR. LOCKERETZ: No.

7 DR. POST: George.

8 MR. SIEMON: No.

9 DR. POST: Bill.

10 MR. WELSH: No.

11 MR. SIDEMAN: The amendment fails to be  
12 adopted and now is there any more discussion on the  
13 principles?

14 MR. LOCKERETZ: Any amendments.

15 MR. SIDEMAN: Any other amendments. The  
16 count was?

17 DR. POST: Eleven to two. Eleven nos and  
18 two yeses to remove it, so the motion fails.

19 MR. LOCKERETZ: Are there any other  
20 amendments proposed? If not, we go to the statement  
21 itself to vote that yes or no.

22 MS. BURTON: I'll make recommendation to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 accept it as is.

2 MR. RIDDLE: It's already on the floor.

3 MR. SIDEMAN: Bob, you can call the vote.

4 DR. POST: Now We're voting on the motion  
5 by the Accreditation Committee. Does everyone  
6 understand the motion? Do we have to have that read?

7 MR. LOCKERETZ: To accept the principles  
8 as in front of you.

9 DR. POST: We've had that seconded. Okay.  
10 Let's call for a vote. Dave.

11 MR. CARTER: Aye.

12 MS. BURTON: Yes.

13 MR. BANDELE: Approve.

14 DR. POST: Goldie.

15 MS. CAUGHLIN: Approve.

16 DR. POST: Rebecca.

17 MS. GOLDBURG: Approve.

18 DR. POST: Jim.

19 MR. RIDDLE: Yes.

20 MR. SIDEMAN: Yes.

21 DR. POST: Steve.

22 MR. HARPER: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. POST: Mark.  
2 MR. KING: Yes.  
3 DR. POST: Rosalie.  
4 MS. KOENIG: Yes.  
5 DR. POST: Willie.  
6 MR. LOCKERETZ: Yes.  
7 DR. POST: George.  
8 MR. SIEMON: Yes.  
9 DR. POST: Bill.  
10 MR. WELSH: Yes.  
11 DR. POST: It's unanimous. Thirteen to  
12 nothing.  
13 MR. SIDEMAN: One absent. Two absent.  
14 One more absent than the other. He's farther away.  
15 MR. LOCKERETZ: Shall we move on? The  
16 second item is Subpart D, applicability proposed  
17 change by the Accreditation Committee. Just the first  
18 section. Just the stuff above the three stars. The  
19 proposal on limiting the small farmer exemption to  
20 just farmers and to just those farmers who sell less  
21 than \$5,000 total sales. This is unchanged from  
22 yesterday.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. SIDEMAN: I'm going to let you run it.

2 MR. LOCKERETZ: Does anyone propose any  
3 amendments to this?

4 MR. RIDDLE: Has it been moved?

5 MR. LOCKERETZ: Sorry.

6 MR. RIDDLE: I move that we adopt the  
7 amendment as proposed by the committee.

8 MS. BURTON: I'll second.

9 MR. LOCKERETZ: Amendments are in order  
10 but not general discussion.

11 MR. HARPER: We didn't discuss this issue.

12 MS. GOLDBURG: Yes, we did yesterday.

13 MR. LOCKERETZ: We presented it.

14 DR. POST: We kind of skipped over it but  
15 that was --

16 MR. SIDEMAN: Let's put it to a vote.  
17 Informal vote. How many people would like to allow  
18 discussion during each of these issues? Just raise  
19 your hand. How many people would like to allow  
20 discussion?

21 MR. HARPER: I have a question.

22 MR. SIDEMAN: Okay. Go ahead, Steve, and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 ask your question.

2 MS. BURTON: We don't have time for  
3 discussion.

4 MR. SIDEMAN: Want to try it again? How  
5 many people would like to allow discussion during the  
6 vote on these issues today?

7 MR. CARTER: As long as it's germane to  
8 the motion.

9 MR. SIDEMAN: That's enough people. We  
10 can allow a short discussion.

11 MR. LOCKERETZ: Reasonable discussion.

12 MR. SIDEMAN: Reasonable, short discussion  
13 left up to the persons running the --

14 MR. CARTER: That leaves most of it out  
15 though if it has to be --

16 MR. SIDEMAN: And it's also including  
17 discussion.

18 MR. HARPER: I didn't think we discussed  
19 this part yesterday. I just have a question why the  
20 exclusion for handlers was taken out because we didn't  
21 discuss that yesterday.

22 MR. BANDELE: I'm sorry. Why what was

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 taken out?

2 MR. HARPER: Why the exclusion --

3 MR. LOCKERETZ: We fall back to the OFPA  
4 language basically. The real question is why it was  
5 put in. We're going back exactly to OFPA.

6 MR. HARPER: Exclusion is for the farmer,  
7 only.

8 MR. SIEMON: You're also -- I didn't read  
9 OFPA but you're narrowing it to only -- it used to be  
10 organic sales. Now you're saying total agriculture  
11 sales.

12 MR. HARPER: That's restoring the OFPA  
13 language.

14 MR. RIDDLE: I just have one comment to  
15 Steve's question, too. Under OFPA is a small farmer  
16 exemption and it got extended to handlers and you  
17 might think of in your minds somebody doing a little  
18 on-farm processing of blueberry jam or something but  
19 the way it actually is written, it could be a very  
20 large operation. It could be, say, a grain elevator  
21 and they just do \$5,000 worth of organic grain  
22 cleaning but yet they're fumigating. There's no

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 control points being addressed, no certification  
2 requirement. So it's not just the kind of backyard  
3 jelly and jam maker. It's any processor that handles  
4 \$5,000 of organics does not have to be certified.  
5 There's no supervision whatsoever.

6 MR. HARPER: I understand your point.  
7 That's fine. I think we have the same issue with  
8 small farmers, but I have no problems with it. I just  
9 don't understand. I just wanted to understand the  
10 question.

11 MR. LOCKERETZ: Any other proposed  
12 amendments or discussions? If not, we'll go to a  
13 vote.

14 MR. SIDEMAN: Are you going to recognize  
15 the audience? I'm going to leave that up to you.

16 DR. POST: We have a motion, according to  
17 the Accreditation Committee, to limit the exemption of  
18 the exempt producers. It was made by Jim, seconded by  
19 Rebecca. Dave.

20 MR. CARTER: Approve.

21 DR. POST: Kim.

22 MS. BURTON: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. POST: Bandele.  
2 MR. BANDELE: Approve.  
3 DR. POST: Goldie.  
4 MS. CAUGHLIN: Approve.  
5 DR. POST: Rebecca.  
6 MS. GOLDBURG: Approve.  
7 DR. POST: Jim.  
8 MR. RIDDLE: Yes.  
9 DR. POST: Eric.  
10 MR. SIDEMAN: Yes.  
11 DR. POST: Steve.  
12 MR. HARPER: Approve.  
13 DR. POST: Mark.  
14 MR. KING: Approve.  
15 DR. POST: Rosalie.  
16 MS. KOENIG: Approve.  
17 DR. POST: Willie.  
18 MR. LOCKERETZ: Approve.  
19 DR. POST: George.  
20 MR. SIEMON: Approve.  
21 DR. POST: Bill.  
22 MR. WELSH: Approve.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. POST: Thirteen in favor, zero  
2 opposed, two absent.

3 MR. LOCKERETZ: Our third and last item is  
4 proposed modification to Subpart C which we discussed  
5 at great length yesterday. This has not been changed  
6 since the version we got yesterday. It's the proposal  
7 to add the word "certified" in three places in 7205.

8 MR. SIEMON: I just want to make sure that  
9 the identified and certified handler or certified  
10 distributor is the intent of this. Certified for both  
11 parties and this would take care of that intent.

12 MR. LOCKERETZ: I'm sorry.

13 MR. SIEMON: It says certified handler or  
14 distributor, so that means certified handler or  
15 certified distributor is what you mean.

16 MR. LOCKERETZ: Yes. I believe so.

17 MR. SIEMON: And is this legally, this  
18 wording is correct to do it that way? I think it is  
19 but I had a question. This is the wording in the  
20 rule, so they're just trying to add one word.

21 MR. LOCKERETZ: We're taking the wording  
22 of the rule. The only change in the wording is to put

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the word certified in.

2 MR. SIEMON: I'll look it up now. The  
3 handler also covers co-packers which is a big concern  
4 here. The actual plant manufacturing handler by  
5 definition is covered there?

6 MR. RIDDLE: We don't have a motion yet.  
7 I move to approve.

8 MS. BURTON: Second.

9 MR. RIDDLE: No changes as presented by  
10 committee.

11 DR. POST: Who seconded?

12 MS. BURTON: I seconded.

13 MR. LOCKERETZ: Do we want to state the  
14 question again, please?

15 MR. SIEMON: I just wanted to make sure  
16 that certified handler and the word certified denotes  
17 also for distributor.

18 MR. LOCKERETZ: Oh, oh, oh.

19 MR. SIEMON: That's all. Just a wording  
20 clarification of what your intent is.

21 MR. LOCKERETZ: That certainly was the  
22 intent.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. SIEMON: And does this wording legally  
2 take care of it?

3 MR. LOCKERETZ: We might insert the word  
4 certified a second time. It wouldn't hurt to do so.

5 MR. SIEMON: I mean I don't agree with  
6 your approach but let's try to do it right at least.

7 MR. SIDEMAN: I'll make the motion that we  
8 insert the word certified.

9 MR. LOCKERETZ: That's certainly a  
10 friendly amendment.

11 MR. SIDEMAN: To insert the word certified  
12 twice.

13 MR. RIDDLE: Second. I accept that as  
14 friendly.

15 DR. POST: Do you need the second?

16 MR. RIDDLE: I don't need the second. I  
17 can just accept that.

18 MR. LOCKERETZ: The committee is pleased  
19 with this. So the word certified appears before the  
20 word distributor in each of three places.

21 MS. CAUGHLIN: Yes.

22 MR. LOCKERETZ: Fine. Anything else? If

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 not, We're ready to vote the motion as just amended.

2 DR. POST: All right. We're ready to vote  
3 the motion as modified by a friendly amendment. Dave.

4 MR. CARTER: Aye.

5 DR. POST: Kim.

6 MS. BURTON: Yes.

7 DR. POST: Mr. Bandele.

8 MR. BANDELE: Approve.

9 DR. POST: Goldie.

10 MS. CAUGHLIN: Approve.

11 DR. POST: Rebecca.

12 MS. GOLDBURG: Approve.

13 DR. POST: Jim.

14 MR. RIDDLE: Yes.

15 DR. POST: Eric.

16 MR. SIDEMAN: Yes.

17 DR. POST: Steve.

18 MR. HARPER: Yes.

19 DR. POST: Mark.

20 MR. KING: Yes.

21 DR. POST: Rosalie.

22 MS. KOENIG: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. POST: Willie.

2 MR. LOCKERETZ: Yes.

3 DR. POST: George.

4 MR. SIEMON: No.

5 DR. POST: Bill.

6 MR. WELSH: Yes.

7 DR. POST; Twelve in favor, one opposed,  
8 two absent.

9 MR. LOCKERETZ: That concludes  
10 Accreditation Committee.

11 MR. SIDEMAN: Thank you very much. What  
12 about the -- container?

13 MR. LOCKERETZ: No, We're not putting that  
14 one forward. We've withdrawn that one.

15 MR. PIERCE: Unintended consequences.

16 MR. LOCKERETZ: We said that yesterday.

17 MR. SIDEMAN: Owusu, are you ready to go  
18 and lead us through the Livestock?

19 MR. BANDELE: I'm passing out the Crop  
20 Committee final recommendation. The only changes that  
21 were made would be under 205(2)09, Section 8. I think  
22 Jim pointed out that the citation was not correct, and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that has been changed. The only other change would be  
2 G whereby we removed the recommendation as recognizing  
3 that it wasn't enforceable as we knew it wasn't. We  
4 rewrote the wording there just to state that the  
5 producer must be in compliance in terms of -- Those  
6 are the only two changes that were made in the draft  
7 that was set forth before us.

8 MR. HARPER:: Can you go over it again --

9 MR. BANDELE: Section 205(2)09A, the first  
10 paragraph, we changed 205(2)01 to 205(1)05.

11 MR. SIEMON: Go on.

12 MR. BANDELE: And then G gets struck. We  
13 just struck the whole thing and reworded it to the  
14 current wording. The original wording had to do with  
15 the recommendation of using separate structures for  
16 organic and non-organic production.

17 MR. SIDEMAN: Is there a motion?

18 MR. RIDDLE: I move we approve as  
19 presented.

20 MR. HARPER:: I'll second.

21 DR. POST: Discussion. Owusu, I think  
22 there's one other small change that was made in the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 definition with annual seedlings and then I note that  
2 it's still plant definition at the very top. It still  
3 says plant stock and the definition under the rule is  
4 for planting stock. So I'd offer a friendly amendment  
5 to add I-N-G and that doesn't need to be seconded.  
6 It's accepted. Right?

7 DR. POST: Discussion? We have a motion  
8 to accept the greenhouse production system standard as  
9 presented by committee as modified by the friendly  
10 amendment by adding the word I-N-G to plant. Okay,  
11 vote. Dave.

12 MR. CARTER: Approve.

13 DR. POST: Kim.

14 MS. BURTON: Yes.

15 DR. POST: Mr. Bandele.

16 MR. BANDELE: Approve.

17 DR. POST: Goldie.

18 MS. CAUGHLIN: Yes.

19 DR. POST: Rebecca.

20 MS. GOLDBURG: Approve.

21 DR. POST: Jim.

22 MR. RIDDLE: Approve.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. POST: Eric.  
2 MR. SIDEMAN: Yes.  
3 DR. POST: Steve.  
4 MR. HARPER: Yes.  
5 DR. POST: Mark.  
6 MR. KING: Approve.  
7 DR. POST: Rosalie.  
8 MS. KOENIG: Approve.  
9 DR. POST: Willie.  
10 MR. LOCKERETZ: Yes.  
11 DR. POST: George.  
12 MR. SIEMON: Yes.  
13 DR. POST: Bill.  
14 MR. WELSH: Yes.  
15 DR. POST: Thirteen in favor, zero  
16 opposed, two absent. The motion carries.  
17 MR. BANDELE: The next is the mushroom  
18 standards.  
19 MR. SIEMON: That was handed out  
20 yesterday. Right.  
21 MR. BANDELE: It was handed out yesterday.  
22 MR. SIEMON: I have one October 17 and one

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 October 15.

2 MR. SIDEMAN: There was a change.

3 MR. SIEMON: There was a change. Okay.

4 MR. SIDEMAN: The last sentence was pulled  
5 out of 16 and 17. Is that right?

6 MR. SIEMON: Okay. And then we added a  
7 new word in D, didn't we?

8 MR. SIDEMAN: It should say October 17,  
9 final recommendation.

10 MR. SIEMON: Did we get it this morning?

11 MR. SIDEMAN: Yesterday.

12 I guess We're ready to go with this one.

13 MR. BANDELE: I need a clarification from  
14 Dave. Is this friendly or unfriendly, even though it  
15 wasn't majority opinion of that committee?

16 MR. CARTER: -- majority of the committee?

17 MR. BANDELE: Not the majority. The  
18 commercial availability thing. I'm going to bring  
19 that up. So it's not the majority.

20 MR. CARTER: You can still make the  
21 motion. You're making it as an individual, not on  
22 behalf of the committee.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. SIDEMAN: Oh, I see. You want to make  
2 a motion.

3 MR. BANDELE: I want to make a motion.  
4 Yes.

5 MR. RIDDLE: We first need to put it on  
6 the table.

7 MR. CARTER: Make a motion to approve it  
8 and then offer it.

9 MR. SIDEMAN: I'll make a motion to  
10 approve the mushroom standards as written.

11 MR. SIEMON: I'll second that. Can we  
12 first, before we go on, go over what the changes were  
13 between the 15th and 17th, please?

14 MR. SIDEMAN: Yes. The changes that were  
15 made between the proposal we presented a couple of  
16 days ago and what we have in our hand now is the last  
17 sentence of paragraph A was taken out.

18 MR. SIEMON: What was that sentence?

19 MR. SIDEMAN: Same purpose.

20 MR. SIEMON: They just put the greenhouse  
21 wording in instead to be consistent.

22 MR. SIDEMAN: That's right.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. SIEMON: Same net effect.

2 MR. SIDEMAN: Now We're using the same  
3 wording that's in other places in the rule about --  
4 and then we also changed paragraph D with a discussion  
5 of compost piles. In addition to allowing the piles  
6 to heat to a higher temperature, we added language to  
7 allow them to have different carbon to nitrogen ratios  
8 than what's in the existing rule. I made the motion  
9 to accept it as written October 17.

10 MR. BANDELE: Now I'd like to offer an  
11 amendment to that. I can very briefly explain the  
12 reason for my amendment. In Section C, "Agriculture  
13 materials such as grain or straw that are used in  
14 uncomposted media must be organically produced," and I  
15 would like to add, "unless commercially unavailable."

16 My reason for adding that is, first of all, sawdust  
17 is not required to be organic for the reasons that  
18 were discussed and there's really more sawdust usually  
19 than the grains.

20 Secondly, rye and all these other grains  
21 are already low input crops. There are not a lot of  
22 pesticides being applied to those. Third, I am not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 sure of the availability, even though I understand  
2 Bill and Eric's position that there's plenty of rye  
3 available. I'm not sure of the availability in the  
4 south and, because of that, I would like to give the  
5 certifying agent some leeway in that particular  
6 situation. If it is readily available, then the  
7 certifying agent should indeed know that and act  
8 accordingly.

9 So for those reasons, I offer that.

10 MR. RIDDLE: If I could just make a  
11 suggestion to your amendment. To be consistent with  
12 the definition in the rule, if you said "when  
13 commercially available." That's the term defined in  
14 the rule. Instead of "commercially unavailable."

15 MR. BANDELE: When commercially available.

16 Okay.

17 MR. RIDDLE: Yes. They must be used when  
18 commercially available.

19 MR. SIDEMAN: I have to take that as an  
20 unfriendly amendment and my reasonings are sawdust is  
21 not an agricultural product and -- call organic  
22 anyway, so we haven't required it to be organic. The

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 items that are agricultural commodities I think need  
2 to be organic. As I pointed out yesterday, mushrooms  
3 to me are much more akin to livestock where we have  
4 100 percent organic rule for feed and I would like to  
5 see that carried on for other --

6 MR. RIDDLE: There needs to be a second  
7 before it's open for discussion.

8 MR. SIDEMAN: No. First I had to claim it  
9 was unfriendly.

10 MS. BURTON: I'll second it so we can get  
11 a discussion.

12 MR. SIDEMAN: Okay. She seconded it.  
13 It's up to you as chair of the committee to call on  
14 people in the audience. There's a hand out there. I  
15 don't know if you see it. You can ignore it if you  
16 want.

17 MR. BANDELE: I'll do that.

18 AUDIENCE MEMBER: I just wanted to make  
19 the observation that all national forests have a sign  
20 that says U.S. Department of Agriculture. I believe  
21 forestry, wood production --

22 MR. MATHEWS: We had this discussion

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 yesterday about organic Christmas trees.

2 DR. POST: Let's clarify before you start  
3 voting on the amendment whether or not --

4 MR. SIDEMAN: I actually would like a  
5 clarification from Peter. So what you're saying is  
6 you would like to see the sawdust required to be  
7 organic as well.

8 AUDIENCE MEMBER: No. I'd like it to be  
9 recognized that growth of trees can --

10 MR. SIDEMAN: I don't understand what your  
11 point is. If you're claiming that they are  
12 agricultural products, I would agree with you, then I  
13 would say that they have to be organic, too. Is that  
14 your intent?

15 MR. SIEMON: You may not want to hear  
16 this.

17 MR. SIDEMAN: If anyone would to add  
18 having organic sawdust as well, they're welcome to.  
19 So we have to vote on the amendment. Owusu proposed  
20 the amendment and I considered it unfriendly.

21 MS. KOENIG: Re-read the amendment.

22 MR. BANDELE: "Agricultural material such

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 as grain or straw that are used in uncomposted media  
2 must be organically produced when commercially  
3 available."

4 DR. POST: There's a second on that. So  
5 call for the vote on the unfriendly amendment. Dave.

6 MR. CARTER: Accept.

7 DR. POST: Kim.

8 MS. BURTON: Yes.

9 DR. POST: Owusu.

10 MR. BANDELE: Yes.

11 DR. POST: Goldie.

12 MS. CAUGHLIN: Yes.

13 DR. POST: Rebecca.

14 MS. GOLDBURG: No.

15 DR. POST: Jim.

16 MR. RIDDLE: No.

17 DR. POST: Eric.

18 MR. SIDEMAN: No.

19 DR. POST: Steve.

20 MR. HARPER: Yes.

21 DR. POST: Mark.

22 MR. KING: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. POST: Rosalie.

2 MS. KOENIG: No.

3 DR. POST: Willie.

4 MR. LOCKERETZ: No.

5 DR. POST: George.

6 MR. SIEMON: No.

7 DR. POST: Bill.

8 MR. WELSH: No.

9 DR. POST: We have seven opposed, six in  
10 favor, and two absent.

11 MR. HARPER: May I make an amendment? I'd  
12 like to under Section C change it to say, "Sawdust,  
13 logs or other materials derived from wood used as a  
14 growth media must not have been treated with a  
15 prohibited substance" period.

16 MR. SIDEMAN: Again I take that as an  
17 unfriendly amendment and my reasoning is that there  
18 may be some places that are making sawdust or have  
19 sawdust available that don't know where the trees are  
20 coming from and I'd personally rather have people who  
21 are growing mushrooms on sawdust that they've gotten  
22 from people who do know where their trees come from.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. POST: Do we have a second?

2 MR. SIDEMAN: Sorry. We did it in the  
3 wrong order again.

4 DR. POST: What is the amendment again?

5 MR. SIEMON: It's just to take out -- and  
6 just say--

7 MS. BURTON: Could you re-read what you  
8 just said?

9 MR. HARPER:: What I'm doing is I'm taking  
10 out the section that it must originate from an area  
11 grown in areas free of prohibited substances as  
12 provided for in Section 205 for at least two years and  
13 so that it would say only that "Sawdust logs or other  
14 materials derived from wood used as a growth media  
15 must not have been treated with a prohibited  
16 substance."

17 MR. SIEMON: Since the sawdust is not  
18 treated as compared to the growing zone.

19 MR. CARTER: Specific to the tree --

20 MR. HARPER:: Well, it says "Sawdust, logs  
21 or other materials derived from wood used as a growth  
22 media must not have been treated with a prohibited

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 substance."

2 MS. GOLDBURG: But does that mean before  
3 harvest or after harvest?

4 DR. POST: Did you mean after harvest  
5 only?

6 MR. HARPER:: I just mean exactly that it  
7 must not be prohibitive.

8 MS. GOLDBURG: Wood is usually post-  
9 harvest. So you'd be saying the trees can come --

10 MR. HARPER:: For instance, by saying  
11 that, you would still cover like, say, pallet wood.  
12 Treated pallet wood would still be covered under that.

13 The intent of this is basically to -- I think it's  
14 too restrictive to require the person trying to obtain  
15 the sawdust to find that source of sawdust back to the  
16 exact location where a tree came from and that it was  
17 untreated with prohibited substances for three years.

18 I think that's an incredible burden on a mushroom  
19 producer to be able to trace that back. Maybe some  
20 small sawdust operation can do that tracing but if  
21 they're getting sawdust from a larger source of saw  
22 dust.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. GOLDBURG: Did we hear from any  
2 mushroom producer on this topic?

3 DR. POST: Yes. Is there a second?

4 MS. BURTON: Second.

5 MR. BANDELE: On commercial availability,  
6 we had several on the area of whether that --

7 MS. BURTON: I don't recall hearing from  
8 anyone on that topic, but I could be wrong.

9 MR. SIDEMAN: We did have comments. I  
10 believe we did. I believe there were some mushroom  
11 producers who wanted trees grown anywhere.

12 AUDIENCE MEMBER: I think it's a question  
13 of certifiability, verification.

14 MR. SIDEMAN: The question was did we hear  
15 from mushroom producers who wanted trees from  
16 anywhere, your comment being yes, and then explaining  
17 why we heard from them. It always bothers me when I  
18 ask that question and it's a yes/no answer and a long  
19 answer.

20 MR. HARPER:: That's exactly my concern.

21 MR. RIDDLE: I want to be recognized. I  
22 encourage that we reject this amendment. Without it,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 I have trouble seeing on this subject what makes  
2 organic mushrooms organic. I think regulating the  
3 substrate and the growing conditions is consistent  
4 with the rest of the rule for other materials and it  
5 allows the organic producers to differentiate their  
6 product. This is one of the things which is different  
7 about these mushrooms is that the sawdust used in them  
8 was not treated with prohibited materials during the  
9 three years prior to harvest and then after harvest.  
10 So I think that's an important distinction to make.

11 MR. BANDELE: Rose.

12 MS. KOENIG: Eric has convinced me a lot  
13 on my thinking on mushrooms. I think I was  
14 approaching it more from looking at it as a plant  
15 originally, even though I studied mycology. So I tend  
16 to agree with what Jim is saying also, and that's why  
17 I voted with the commercial availability the same way  
18 that -- you know, on those things with mushrooms, I  
19 think we really need to think of them and how they  
20 obtain their food sources and such and because of  
21 that, we need to be as restrictive as we need to be to  
22 insure that differentiation.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   MR. SIDEMAN: I'd like to point out this  
2 is not a casual decision on my part. I recognize and  
3 I know we did get comments from mushroom growers. We  
4 even had one during the comment period on this. This  
5 is going to be hard for some people who are certified  
6 now. They're not going to be able to get certified  
7 unless they change their practices. But I still feel  
8 that this should be the mushroom standard as written,  
9 whether it's hard for them or not.

10                   MR. BANDELE: Steve.

11                   MR. HARPER:: I feel like -- and I'm  
12 reading in the section that it still must not have  
13 been treated with prohibited substances. So there's  
14 still control, there's still some certification issues  
15 as far as the certifiers forcing the mushroom grower  
16 to provide some information that this source is not  
17 treated with prohibited substances. However, I think  
18 it's prescriptive to expand it beyond that because all  
19 of a sudden you're into trying to -- for three years.

20 I mean that's a huge -- I understand that's what the  
21 organic standards are for fields but when you're  
22 talking about forests, to go out there and understand

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 where that source is coming from, I think it's going  
2 to be a nightmare as far as for the certifier or the  
3 grower to try to obtain that documentation, try to  
4 obtain that verification, unless it's somebody that  
5 has a very local source of sawdust and they know  
6 exactly the small group of trees that that sawdust  
7 came from. I mean sawdust producers get trees from all  
8 over the place unless you're very small, minimills.

9 MR. RIDDLE: I just want to limit my  
10 comments to new points and not reiterate. I would  
11 just like to point out that this will go through the  
12 federal rule-making process for public comment and if  
13 this is an impossible standard to meet, the NOP will  
14 hear that message very clearly, I think, during the  
15 rule-writing process. So there is another opportunity  
16 to change it.

17 MR. BANDELE: Rose.

18 MS. KOENIG: I just have one question for  
19 clarification. So in G, would those be considered a  
20 substance or a method, because if we say substance and  
21 it's considered a method, then by not listing the  
22 rule--

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. SIDEMAN: We heard from Mark yesterday  
2 that we didn't need to mention GMOs. They wanted to  
3 keep the mention of GMO in one place in the rule and  
4 it's just understood that everything -- Saw dust can  
5 not come from GMO trees, no matter what.

6 MR. RIDDLE: And especially when you've  
7 linked it directly to that Section 105 because that  
8 clearly includes GMOs.

9 MS. CAUGHLIN: Right, because I questioned  
10 that yesterday and we got a clarification.

11 MR. SIEMON: I just want a clarification  
12 on the motion but we can do that when we vote, I  
13 guess.

14 MR. SIDEMAN: I'd like to just make one  
15 clear point that for people who don't understand it,  
16 forests are treated with herbicides and insecticides,  
17 and we would be allowing wood that had been growing in  
18 ground that could have accumulated massive amounts of  
19 materials.

20 MS. BURTON: My only comment is to go back  
21 and listen to the pleas that we've had from some of  
22 our folks in the audience and not just cut people off

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and that by doing something like this, regulating  
2 three years right now, you might be cutting out a lot  
3 of mushroom growers.

4 MR. SIDEMAN: And I recognize that that  
5 would be the situation.

6 MR. BANDELE: Can we move to a vote at  
7 this point?

8 DR. POST: Can we read where the insertion  
9 is.

10 MR. SIEMON: You're deleting from  
11 originate on.

12 MR. HARPER:: "Sawdust, logs or other  
13 materials derived from wood used as a growth media"  
14 and then cross out the following, "must originate from  
15 trees that have been grown in areas free of prohibited  
16 substances as provided for in Section 205105 for at  
17 least three years" and then "must not" -- that's what  
18 you delete -- "must not have been treated with a  
19 prohibited substance" and then cross out "after tree  
20 harvest." So the full sentence would read, "Sawdust,  
21 logs or other materials derived from wood used as a  
22 growth media must not have been treated with a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 prohibited substance."

2 DR. POST: That is the unfriendly  
3 amendment. Call for a vote. Dave.

4 MR. CARTER: I'm going to pass.

5 DR. POST: Kim.

6 MS. BURTON: Approve, yes.

7 DR. POST: Owusu.

8 MR. BANDELE: No.

9 DR. POST: Goldie.

10 MS. CAUGHLIN: No.

11 DR. POST: Rebecca.

12 MS. GOLDBURG: No.

13 DR. POST: Jim.

14 MR. RIDDLE: No.

15 DR. POST: Eric.

16 MR. SIDEMAN: No.

17 DR. POST: Steve.

18 MR. HARPER: Yes.

19 DR. POST: Mark.

20 MR. KING: I'm going to abstain.

21 DR. POST: Rosalie.

22 MS. KOENIG: No.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. POST: Willie.

2 MR. LOCKERETZ: No.

3 DR. POST: George.

4 MR. SIEMON: Yes.

5 DR. POST: Bill.

6 MR. WELSH: No.

7 DR. POST: Three in favor, eight opposed,  
8 two abstaining, two absent. The unfriendly amendment  
9 --

10 MR. LOCKERETZ: It's not unfriendly. It's  
11 simply not a friendly amendment.

12 MR. LOCKERETZ: Whereas the word media is  
13 the plural of the word medium and whereas the phrase  
14 "a growth media" sounds to me like nails scratching on  
15 a blackboard, I move that all occurrences of -- there  
16 are three of them -- "a growth media" could be  
17 replaced by "a growth medium."

18 MR. SIDEMAN: That is very friendly.

19 MR. HARPER: Is that the term that's  
20 typically used in the industry? I do have a question.  
21 Is that the term that's used? Medium not media? I  
22 mean what's the point of putting in the correct

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 grammatical term if it's not used in the industry?

2 MR. LOCKERETZ: There are all kinds of  
3 terms people use like that.

4 MR. HARPER: I'm sorry. This is a serious  
5 point. Is that the right term so that people  
6 understand the language?

7 MS. GOLDBURG: Yes.

8 MR. RIDDLE: Substrate would be an  
9 alternative term.

10 MR. HARPER: I just know that when they  
11 talk like in the biological -- you know, when you're  
12 talking about biological fermentation processes --

13 MS. GOLDBURG: It's a medium. If you're  
14 going to grow something in a fermentation tank, you  
15 use a medium. It's just a plural.

16 MR. HARPER: Okay. That's fine.

17 DR. POST: Call for a vote for the motion  
18 as presented, 10-17-01 as modified by the friendly  
19 amendment to change media to medium. Dave.

20 MR. CARTER: Accept.

21 DR. POST: Kim.

22 MS. BURTON: No.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. POST: Owusu.  
2 MR. BANDELE: Yes.  
3 DR. POST: Goldie.  
4 MS. CAUGHLIN: Yes.  
5 DR. POST: Rebecca.  
6 MS. GOLDBURG: Yes.  
7 DR. POST: Jim.  
8 MR. RIDDLE: Yes.  
9 DR. POST: Eric.  
10 MR. SIDEMAN: Yes.  
11 DR. POST: Steve.  
12 MR. HARPER: Abstain.  
13 DR. POST: Mark.  
14 MR. KING: Yes.  
15 DR. POST: Rosalie.  
16 MS. KOENIG: Yes.  
17 DR. POST: Willie.  
18 MR. LOCKERETZ: Yes.  
19 DR. POST: George.  
20 MR. SIEMON: Yes.  
21 DR. POST: Bill.  
22 MR. WELSH: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. POST: Eleven in favor, one opposed,  
2 one abstention, two absent.

3 MR. BANDELE: The only other action item  
4 we had was the draft recommendation that Jim drafted  
5 in terms of transition. So I guess if we could get at  
6 that at this time.

7 MR. RIDDLE: Just explain what the  
8 committee's thinking is.

9 MR. SIEMON: We're not going to put this  
10 up for public comment at this time, are we?

11 MS. BURTON: He can talk about it during  
12 his work plan discussion.

13 MR. SIEMON: I think we should vote on it  
14 if We're going to put it out or not personally.

15 MR. RIDDLE: That's not our procedures,  
16 that is outside the committee.

17 MR. BANDELE: I thought the Board had to  
18 approve before we sent this forward to Richard.

19 MR. LOCKERETZ: Right, but for posting on  
20 the web, we have done out of committee.

21 MR. BANDELE: Right. No. My point is at  
22 no point did we vote on this today. What's the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 situation with it? I was under the impression the  
2 Board would approve it and then we would send it  
3 forward.

4 MR. SIDEMAN: If you're expecting a vote  
5 then it's to be considered no. If you're not  
6 expecting a vote, then we would consider it later.

7 MR. BANDELE: I thought we were expecting  
8 to vote.

9 MR. SIEMON: Usually the final vote is  
10 after it's had public comment I think is what they're  
11 saying. This means -- and then we vote on it.

12 MR. SIDEMAN: We're going to have a two  
13 minute break while we reorganize and seat our Chair.  
14 Two minute break.

15 (Off the record at 11:32 a.m. for a nine  
16 minute break.)

17 MR. HARPER: We have just one item to be  
18 voted on and that was the item that was referred from  
19 Jim Riddle's technical correction list from the past  
20 meeting. In front of you you have a suggested change  
21 and that is to 205(3)02 to change the wording every  
22 place where it's listed in 205(3)02 from the words

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 "finished product" to the words "all ingredients." I  
2 think we had a discussion of this. If there's any  
3 questions about what We're voting on, please raise  
4 your hand and let me know at this point.

5 MR. RIDDLE: I move that we adopt.

6 MR. SIDEMAN: I'll second.

7 MR. HARPER: What's going on here is that  
8 we just need to make sure that we understand, you  
9 understand? Okay.

10 MS. BURTON: It's fine.

11 MR. HARPER: Okay. That's the motion.

12 MS. BURTON: It's been seconded.

13 MR. HARPER: Okay. Any other questions?  
14 Let's vote then. The motion is to change and modify  
15 by the Processing Committee Section 205(3)02 by adding  
16 the phrase or terms "all ingredients." Motion was  
17 made by Jim Riddle, seconded by Dave Carter. Call for  
18 a vote. Dave.

19 MR. CARTER: Approve.

20 DR. POST: Kim.

21 MS. BURTON: Yes.

22 DR. POST: Owusu.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. BANDELE: Approve.  
2 DR. POST: Goldie.  
3 MS. CAUGHLIN: Approve.  
4 DR. POST: Rebecca.  
5 MS. GOLDBURG: Approve.  
6 DR. POST: Jim Riddle.  
7 MR. RIDDLE: Yes.  
8 DR. POST: Eric.  
9 MR. SIDEMAN: Yes.  
10 DR. POST: Madame Chair.  
11 CHAIRPERSON BRICKEY: Yes.  
12 DR. POST: Steve.  
13 MR. HARPER: Yes.  
14 DR. POST: Mark.  
15 MR. KING: Approve.  
16 DR. POST: Rosalie.  
17 MS. KOENIG: Approve.  
18 DR. POST: Willie.  
19 MR. LOCKERETZ: Yes.  
20 DR. POST: George.  
21 MR. SIEMON: Yes.  
22 DR. POST: Bill.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. WELSH: Yes.

2 DR. POST: The vote is unanimous, 14,  
3 zero, one absent. Motion carries.

4 MR. HARPER: That's the only piece of  
5 business we had to vote on.

6 CHAIRPERSON BRICKEY: We're going to  
7 livestock. Eric.

8 MR. SIDEMAN: What we don't get done with  
9 by one minute of twelve, we'll do after our 1:00  
10 presentation from Mr. Post.

11 The first vote We're going to do under the  
12 Livestock Committee was the Livestock Committee  
13 recommendation on antimicrobials as preservatives in  
14 vaccines and semen. The only thing for Board Members  
15 that We're actually voting on is in Section 4 in your  
16 notebook and the only thing that We're actually voting  
17 on is the last paragraph that reads, "The Livestock  
18 Committee recommends that vaccines and semen that have  
19 had antibiotic (antimicrobials) added for the sole  
20 purpose of preservation of vaccines or semen be  
21 permitted in livestock production systems." And how  
22 the NOP gets that into the rule, we don't care.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Program Management, into the rule, I don't care where  
2 they put it but we want it permitted in our  
3 agriculture --

4 CHAIRPERSON BRICKEY: Mr. Chairman, I move  
5 that we recommend to the NOP that vaccines and semen  
6 that have antibiotics (antimicrobials) added for the  
7 sole purpose of preservation of vaccine or semen be  
8 permitted in organic livestock production systems.

9 MR. SIDEMAN: Second?

10 MS. BURTON: I'll second it.

11 MR. SIDEMAN: Any amendments?

12 MR. SIEMON: I just have a question. I  
13 should know the answer, but where are we at on the  
14 rest of the incidentals in medicine?

15 MR. SIDEMAN: That's in our work plan. In  
16 the afternoon We're going to talk about it.

17 MR. SIEMON: I thought we were further  
18 along for public comment on that. We're not?

19 MR. SIDEMAN: We can, but that would be  
20 during our work session that we talk about it, so, if  
21 you can find what we've written up . . .

22 MR. SIEMON: Well, I heard you in there, I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 just don't have the incident language report.

2 MR. SIDEMAN: We wouldn't vote on it now.

3 It's not anything we'd vote on.

4 Okay. Then I call the vote.

5 DR. POST: Call for vote for motion on  
6 antibiotics in vaccines and semen as presented by the  
7 Committee. Motion was made by Carolyn, seconded by  
8 Kim and now we'll have the vote. Dave.

9 MR. CARTER: Accept.

10 DR. POST: Kim.

11 MS. BURTON: Approve.

12 DR. POST: Bandele.

13 MR. BANDELE: Approve.

14 DR. POST: Goldie.

15 MS. CAUGHLIN: Approved.

16 DR. POST: Rebecca.

17 MS. GOLDBURG: Approved.

18 DR. POST: Jim.

19 MR. RIDDLE: Yes.

20 DR. POST: Eric.

21 MR. SIDEMAN: Yes.

22 DR. POST: Carolyn.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON BRICKEY: Yes.

2 DR. POST: Steve.

3 MR. HARPER: Approve.

4 DR. POST: Mark.

5 MR. KING: Yes.

6 DR. POST: Rosalie.

7 MS. KOENIG: Yes.

8 DR. POST: Willie.

9 MR. LOCKERETZ: Yes.

10 DR. POST: George.

11 MR. SIEMON: Approve.

12 DR. POST: Bill.

13 MR. WELSH: Yes.

14 DR. POST: Fourteen in favor, zero

15 opposed, one absent. Motion carries.

16 MR. SIDEMAN: And the next item of

17 business is going to be a vote on the apiculture

18 standards that were presented to us earlier in the

19 week.

20 MR. SIEMON: And this is the final vote?

21 MR. SIDEMAN: Yes.

22 MR. SIEMON: And is October 16 the draft

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that We're working on?

2 MR. RIDDLE: Right. Yes. The draft memo  
3 stands out. Just get a little exercise while you have  
4 a chance.

5 MR. HARPER: You passed those out  
6 yesterday?

7 MR. RIDDLE: Yes. It was distributed  
8 towards the end of the day. I have one extra copy  
9 here if you don't have one.

10 MR. LOCKERETZ: It's the 10/16 draft?

11 MR. RIDDLE: 10/16, October 16, 2001 and  
12 it will have four definitions instead of two. The  
13 earlier one is in your book so if you can't find the  
14 replacement version, you can at least follow along in  
15 the book and I can tell you where the changes have  
16 been made. So everybody's ready. I'll wait until  
17 you're ready.

18 I'm only going to focus on the changes  
19 that have been made based on the discussion we had  
20 first, so you'll see under definitions there now are  
21 definitions inserted for organic honey and organic raw  
22 honey. And that was a recommendation of the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Processing Committee to the Task Force report. No  
2 other changes on page one.

3 On page two there's one change and that's  
4 to Item G and that was to capture the intent of the  
5 Task Force and the discussion of the Board and that  
6 reads now, "The producer of an organic apiculture  
7 operation must not maintain colonies in an area where  
8 a significant risk of contamination by prohibited  
9 materials exists within a four mile radius of the  
10 apiary as described in the operation's organic  
11 agriculture plan."

12 MS. KOENIG: The only thing that -- that's  
13 a 32,000 acre area based on the four mile radius  
14 which--

15 MR. RIDDLE: How did you know that?

16 MS. KOENIG: I did the math. Just  
17 thinking about 32,000 acres. It really will be  
18 geographic. As long as people acknowledge that there  
19 are definitely going to be areas where it's going --  
20 and again, regional wiping out of bee production in  
21 certain areas.

22 MR. RIDDLE: I'm still presenting it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 because these are changes that were made from last  
2 time before we move it, if that's okay.

3 MS. KOENIG: And then again, significant  
4 risk, how do you assess?

5 MR. RIDDLE: Yes. If you want to change  
6 it, that's fine but otherwise, if you just seek  
7 clarification on what I'm presenting are the only  
8 comments that would be appropriate right now.

9 MS. KOENIG: Okay.

10 MR. RIDDLE: All right. Thanks. Okay.  
11 Then there's one change on page three and that is to  
12 insert new Item J-9, so starting at J, "The producer  
13 must not label honey as organic, raw honey if it has  
14 been heated, filtered using filter elements smaller  
15 than 200 microns or if diatomaceous earth has been  
16 added to separate seed crystals from the honey." Once  
17 again, this was the recommendation of the Processing  
18 Committee to the Task Force report.

19 MR. SIEMON: Did we get public comment on  
20 this? This is a major --

21 MR. RIDDLE: We got public comment on the  
22 handling section --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. SIEMON: On the raw issue.

2 MR. RIDDLE: -- which had this language in  
3 the handling section but most of the comments were  
4 from the Task Force members themselves who supported  
5 the 200 microns and then also from the definition of  
6 raw honey of the National Honey Board which is not  
7 heated or filtered.

8 MR. SIEMON: So I'm concerned that this is  
9 not our job but it doesn't matter. NOP will sort that  
10 all out if it's not in our -- It's a labeling issue  
11 outside of organics in my mind.

12 MR. RIDDLE: Oh, yes. This is our  
13 recommendation and they might restructure how it falls  
14 in a proposed rule. Right. Okay. Then two changes  
15 on page four. One is the dramatic change from N to S  
16 on vegetable shortening. That's the recommendation of  
17 Kim. And then the other is just at the bottom, the  
18 narrative about the handling section has been  
19 rewritten to reflect the fact that both the Task Force  
20 and the Processing Committee felt there's no need for  
21 specialized handling standards and so that's been now  
22 rephrased from the original draft you had. No changes

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 on page five and I didn't reprint the addendum because  
2 there were no changes to that. So that's the report  
3 of the Task Force.

4 MR. SIEMON: I make a motion we adopt it.

5 MR. BANDELE: Second.

6 MR. RIDDLE: Are you going to chair the  
7 larger discussion? We had been letting the presenter  
8 chair.

9 There's an inconsistency being pointed out  
10 here that when we changed vegetable shortening from N  
11 to S, it doesn't totally match up with the narrative  
12 in the box which says that "since it's a natural  
13 material." So deleting those words, I think, would  
14 take care of that.

15 DR. POST: I don't know anything about  
16 honey.

17 MR. RIDDLE: Do you know anything about  
18 shortening?

19 DR. POST: No.

20 MR. RIDDLE: Thank you. But you do know  
21 something about language. So George moved and Owusu  
22 seconded. Is there discussion on the motion?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. BURTON: Are you going to strike out  
2 the whole footnote?

3 MR. RIDDLE: Just the words --

4 MS. BURTON: Because it says "included  
5 here for review but may not need to appear on the  
6 list," so I would suggest that we just strike the  
7 whole thing.

8 MR. RIDDLE: Everything in the  
9 parentheses.

10 MS. BURTON: Yes.

11 MR. RIDDLE: George, do you accept that as  
12 a friendly amendment?

13 MR. SIEMON: If I was listening. Sorry.  
14 I'm reading and studying over here.

15 MR. RIDDLE: Kelly pointed out that when  
16 vegetable shortening was changed from N to S to  
17 synthetic, that in the box next to it that all the  
18 language in the parentheses is no longer necessary.

19 MR. SIEMON: If you say so, yes.

20 MR. RIDDLE: Kim proposed to strike that  
21 as a friendly amendment. Do you accept?

22 MR. SIEMON: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. RIDDLE: Okay. Any other discussion?

2 MS. KOENIG: Again, I don't want to  
3 belabor that point on the four mile radius, but I'm  
4 not a bee expert by any means. I know that bees can  
5 go to far sources, but is that really a realistic  
6 number? I mean to me the most concern is the closest  
7 most likely sources. I mean I want a rule that's  
8 written again. I'm hearing people saying that it's  
9 not attainable for growers in most of the country to  
10 produce organic honey because there's a five percent  
11 chance that bees might go four miles. How did you  
12 come up with that four mile radius?

13 MR. RIDDLE: I thought I answered that the  
14 other day but again, that was really the consensus of  
15 the bee keepers and entomologists on the Task Force or  
16 the experts who submitted information as a predictable  
17 average forage zone and it does depend on the quality  
18 and quantity, and density. There's a lot of factors  
19 and those are addressed in the organic plan. But we  
20 tried to make it so it can happen in appropriate areas  
21 that don't have a high contamination risk. It's not  
22 required to be organic or wild but to assess it based

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 on the organic plan. Kim.

2 MS. BURTON: Rosie, my comment, I asked  
3 Jim the same question, being on the Agriculture  
4 Committee, and was there really good representation of  
5 honeybee keepers and, although there was  
6 representation, the comment was that some regions may  
7 not be able to produce honey any more. So his  
8 recommendation was that this still goes out for public  
9 comment and, since I don't know anything about bee  
10 keeping, I certainly will respond to this section of  
11 the proposal.

12 MS. KOENIG: But does the interpretation  
13 of it mean like, if your neighbor is fertilizing their  
14 lawn next door, you know, synthetic fertilizers are  
15 prohibited, probably -- bees don't forage probably on  
16 your lawn.

17 MS. BURTON: It says, "not maintain a  
18 colony within this area," so I see that as pretty  
19 definite.

20 MR. RIDDLE: But it's now linked to the  
21 contamination risk.

22 MR. SIEMON: Significant risk.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. RIDDLE: Significant risk of  
2 contamination. So it becomes a certifier and organic  
3 plan issue.

4 MS. KOENIG: And I think that's a great  
5 improvement. Don't get me wrong. Again, have you  
6 thought about all the implications? If you feel as a  
7 Task Force you've gone through that, then I'm  
8 comfortable with it.

9 MR. RIDDLE: I can assure you that we  
10 haven't thought about all the implications, but we've  
11 thought of as many as we can and it will go out for  
12 rulemaking and we will hear if it's an impossible  
13 standard to meet.

14 MS. CAUGHLIN: I just realized that this  
15 doesn't refer to this particular one but back to the  
16 vegetable shortening. There is currently on the  
17 market a product labeled organic vegetable shortening  
18 which is from Spectrum Oils and it consists of palm  
19 oil period. So apparently they've gotten a  
20 redesignation. I don't know what the CFR is but it  
21 was my understanding the CFR was that vegetable  
22 shortening meant a hydrogenated oil which then, as we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 know, becomes a synthetic.

2 MR. RIDDLE: I think that would be  
3 pertinent when we do the TAP review on that material.

4 MR. SIEMON: Natural palm oil would be  
5 allowed today.

6 MS. CAUGHLIN: I'm just pointing out that  
7 it is confusing, the content of vegetable shortening.

8 MR. PIERCE: Mark, do you have comments,  
9 and then I would ask that we limit our discussion to  
10 our proposed amendments.

11 MR. KING: I just wanted to say on the  
12 issue of the hidden substance and the radius of the  
13 foraging area has always been on -- the most  
14 imaginative practice standard for bees because there's  
15 going to be synthesis in wild species. I really like  
16 the incorporation of the significant risk element into  
17 the language. I think that's a really pertinent way  
18 to go because without it you're going to talk about a  
19 quantitative standard, no prohibited substances. Now  
20 you're talking about a qualitative standard. It  
21 introduces subjectivity, it introduces certifier  
22 expression. You're delegating that discretion to the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 certifier. So I really like the modification.

2 MR. RIDDLE: Thank you. Are there any  
3 amendments? Seeing none, I ask that we go for a vote.

4 DR. POST: There's a motion to have the  
5 recommendations of the Apiculture Task Force as the  
6 draft of 10-16-01 as discussed by Jim. The motion was  
7 made by George and seconded by Mr. Bandele. Motion is  
8 also modified by a friendly amendment to strike the  
9 language in the box next to vegetable shortening.  
10 Call for vote. Dave.

11 MR. CARTER: Approve.

12 DR. POST: Kim.

13 MS. BURTON: Approve.

14 DR. POST: Owusu.

15 MR. BANDELE: Approve.

16 DR. POST: Goldie.

17 MS. CAUGHLIN: Yes, approve.

18 DR. POST: Rebecca.

19 MS. GOLDBURG: Approve.

20 DR. POST: Jim.

21 MR. RIDDLE: Yes.

22 DR. POST: Eric.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. SIDEMAN: Yes.

2 DR. POST: Carolyn.

3 CHAIRPERSON BRICKEY: Yes.

4 DR. POST: Steve.

5 MR. HARPER: Approve.

6 DR. POST: Mark.

7 MR. KING: Yes.

8 DR. POST: Rosalie.

9 MS. KOENIG: Approve.

10 DR. POST: Willie.

11 MR. LOCKERETZ: Yes.

12 DR. POST: George.

13 MR. SIEMON: Yes.

14 DR. POST: Bill.

15 MR. WELSH: No.

16 DR. POST: Thirteen yes, one opposed, one  
17 absent. Motion carries.

18 MR. SIDEMAN: I want to thank Jim for  
19 doing an excellent job in heading the Task Force. I  
20 really appreciate it.

21 CHAIRPERSON BRICKEY: We're going to break  
22 for lunch.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. SIDEMAN: We have two more votes from  
2 the Livestock Committee.

3 (Whereupon, off the record at 12:05 p.m.  
4 to reconvene at 1:12 p.m.)

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 (1:33 p.m.)

3 CHAIRPERSON BRICKEY: Let's get started.

4 We also have at least two issues for votes and we have  
5 to discuss our work plans and we have to elect our new  
6 chair and vice chair. And you want to be here to hear  
7 me deliver the Patrick Leahy Memorial Speech, so you  
8 don't want to miss that. Trust me. Let's get  
9 started.

10 We have a special guest with us today, and  
11 we want to welcome Dr. Post to our group and we want  
12 to thank you for all the help and support that you've  
13 been giving us in trying to develop our standards and  
14 our rule. You have the floor.

15 DR. POST: Thank you. I'm certainly glad  
16 to be here to meet with the National Organic Standards  
17 Board today, and I thank Steve Harper and Richard  
18 Mathews and others on the NOP for arranging this  
19 opportunity. I think it's always helpful to meet the  
20 faces that go with the names and the bureaucracies, so  
21 I hope this helps.

22 I've brought along some members of my

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 staff that you all may have interacted with in the  
2 past, and they're sitting back here. Tammy Myrick,  
3 Merle Evans and Bill Jones. So if I'm not able to  
4 answer questions, they will help me answer questions  
5 and certainly after this meeting and for some time to  
6 come, they're available for consultation on any  
7 labeling issue with regard to USDA meat and poultry  
8 products.

9 I think it's timely, too, that I talk with  
10 you because the momentum is beginning to increase to  
11 proceed through the various steps in the process of  
12 getting products certified to be organic and bear the  
13 USDA organic seal.

14 I thought it would be useful to explain  
15 what FSIS does and how we relate to AMS and provide  
16 some perspective that may help you understand how you  
17 interact or may need to interact with the Food Safety  
18 Inspection Service. Some of you are already familiar  
19 with FSIS, and so I apologize for the overview but I  
20 think it's important. I realize I'll be capsulating  
21 it into a small amount of time and so anything that I  
22 seem to leave out or don't provide details on, I will

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 provide some sources of information that are readily  
2 available.

3 I thought it would also be helpful to  
4 provide some information about the labeling program  
5 for meat and poultry products, the program that  
6 enforces meat and poultry labeling requirements for  
7 USDA products. That's obviously a direct link to the  
8 December 2000 final rule. Lastly, I want to review  
9 the questions that I received from the National  
10 Organic Standards Board last week and provide answers  
11 to them here and certainly indicate that we are  
12 available for additional discussions about your  
13 questions with regard to organic as it applies to meat  
14 and poultry product labels.

15 The Food Safety Inspection Service, as  
16 many of you know, is the public health regulatory  
17 agency of USDA and it protects consumers by ensuring  
18 that meat, poultry and egg products are safe,  
19 wholesome and accurately labeled. FSIS protects the  
20 public health by regulating meat, poultry and egg  
21 products which account for a third of consumer  
22 spending for food with an annual retail value of \$120

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 billion.

2           This includes all raw beef, pork, lamb,  
3 chicken and turkey, as well as all processed meat and  
4 poultry products including hams, sausage, soups,  
5 stews, pizzas and frozen dinners. Generally, these  
6 are products that contain two percent or more cooked  
7 meat or poultry or three percent or more raw meat or  
8 poultry. Examples of processed egg products regulated  
9 by FSIS are dried egg yolks, scrambled egg mixes,  
10 dried egg powders and liquid eggs. That's always a  
11 point of confusion because we do share the regulation  
12 of egg products with the Food and Drug Administration  
13 and, in some way, also with the Agricultural Marketing  
14 Service in USDA.

15           Under the Federal Meat Inspection Act and  
16 the Poultry Products Inspection Act and the Egg  
17 Products Inspection Act, FSIS inspects all meat and  
18 poultry and egg products sold in interstate commerce  
19 and reinspects imported products to ensure that they  
20 meet U.S. food safety standards. More than 7,600  
21 inspection personnel verify that regulations regarding  
22 food safety and other consumer protection concerns

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 such as labeling are met in nearly 6,500 meat, poultry  
2 and egg processing plants.

3 In slaughter plants, inspection involves  
4 examining before and after slaughter birds and animals  
5 intended for use as human food. In egg processing  
6 plants, inspection involves examining before and after  
7 breaking eggs intended for further processing and use  
8 as human food.

9 FSIS has many responsibilities in addition  
10 to these inspection activities. The agency sets  
11 requirements for meat and poultry labels and certain  
12 slaughter and processing activities such as plant  
13 sanitation and thermal processing that industry must  
14 meet. FSIS tests for microbiological, chemical and  
15 other types of contamination and conducts  
16 epidemiological investigations in cooperation with the  
17 Centers for Disease Control and Prevention based on  
18 reports of food-borne health hazards and disease  
19 outbreaks. In addition, the agency conducts  
20 enforcement activities to address situations where  
21 unsafe, unwholesome or inaccurately labeled products  
22 have been produced or marketed.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           To ensure the safety of imported products,  
2           FSIS maintains a comprehensive system of import  
3           inspection and controls. Annually the agency reviews  
4           inspection systems of all foreign countries that are  
5           eligible to export meat and poultry to the United  
6           States to ensure that they are equivalent to those  
7           under U.S. laws. Reinspection of all meat and poultry  
8           products entering the United States verifies that the  
9           country's inspection system is working properly.

10           FSIS is also responsible for assessing  
11           whether state inspection programs that regulate meat  
12           and poultry are equal to federal programs and there  
13           are quite a few other important activities that I  
14           would like to mention but I won't go into detail about  
15           at this point but will say that information is  
16           available on many of our program activities or almost  
17           all of them on the website for the agency.

18           On one of the handouts that you have there  
19           are web addresses, not only for the labeling and  
20           consumer protection staff, which I will get to in a  
21           minute and describe to you about that staff, its  
22           mandate, but there's also a site, I believe, for the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Code of Federal Regulations which you're hopefully  
2 already familiar with and also the general FSIS  
3 website. So providing those websites so that we do  
4 ensure we are transparent and you have access to the  
5 agency.

6 The mandate, as I mentioned, for FSIS does  
7 include assuring that labels are truthful and products  
8 only bear truthful labels and are not mis-branded. We  
9 have requirements under the Federal Meat Inspection  
10 Act and the Poultry Products Inspection Act and the  
11 Egg Products Inspection Act to approve all labeling  
12 for meat and poultry products before these products  
13 are marketed. That involves a series of activities  
14 and those activities relate to my staff, the Labeling  
15 and Consumer Protection staff and FSIS.

16 The Labeling and Consumer Protection staff  
17 is the staff in USDA that develops policies for meat  
18 and poultry and egg products. We implement those  
19 policies with regard to labeling and food standards  
20 and ingredients. We also approve the ingredients for  
21 use in the production of meat and poultry products.  
22 And a part of that activity involves a prior labeling

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 approval program which I would consider more our  
2 operational side of the house, and we do receive daily  
3 labels under this requirement from industry to  
4 evaluate and approve, and we do that for about 60,000  
5 labels a year. At one time, that involved 140,000  
6 labels a year, that activity, and because of some  
7 changes we made in 1996, the level has reduced but we  
8 do evaluate about 60,000 labels a year.

9 I thought I would go into a little about  
10 labeling compliance. Much of this information is  
11 available in that handout that you have. Essentially,  
12 when we evaluate labels, we are checking for labeling  
13 compliance. We approve or deny label applications  
14 that we receive. According to current requirements,  
15 we only receive sketches for labeling and we also  
16 evaluate on a regular basis labeling that can be  
17 approved by establishments, by federal establishments,  
18 under what we call the generic labeling approval  
19 system.

20 Label applications include information  
21 that is stipulated in the regulations. Formulation  
22 information, processing procedures, sketch labels

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 include this information. We require supporting  
2 documentation in many cases where claims are made on  
3 labels. In fact, in all cases where claims are made,  
4 we do require sketch documentation.

5 Sketches are really essentially a concept  
6 of the label. They're not necessarily the final  
7 label. They can be apprentice proof, they can be hand  
8 drawn, they can be computer generated, and they do  
9 reflect a final version of the label and perhaps with  
10 some modifications. Final labeling. It is up to  
11 establishments to approve final labeling under the  
12 current requirements in our regulations.

13 In your handout you will see there are  
14 some examples of sketch labels, examples of the  
15 printer's proof, for example. Right now the types of  
16 products that are required to be submitted for  
17 evaluation by the Labeling and Consumer Protection  
18 staff are labels for non-standardized products,  
19 products that do not have standards of identity in the  
20 regulations. Also for products that are non-amenable,  
21 products that are under voluntary inspection. We do  
22 apply the 1946 Ag Marketing Act requirements. We do

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 allow for the voluntary inspection of exotic species  
2 such as venison. Unfortunately, I think this still  
3 says ostrich is non-amenable. It is amenable as of  
4 April of this year. And also we do receive on a  
5 voluntary basis labels for certain processed products  
6 with standards of identity. But those are the  
7 exception and not the rule.

8 With regard to claims, we do require that  
9 all labels that bear claims -- and "organic" is an  
10 example of a claim -- we require that these labels be  
11 submitted for evaluation before they can be applied to  
12 product that's sold in interstate commerce. Other  
13 types of claims include quality claims, nutrient  
14 content claims, health- or nutrition-related claims,  
15 negative claims. For example, the absence of an  
16 ingredient. Geographic claims if a product is claimed  
17 to be a particular style or if it's made in a  
18 particular place. These kinds labels must be  
19 submitted.

20 Sketches, as I said, are submitted. We  
21 can, in fact, modify them to indicate where they need  
22 to meet labeling regulations or policies. And an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 approval is granted when the label is deemed to be  
2 truthful and not misleading. This is known as a prior  
3 approval. We do on an occasional basis get requests  
4 for temporary approvals and that's where labeling is  
5 in error with regard to the federal requirements in  
6 some way, but there are certain conditions we would  
7 apply. These conditions are defined in the  
8 regulations. Essentially, labels can not misrepresent  
9 the product. Labeling can not present any health,  
10 safety or dietary problems. Denial of a temporary  
11 approval request would create undue hardship or  
12 economic hardship. And also where use would lead to  
13 an unfair competitive advantage, that would not be a  
14 case where we would give a temporary approval.

15 In 1996, as I mentioned before, there was  
16 a substantial change to the prior label approval  
17 system at USDA in FSIS, and we created a category of  
18 labels that are known as generic labels and certain  
19 categories of products we felt had had their labels  
20 approved so many times and for such a long history  
21 that industry and consumers were aware of how these  
22 products were made and were not going to be misled by

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the labeling that was typically used. For the most  
2 part, these are products that have standards of  
3 identity like frankfurters and ham products, sausage  
4 products. And so products with standards of identity,  
5 for example, were deemed to be, labels for these  
6 products were deemed to be labels that could be  
7 generically approved. That led to the decrease that I  
8 mentioned before from 140,000 labels a year to 60,000  
9 labels a year. And so there are quite a bit of  
10 standardized products. For example, dinners and  
11 burritos and loaf products, products that have their  
12 contents defined by regulations or by policy where  
13 these labels do not need to be submitted.

14 There are quite a number of company  
15 responsibilities with regard to label approval with  
16 the changes that occurred in 1996. Companies need to  
17 create a record of final labeling for FSIS sketch  
18 approved labels. This is a mandatory function for  
19 plants or for establishments. The record needs to be  
20 available for officials of FSIS when necessary for  
21 auditing purposes or for questions about the labeling  
22 features or formulation. The regulations, as I said,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 do spell out the circumstances of what constitutes a  
2 record and the type of information that needs to be in  
3 labeling records for final labels.

4 The generic approval regulations, as well  
5 as the other regulations, are found in 9 CFR, 9 Code  
6 of Federal Regulations, part 317 and part 381. These  
7 sites are available or linked through our website and  
8 that information I have given to you previously.

9 Rather than get too much into detail about  
10 generic labeling, I will indicate that there are still  
11 with the changes that were made in 1996, there are  
12 still responsibilities or functions we expect from our  
13 inspectors. They must perform tasks on a periodic  
14 basis to ensure that products are formulated according  
15 to the information provided to them by plant  
16 management. They verify the presence of mandatory  
17 labeling features. There are other responsibilities  
18 including collecting samples for our generic labeling  
19 audit system.

20 With regard to labeling features, this is  
21 always a very large area in terms of the numbers of  
22 questions we get. There are eight required labeling

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 features, up to eight required labeling features.  
2 Essentially, they include a product name. For  
3 example, it could be a standardized product name, it  
4 could be a common, usual name or a descriptive name.  
5 These are definitions and this is explained in our  
6 regulations in more detail. A handling statement like  
7 "keep refrigerated" or "keep frozen" is another  
8 mandatory labeling feature. Net weight statements.  
9 These are required on all labels except there are some  
10 cases where this kind of information might be applied  
11 at the retail level. But for the most part, it is a  
12 mandatory labeling feature that needs to be on the  
13 label when the consumer receives that product.

14 An inspection legend, of course, is  
15 required for any product that is shipped interstate  
16 for sale as human food. An ingredient statement is  
17 required on all labeling and this would be a list of  
18 all the ingredients used to formulate the food in  
19 descending order of predominance. A signature line,  
20 which is the name and place of business of the  
21 manufacturer, packer or distributor, is required on  
22 all labeling.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Nutrition facts are required on most  
2 products and certainly all processed products with a  
3 few exceptions, and we are in the midst of proposing  
4 and considering finalizing rules on mandatory  
5 nutrition labeling for single ingredient raw meat and  
6 poultry products. Right now that system is a  
7 voluntary system.

8           There are safe handling instructions that  
9 are required on all products that are not ready to eat  
10 products. Occasionally you will see this kind of  
11 information on ready to eat products, but the  
12 regulations indicate it is a mandatory feature for  
13 products that are not ready to eat meat and poultry  
14 products.

15           With that, I thought I would get into some  
16 of the specific questions about organic and how it  
17 applies to labels. I think hopefully the information  
18 briefly as I have given it to you links the FSIS's  
19 labeling program to the December 2000 final rule and  
20 we can talk a little bit more about some of the actual  
21 implications of the national standards to labeling.

22           I'm not sure if everybody has seen the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 questions because I will read the question and I will  
2 provide the response. I'm sure, whereas you are glad  
3 to hear me talk for the first 15 minutes or so, I'm  
4 sure this is probably the crux of what you'd like to  
5 hear.

6 MR. SIEMON: Jim, did you pass out the  
7 questions?

8 DR. POST: I'll be happy to read the  
9 question. I just wanted to make sure you knew I  
10 wasn't making the questions up.

11 MR. SIEMON: Those are positions that OTA  
12 took on the same questions that you all put forward.

13 AUDIENCE MEMBER: The NOS Livestock  
14 Committee put forth the list of questions. OTA took  
15 those questions and put forth their position and here,  
16 Dr. Post, is your copy of our answers we want you to  
17 give us.

18 AUDIENCE MEMBER: It's my understanding  
19 this came out of the working group of the OTA's  
20 Quality Assurance Livestock Subcommittee.

21 MR. SIEMON: It should say that.

22 AUDIENCE MEMBER: Just so you know, it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 hasn't gone through the Livestock Committee as such.  
2 It's a working group document.

3 MR. SIEMON: It needs to be labeled that  
4 way. Pam Saunders wrote this.

5 MR. HARPER: The point is it's the  
6 questions that are put forth.

7 MR. SIEMON: Right.

8 DR. POST: Let me also emphasize or  
9 clarify that when we talk about labeling, We're really  
10 talking about any written, printed or graphic matter  
11 on a container or matter which accompanies the product  
12 at the point of sale. In that regard, We're also  
13 talking about point-of-purchase materials, brochures,  
14 leaflets, and these kinds of materials. With regard  
15 to our prior label approval system, we don't routinely  
16 look at brochures or leaflets and we do though look at  
17 sketches of labels that are actually applied to the  
18 containers.

19 MS. KOENIG: I just have one question.  
20 It's, I guess, out of ignorance and it's not  
21 necessarily an organically related question. But on  
22 small scale, not even processors -- I mean there are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 certain states that allow processing to be done in  
2 kitchens. Are they USDA-inspected or are they state -  
3 inspected and what's the difference between USDA  
4 inspections and state requirements?

5 MR. SIEMON: On the labeling.

6 MS. KOENIG: Because I'm never clear about  
7 that.

8 DR. POST: I think there are a mixture of  
9 issues here. There are certain states that are  
10 conducting their own meat and poultry inspection  
11 programs and that is an allowable and regulated type  
12 of program. What we expect though is that those  
13 products, products bearing a state inspection legend  
14 or that result from state inspection programs, only  
15 are sold within those states. They can not be shipped  
16 interstate. The key is any plant under federal  
17 inspection results in product that can be shipped  
18 interstate for use as human food. So there's a  
19 difference there. What we do expect though in those  
20 cases where states are conducting their own inspection  
21 programs, we expect that they are enforcing similar,  
22 if not the same, rules as we would apply to products

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 in federal establishments. And the other part of your  
2 question dealt with?

3 MS. KOENIG: So in other words, in cases  
4 where people are allowing small-scale processing going  
5 on within the state, that's usually state-regulated  
6 versus -- and then one other question is I heard that  
7 there was a USDA exemption on chicken processing for  
8 small operations. Growers have told me that.

9 DR. POST: Right. Well, based on volume  
10 of production, there are certain exemptions from  
11 inspection, not necessarily jurisdiction. It's from  
12 inspection with regard to poultry. So I can clarify  
13 that. When someone making food for human consumption  
14 is intending to only market that product locally, then  
15 they do not need to be under a federal inspection. If  
16 there is an expectation that that product is shipped  
17 interstate, then there is a need for USDA/FSIS  
18 inspection.

19 MR. SIEMON: And then the label part of  
20 it. The states can also approve or allow labels that  
21 you might not approve?

22 DR. POST: Well, the intent is for them to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 approve labels that are consistent with federal  
2 requirements, even when the smaller establishments, as  
3 you've defined them or described them, are producing  
4 just for local sale. We expect, here again, that the  
5 state and local jurisdictions are applying the same  
6 rules as we would federally. There might be some  
7 restrictions, but the idea is that there aren't going  
8 to be inhibiting product or production product or  
9 marketing product and offering them to consumers in a  
10 different way than we would allow under the federal  
11 system.

12 MS. KOENIG: But in states that have given  
13 up, like, poultry inspections and given it to USDA  
14 jurisdiction but they're small-scale producers, then  
15 they're totally exempt from that inspection process,  
16 you're saying, is what I understand.

17 DR. POST: There are certain states that  
18 are designated states. There are certain states where  
19 we recognize the states have their own program that  
20 they conduct and, as long as they're performing in  
21 accordance with or essentially equal to --

22 MR. HARPER: Can we focus on labeling in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the interest of time?

2 MR. WELSH: We applied for a label back in  
3 the '80s. They insisted that we take the name organic  
4 out of it and understandably so because there was no  
5 definition of the word organic. When the new rules  
6 come out a year from now or whatever, will we be  
7 allowed to put that name organic back in?

8 DR. POST: That is actually one of the  
9 questions that we've been asked to provide a response  
10 to, so I will be getting into that hopefully. We do  
11 have a current allowance for signature lines and that  
12 kind of thing, and I'll get to that.

13 The first question, the set of questions,  
14 had to do with use of the term organic. One of the  
15 questions, the first question was will meat be allowed  
16 to be labeled organic meat once the USDA rule is in  
17 place? And I can tell you that all meat and poultry  
18 items will be allowed to bear the claim organic on  
19 their labeling as long as they comply with the  
20 national organic standards, and that would be  
21 beginning on or about April 21, 2002.

22 The next question asked: Will the term

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 organic meat be allowed in all labeling uses, such as  
2 ingredient lists, glamour copy, point of purchase and  
3 all uses? I can tell you that the term "organic" will  
4 be allowed on all labeling in any location on a  
5 package label and on point-of-purchase materials and  
6 all other labeling provided the product meets all  
7 requirements for organic labeling according to the  
8 national standards. Organic meat is not an acceptable  
9 product name because FSIS regulations require a  
10 species declaration on the labeling of all meat and  
11 poultry items and so I'm not sure if there was  
12 specificity indicated there or not, but the term  
13 organic meat won't do it. But we do need something  
14 like organic beef or organic chicken.

15 The next question. Will there be  
16 restrictions on font size beyond the NOP requirements?

17 What about color, placement on PDP and other issues  
18 within FSIS's labeling regulations? In the national  
19 standards, the required font size for the claim  
20 "organic" is stated as follows: "The size of the  
21 percentage statement must not exceed one half the size  
22 of the largest type size on the panel on which the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 statement is displayed and must appear in its entirety  
2 in the same type, size, style and color without  
3 highlighting." This comes out of the national  
4 standards.

5 According to the national standards, the  
6 color would have to be a legible contrast to the other  
7 colors on the principle display panel or PDP. "The  
8 USDA organic seal, when used on labeling, must  
9 replicate the form and design as depicted in 7 CFR  
10 205.311. If any other logo, seal or identifying mark  
11 is on the product label, it can not be displayed more  
12 prominently than the USDA organic seal." Here again,  
13 this comes out of the national standards.

14 "If any other claims are made on the  
15 label," for example, raised without antibiotics, no  
16 added hormones, free range, and other similar animal  
17 production claims, "the only requirement for type size  
18 in FSIS policies would be for the type to be at least  
19 one-sixteenth of an inch," and that's for visibility.

20 Other FSIS labeling requirements are found  
21 in 9 CFR Parts 317 and 381 of the Federal Meat and  
22 Poultry Inspection regulations.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. GOLDBURG: I just wanted to ask a  
2 question about the claims like "no antibiotics used"  
3 and you listed some others. Do you actually have  
4 standards that have to be met to make those claims?

5 DR. POST: There are policies in place and  
6 they are available on our website. We do require  
7 affidavit protocols, operational protocols,  
8 testimonials, supporting data to make sure that those  
9 claims are truthful. So, yes, from the procedural  
10 standpoint, they need to be shown to be truthful  
11 statements. We don't get into limits and analytical  
12 capability and that kind of thing.

13 MS. CAUGHLIN: It's my understanding,  
14 following that up, that you do prohibit "no residue"  
15 as a statement. Is that right?

16 DR. POST: We do prohibit claims that that  
17 could be classified as free claims or emphatic no  
18 claims. Because we approve every label, it is  
19 truthful for that product. Unless there's a system to  
20 analyze and evaluate every single product to make sure  
21 that's a truthful statement, you would have situations  
22 perhaps where there might be some of the ingredient or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the substance related to that claim and, for that  
2 reason, we would think that that would never or could  
3 never be in effect.

4 MS. CAUGHLIN: So in a sense, yours is  
5 also process-based rather than -- if there's a system  
6 or if there is a process.

7 DR. POST: No. This is more profit-based.

8 MS. CAUGHLIN: Except in the case of  
9 process-based meaning using no.

10 DR. POST: Oh, yes. The types of claims  
11 that can be made. Yes. They are raising claims how  
12 an animal was produced. Claims that can be shown to  
13 be truthful in all circumstances. And there's a  
14 little bit more information, too, that I'll get to in  
15 some of these questions. One of the questions dealt  
16 with will there be any restrictions on the "made with  
17 organic meat" category. Will this category be treated  
18 differently?

19 Our response is a "made with" statement  
20 could be used when a certified organic meat or poultry  
21 ingredient has been used to manufacture a secondary  
22 product. Claims made on the labeling of primary

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 products can be transferred to a labeling of secondary  
2 products. However, claims must refer to a specific  
3 ingredient and not to the entire secondary product.

4 An example I could provide is beef franks made with  
5 organic beef where the beef franks are the secondary  
6 product and the organic beef is the primary product  
7 which had been certified as organic.

8 Consistent with the national standards,  
9 the percentage of organic ingredient must comprise at  
10 least 70 percent of the product in that case.

11 Let's see if I can get through the rest of  
12 these. I'm anticipating that these were the set of  
13 questions that were really the most outstanding and  
14 contentious.

15 In terms of documentation, we had a  
16 question about FSIS accepting the organic certificate  
17 by an accredited certifier as documentation of  
18 organic. We will say yes, FSIS will accept the  
19 organic certificate. This is basically the procedure  
20 that is in place right now. Producers requesting a  
21 label approval from the Labeling and Consumer  
22 Protection staff for a product label that's certified

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 organic by a certifying entity must include with their  
2 application a copy of the certificate received from  
3 the organic certifier, so there is a similarity and a  
4 continuity here.

5 When the appropriate documentation to  
6 support a claim such as organic is included with a  
7 label submission, our commitment is to process these  
8 labels as quickly as possible. I thought I would add  
9 that.

10 For production claims on the label that  
11 are part of the NOP organic requirements, will  
12 separate production documentation be required or will  
13 the organic certificate suffice? Then there are a  
14 variety of examples of production things in the  
15 question. My response would be all labels with claims  
16 and special statements must be evaluated by FSIS, as I  
17 had mentioned before, prior to use according to the  
18 generic labeling regulations.

19 Therefore, labels bearing animal  
20 production claims must be submitted for evaluation  
21 with documentation such as operational protocols,  
22 affidavits, and testimonials, as described in our

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 policy on our website. Label claims and special  
2 statements that are defined by FSIS -- for example, no  
3 antibiotics administered -- and which are consistent  
4 with the national standards -- in other words, an  
5 organic certificate accompanies the product label  
6 submission -- require no extra documentation to  
7 support their truthfulness at the time of label  
8 evaluation.

9 I thought I'd add that novel claims and  
10 special statements must be evaluated by FSIS labeling  
11 staff before they may be used on labeling. Therefore,  
12 undefined claims such as no GMOs may not be declared  
13 on labeling until the agency approves such a claim.

14 Because a question came up about brand  
15 names, I think I'll go to that question. Will brand  
16 names which include the name organic be allowed as the  
17 principle brand name or will they be restricted to the  
18 signature line as is presently restricted? Unless the  
19 product is certified organic, brand names will not be  
20 allowed to include the term organic as the principle  
21 brand name. That's the term that was used in the  
22 question. This is consistent with the national

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 standards. However, FSIS will continue to allow the  
2 word "organic" on a label as part of the  
3 manufacturer's name in the signature line -- for  
4 example, Nebraska Organic Beef Company -- in an  
5 inconspicuous and non-misleading manner.

6 With regard to labeling, in many cases  
7 these judgments have to be made on a case by case  
8 basis. So I can't really give you a guideline for  
9 more details for what is inconspicuous and non-  
10 misleading.

11 MR. HARPER: If the product is organic,  
12 then what's the situation?

13 DR. POST: If the product is organic,  
14 there's not an issue. When you've got the seal,  
15 there's not an issue.

16 MR. WELSH: Then we can use --

17 DR. POST: Right. The way this question  
18 was presented, it was not with any background  
19 information like the products had already been  
20 certified as organic. If the product is certified as  
21 organic, there's not an issue.

22 MR. HARPER: So if it's an organic

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 product, over 95 percent and certified then, then you  
2 will allow it in the name of the company.

3 DR. POST: Absolutely.

4 MR. SIEMON: The major brand name. But  
5 then you're saying that in the signature line, even if  
6 it's not an organic product, you're going to continue  
7 to allow them to use the word organic in their  
8 signature line.

9 DR. POST: Right. The way this question  
10 was phrased, it didn't provide the condition that the  
11 product had already received an organic certification.

12 Without an organic certification, yes, signature line  
13 is about the only place that you'd find the word  
14 organic.

15 MR. SIEMON: Somewhat misleading but it's  
16 consistent with what you've been doing. I understand  
17 that.

18 MR. HARPER: If you could quickly go to  
19 transition.

20 DR. POST: Well, we have handed out a  
21 transition statement that's on our website or will be  
22 very shortly that talks about how we will transition

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 consistent with the Agriculture Market Services  
2 National Organic Program. Obviously, we all are aware  
3 that the standards became effective on April 21, 2001.

4 On this effective date, state and private entities  
5 began applying for accreditation. We hope to become  
6 certified agents under the national standards. On or  
7 about April 21, 2002, the National Organic Program  
8 will release a list of certifying agents that have  
9 been accredited under the national standards.

10 Upon announcement of the accredited  
11 certifying agents, the labeling provisions of the  
12 national standards will supersede the claim "certified  
13 organic by a certifying entity" for meat and poultry  
14 products produced and handled by operations certified  
15 under the national standards.

16 From the announcement of accredited  
17 certifying agents which should occur on or about April  
18 21, 2002, through October 21, 2002, FSIS will evaluate  
19 labels bearing the term "organic" under the dual  
20 system. During the six-month time frame, product  
21 labels with the claims "certified organic by a  
22 certifying entity" may continue to be submitted for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 evaluation and approval.

2 Labels from companies whose production and  
3 handling operations are certified by a certifying  
4 agent accredited under the national standards and  
5 included on the NOP's list of accredited certifying  
6 agents may submit labels for FSIS evaluation using the  
7 claim "organic." While such labels may receive FSIS  
8 approval in accordance with the national standards,  
9 they will not be able to use the organic seal, the  
10 USDA organic seal, until October 21, 2002, when the  
11 AMS final rule is fully implemented.

12 Companies that continue to use their  
13 "certified organic by a certifying entity" claim will  
14 be expected to deplete their label supply by October  
15 21, 2002 and comply with the national standards by  
16 that date. So I'm hoping if there was any confusion,  
17 that this will take care of any issues with regard to  
18 transition.

19 MR. HARPER: Unless there's a quick  
20 question, in the interest of time, if there are  
21 questions, if people can forward questions to me  
22 because We're really running short on time. If you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 can forward questions regarding this to me and I will  
2 get responses. Is that acceptable, people? WE'RE  
3 really running short on time.

4 MR. SIEMON: When this goes on the  
5 website, is that website as an announcement or website  
6 to get feedback?

7 DR. POST: This is an updating of the  
8 policy that already exists.

9 MR. WELSH: Will FSIS be doing any  
10 training with respect to -- to be qualified on organic  
11 matter?

12 DR. POST: Do you want me to answer that?  
13 Inspectors at this point have no immediate  
14 involvement in any labeling issues at this point.  
15 They do have some responsibility, but I don't  
16 anticipate that FSIS's inspectors will have to be  
17 immediately involved because product that comes in  
18 labeled appropriately will have --

19 DR. POST: I think in order to give that a  
20 really good, detailed response, that's one that you  
21 probably want to capture and get to us and I'll go  
22 into further detail in a response.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. HARPER: Thank you very much. I  
2 really appreciate you coming here.

3 (Applause.)

4 CHAIRPERSON BRICKEY: I believe we had two  
5 items of business left on the table.

6 MR. SIDEMAN: The two items left for  
7 livestock include a recommendation on access to  
8 pasture which needs a vote and the aquatic animal task  
9 force that needs a vote.

10 With respect to pasture, I'd like to  
11 stress that it's important because of Kelly's comments  
12 this morning that it was always the intent of the  
13 Livestock Committee and anyone on the committee that  
14 We're not going to be kicking people out on the street  
15 if they're not in compliance with this rule and the  
16 date the rule goes into effect. What We're suggesting  
17 about the use of pasture is to go into the practice  
18 manuals put out by NOP as a working document helping  
19 people to come into compliance.

20 In order that that become clear, I want to  
21 add to the item We're going to vote on today a couple  
22 of words. So first what We're going to actually vote

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 on -- the pages aren't numbered in the notebook. It's  
2 on the second page of the Livestock Committee  
3 recommendation of access to pasture. The top of the  
4 page says, "NOSB Livestock Committee recommended  
5 standards access to pasture for ruminants." What  
6 We're actually voting on is the section there down to  
7 implementation issues. Implementation issues does not  
8 need a vote. We're only voting on that piece on the  
9 page down to that point.

10 I want to add to the first paragraph to  
11 address the confusion as to whether farmers have to be  
12 in compliance immediately on October of 2002 the  
13 following words, the last sentence should read and now  
14 reads, "The farm plan must illustrate how the producer  
15 will maximize." I want to add the words "work to  
16 maximize" so the final sentence of that paragraph  
17 that's written now should read, "The farm plan must  
18 illustrate how the producer will work to maximize the  
19 pasture component of total feed used in the farm  
20 system." I'm suggesting this as an amendment, I  
21 guess.

22 MR. LOCKERETZ: You're putting it forth

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 for the first time. You can put it forth any way you  
2 want.

3 MR. SIEMON: I've got some wording, just  
4 the same wording but here I had "must show a  
5 management plan including a time line on how the  
6 producer will maximize." Much the same thing but I  
7 have time line.

8 MR. SIDEMAN: I have another sentence I'm  
9 going to add. The last sentence I'm adding now, "The  
10 NOP will direct certifiers to give producers three  
11 years to demonstrate significant movement towards  
12 these goals."

13 CHAIRPERSON BRICKEY: Read that again.

14 MR. SIDEMAN: The last sentence as I'm  
15 proposing this is: "The NOP will direct certifiers to  
16 give producers there years to demonstrate significant  
17 movement towards these goals."

18 MS. GOLDBURG: Three years from October  
19 2002?

20 MR. SIEMON: That's right. From when the  
21 rule goes into effect. We've got to deal with new  
22 producers coming in in the future. That same farm

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 plan approach has got to be there for them, too, or  
2 not.

3 MR. SIDEMAN: That's a good point.

4 MR. SIEMON: My wording was just to add  
5 "show a management plan including a time line on how  
6 the producer will maximize the pasture."

7 CHAIRPERSON BRICKEY: I prefer that. I  
8 think they get more prescriptive. Again it gets us  
9 back in the same hole.

10 MR. SIDEMAN: It's less prescriptive what  
11 George is saying so you like that because it gets  
12 certified.

13 CHAIRPERSON BRICKEY: Yes.

14 MR. SIDEMAN: I'm fine with that.

15 MR. SIEMON: Mine was "The farm plan must  
16 show a management plan" which is duplicative,  
17 "including a time line on how the producer will  
18 maximize the pasture component of the total feed use."

19 CHAIRPERSON BRICKEY: Then what does the  
20 certifier do with the time line? I like the idea of  
21 three years because it's a finite number and it gives  
22 people some time. But I don't know whether it makes

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 sense to just say show them a time line. Does that  
2 make sense to you?

3 MR. SIEMON: I can live with the three  
4 years, but I want it to be ongoing so when new people  
5 come in, they can get in and have some time to get in  
6 line compared to having 100 percent approved pasture  
7 before they get in. That's my personal opinion.

8 CHAIRPERSON BRICKEY: Okay.

9 MR. SIEMON: Ongoing. Again, We're  
10 leading them towards a better and better system.

11 MR. SIDEMAN: I erased my sentence so  
12 We're in trouble now.

13 MR. SIEMON: I hope you didn't erase it  
14 too much.

15 MR. SIDEMAN: I erased it so I can't read  
16 it.

17 MR. SIEMON: We should have done this over  
18 lunch, I suppose. I'm glad to go with what you've  
19 done just to make it simple, but you raised it now.

20 MR. CARTER: Read your wording again.

21 MR. SIEMON: I just had "The farm plan  
22 must include" -- I don't know about my wording --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 "show a management plan including a time line on how  
2 producer will maximize."

3 CHAIRPERSON BRICKEY: That's acceptable.

4 AUDIENCE MEMBER: Of how?

5 MR. SIEMON: Of how the producer will  
6 maximize the pasture component -- I'm basically  
7 replacing "illustrate" with "a management plan  
8 including a time line." That's all. It's that  
9 simple.

10 MR. KING: So the question -- perceived as  
11 changed from the way you produce. Correct?

12 MR. SIEMON: I would think a certifier  
13 would say when they came in, What's your plan to  
14 comply with this and give us a time line. Obviously,  
15 a time line that stalls forever, sooner or later the  
16 certifier is going to say, except if they change  
17 certifiers, Play that game.

18 CHAIRPERSON BRICKEY: Replace "illustrate"  
19 with "show a management plan including a time line  
20 on." I'm not too thrilled with that wording, but it  
21 does its purpose.

22 MR. LOCKERETZ: It must include a time

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 line showing.

2 MR. SIEMON: Fine. Must include a time  
3 line. Because farm plan and management plan is  
4 duplicative.

5 MR. SIDEMAN: I like that better. The farm  
6 plan will include or must include a time line showing  
7 how the producer will maximize the pasture component."

8 MR. SIEMON: And then the next thing,  
9 since We're not voting on implementation issues, if  
10 the department elects to use any of this language, I  
11 think we need to have a paragraph about this  
12 transition, recognizing this need in that if they  
13 decide to use that. We don't need to vote on it. I  
14 think we go along. It's something we do for common  
15 sense to add that there. I think we had an original  
16 one and we cut it down, but I'm not sure.

17 MR. SIDEMAN: So all we've done is taken  
18 out the word "illustrate" and put in "include a time  
19 line showing."

20 MR. MATHEWS: Okay. And that's a  
21 replacement of the second sentence.

22 MR. SIDEMAN: The last sentence will now

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 read, "The farm plan must include a time line  
2 showing." Are we ready to vote?

3 MR. BANDELE: Wait a minute. Discussion  
4 about the three-year thing, where are we with that  
5 now?

6 MR. SIDEMAN: Carolyn withdrew her request  
7 that we include it.

8 MR. MATHEWS: I need for everybody to take  
9 a deep breath on this for a second and remember that  
10 guidelines are not regulations and, therefore, are  
11 unenforceable. So what we are doing is that you are  
12 providing an interpretation on a regulation that you  
13 would like people to apply but they are not compelled  
14 to use your recommendation. Does everyone understand  
15 that?

16 CHAIRPERSON BRICKEY: Yes.

17 MR. SIEMON: If there's use of this, we  
18 may go for rule changing but right now We're just  
19 recommending --

20 CHAIRPERSON BRICKEY: That's right.

21 MR. MATHEWS: That's true. If this  
22 guideline catches on, everybody likes it, somebody may

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 come in and ask you to make it part of the  
2 regulations.

3 MR. SIDEMAN: Richard, let me tell you the  
4 way I see this. I see this as a guidance for  
5 certifiers in enforcing access to pasture.

6 MR. MATHEWS: But you just used the E  
7 word. Enforcing access to pasture. If somebody  
8 doesn't want to do it, they don't have to.

9 AUDIENCE MEMBER: Access to pasture is  
10 already required.

11 MR. MATHEWS: Yes, it is required but a  
12 certifying agent could have a different interpretation  
13 as to what access of pasture is.

14 MR. SIDEMAN: But if the NOP office puts  
15 this in your practice manual, I assume this is your  
16 interpretation and that's the interpretation that I  
17 have to follow.

18 MR. MATHEWS: But it's not regulation.  
19 That's what I'm trying to tell you. Guidance is  
20 guidance and guidance is not regulation and if a  
21 certifying agent out there says this does not work in  
22 my area or it doesn't work in these three issues or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 examples, then they don't have to do it and there's no  
2 enforcement involved.

3 MR. SIEMON: I'm clear on it but I have  
4 one other question. Can a certifier adopt these as  
5 their interpretation as access to pasture and put it  
6 in their book?

7 MR. MATHEWS: Yes.

8 CHAIRPERSON BRICKEY: Right now they can.

9 MR. SIEMON: We expect that's what's going  
10 to happen.

11 MR. MATHEWS: Yes. But we kind of had  
12 this discussion earlier today, didn't we? The bottom  
13 line is that if the certifying agent says, Well, this  
14 doesn't work in my area, my geographical area or it  
15 works fine in the northeast for all my clients but it  
16 doesn't work well in the southwest for my clients,  
17 they're free to do what works for their clients  
18 because that's one of the fuzzy areas that gives the  
19 certifying agents flexibility to do what is right for  
20 their area and for what is right for their client.

21 MR. KING: Question. This is in reference  
22 to a guideline. Is what you're saying not regulatory?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. MATHEWS: Yes. Regulation is fully  
2 enforceable.

3 MR. KING: I understand. I just wanted to  
4 confirm that.

5 MR. WELSH: Am I understanding this right?  
6 What you're saying is one certification agency could  
7 enforce pasture, another one would not have to?

8 MR. MATHEWS: They all have to enforce  
9 pasture. it's just a matter of how they --

10 MR. SIEMON: Access to pasture might be  
11 the only words in one standard. The other one might  
12 have all --

13 MR. SIDEMAN: Quiet. Jim's got the floor.

14 MR. RIDDLE: I move that the  
15 recommendation be adopted as amended.

16 MS. CAUGHLIN: I second.

17 MR. MATHEWS: Any discussion?

18 AUDIENCE MEMBER: I just wanted to ask if  
19 you could clarify this. If a certifier adopted the  
20 NOSB guidelines as their policy and they had a client  
21 that said, look, I don't want to -- a certifier would  
22 have to do that?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. MATHEWS: No.

2 AUDIENCE MEMBER: No. They'd follow their  
3 own policy for --

4 MR. MATHEWS: Right.

5 MR. SIDEMAN: And I'd like to make one  
6 comment. I think this is probably going to come back  
7 to the Livestock Committee. We recognized we weren't  
8 writing rules. We thought that we would be making  
9 some sort of uniform effect across the country, and it  
10 makes me nervous to think that people who choose not  
11 to enforce this, don't enforce it then. Why are we  
12 writing practice manuals if only some people are going  
13 to look at them?

14 MS. CAUGHLIN: Let's have faith and trust  
15 that people are going to.

16 MR. SIDEMAN: I say we vote right now.  
17 We're not stopping the vote now but I want to come  
18 back to the Livestock Committee with it and talk about  
19 it some more.

20 MR. MATHEWS: Ok. Dave?

21 MR. CARTER: Accept. Approve.

22 MR. MATHEWS: Kim?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. BURTON: Approve.  
2 MR. MATHEWS: Owusu?  
3 MR. BANDELE: Accept.  
4 MR. MATHEWS: Goldie?  
5 MS. CAUGHLIN: Approve.  
6 MR. MATHEWS: Becky?  
7 MS. GOLDBURG: Approve.  
8 MR. MATHEWS: Jim?  
9 MR. RIDDLE: Yes.  
10 MR. MATHEWS: Eric?  
11 MR. SIDEMAN: Yes.  
12 MR. MATHEWS: Carolyn?  
13 CHAIRPERSON BRICKEY: Yes.  
14 MR. MATHEWS: Steve?  
15 MR. HARPER: Yes.  
16 MR. MATHEWS: Mark?  
17 MR. KING: Approve.  
18 MR. MATHEWS: Rosie?  
19 MS. KOENIG: Yes.  
20 MR. MATHEWS: Willie?  
21 MR. LOCKERETZ: Yes.  
22 MR. SIEMON: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. MATHEWS: You didn't give me a chance.  
2 Bill?

3 MR. WELSH: Yes.

4 MR. MATHEWS: Okay. Thirteen for, zero  
5 opposed, zero abstaining, two absent.

6 CHAIRPERSON BRICKEY: Eric, let's move to  
7 the second item of business.

8 MR. SIDEMAN: The second item of business  
9 is the aquiculture standards which are not where the  
10 index says they are.

11 AUDIENCE MEMBER: It's actually the  
12 Aquatic Species Task Force.

13 MR. MATHEWS: It's fourteen for; zero  
14 opposed; and one absent.

15 MR. SIDEMAN: Before we move on to the  
16 next issue -- I'm a stickler here -- I request that  
17 the notebooks that got handed out to the Board be put  
18 in loose leafs because when things are put in the  
19 wrong place -- my Aquatic Task Force is in Tab 8. The  
20 index says it's in Tab 9 and I can't move it now.

21 Aquatic Species Task Force. I make the  
22 following motion: that the NOSB accept the report of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the Aquatic Species Task Force and we recommend that  
2 1) no standards be developed for wild-caught aquatic  
3 animals and 2) if NOP chooses to write standards for  
4 farm aquatic animals, that they use the report as  
5 guidance.

6 MR. LOCKERETZ: Second.

7 MR. SIDEMAN: Discussion?

8 MR. SIEMON: Just so I understand the  
9 second part of your motion, you said that "if NOP  
10 elects to." Well, wouldn't we be involved in  
11 establishing standards?

12 MR. SIDEMAN: That's right. So let's make  
13 it NOSB/NOP.

14 MR. SIEMON: I'm just trying to get it  
15 clear.

16 CHAIRPERSON BRICKEY: We produced a  
17 report. We have an opportunity to be involved in the  
18 process. I think we need to put it in the language.  
19 We're not writing standards.

20 MR. SIDEMAN: I think Carolyn is right.  
21 We essentially just in the past have made suggestion  
22 and then commented. But they've actually done the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 writing of the rules.

2 MR. MATHEWS: Can you read the motion  
3 again?

4 MR. SIDEMAN: The motion is NOSB accept  
5 the report of the Aquatic Species Task Force and we  
6 recommend that 1) --

7 MR. MATHEWS: And that --

8 MR. SIDEMAN: And we recommend that, 1) no  
9 standards be developed for wild-caught aquatic  
10 animals.

11 MR. MATHEWS: All right.

12 MR. SIDEMAN: Number two, if NOP chooses  
13 to write standards for farm aquatic animals, that they  
14 use the report as guidance. All right. Let me read  
15 it back to you. NOSB accepts the report of the  
16 Aquatic Species Task Force and we recommend 1) that no  
17 standards be developed for wild-caught aquatic  
18 animals. Two, if NOP chooses to write standards for  
19 farm aquatic animals, that they use the report for  
20 guidance.

21 MS. GOLDBURG: Can I make a friendly  
22 amendment? In the book, We're actually calling the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 task force the Aquatic Animal Task Force.

2 MR. SIDEMAN: Aquatic Animal Task Force.

3 MR. SIEMON: Eric, why aren't you making a  
4 recommendation that we develop this standard? Not we,  
5 but that standards should be produced, whoever does  
6 it. Why are you saying "if"?

7 MR. SIDEMAN: Which one? Wild or --

8 MR. SIEMON: For domestic.

9 CHAIRPERSON BRICKEY: Because if they  
10 decided to go with standards, then they're going to  
11 move forward. If they don't, We're recommending some  
12 guidance about how to do it, but We're not  
13 recommending standards.

14 MR. SIEMON: We're not recommending the  
15 development of standards for aquaculture by this.

16 CHAIRPERSON BRICKEY: No. I think We're  
17 saying -- we've suggested that there are some  
18 important considerations and factors that go into  
19 development of such standards. That is in contrast  
20 with the first one where we didn't find a basis for  
21 recommending standards.

22 MR. SIEMON: Basically We're not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 recommending develop standards for aquaculture. We're  
2 saying if NOP does, then use this. That's your  
3 intent, to not necessarily say --

4 CHAIRPERSON BRICKEY: That's the intent.

5 MR. MATHEWS: But I have to tag onto what  
6 George has said because you haven't made a definitive  
7 position on the creation of aquaculture standards.  
8 You have said "if you guys do it."

9 MR. SIDEMAN: We said we have no objection  
10 to you developing aquatic standards.

11 MR. SIEMON: Could I split the vote,  
12 please? Can I split the vote?

13 MR. SIDEMAN: Well, we can make an  
14 amendment if you want to add the word. I mean you  
15 could make an amendment that No. Two says "NOP  
16 recommends that NOP write standards."

17 MR. SIEMON: NOP recommends. Yes.

18 CHAIRPERSON BRICKEY: Would it be helpful  
19 to say exactly what the recommendation is in our  
20 report with regard to aquatic species?

21 MR. SIEMON: Okay.

22 CHAIRPERSON BRICKEY: Our intent has been

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to recommend standards for the production of aquatic  
2 animals that reflect an innovative approach to organic  
3 certification while remaining fully consistent with  
4 the statutory requirements of OFPA. That's the last  
5 sentence of the recommendations of the report.

6 DR. POST: Are people comfortable with  
7 that?

8 CHAIRPERSON BRICKEY: I'm comfortable.

9 MR. SIDEMAN: Would you like to replace --

10 MR. SIEMON: That means we are  
11 recommending they develop standards. So We're going  
12 to replace that "if" to "we recommend."

13 MR. SIDEMAN: I'll take that as a friendly  
14 amendment. I won't fight that.

15 MR. MATHEWS: So that's the last sentence.

16 CHAIRPERSON BRICKEY: Yes.

17 MR. RIDDLE: But We're not recommending  
18 that these are the standards but that they be the  
19 basis for writing standards.

20 CHAIRPERSON BRICKEY: Right.

21 MR. RIDDLE: As I stated during the  
22 discussion of this, I think it's premature. I don't

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 think these are ready to write standards on yet.

2 CHAIRPERSON BRICKEY: We were not actually  
3 charged to write standards. We didn't believe that we  
4 were doing that. We believed we were pointing out  
5 some directions and important issues that had to be  
6 dealt with.

7 MS. GOLDBURG: We were exploring whether  
8 standards were possible.

9 MR. RIDDLE: Right. And the task force  
10 report contains suggestions for that. It would seem  
11 to me, then, that it would be the NOSB that would pick  
12 up on the task force report to write draft standards  
13 that would then be turned over as a recommendation.

14 CHAIRPERSON BRICKEY: If we choose to do  
15 that, but we may not choose to do that as a board. I  
16 can't predict what the Board will do in the future.  
17 But I am not going to tell NOP they can't develop the  
18 standards. I'm a lawyer. I know I can't.

19 MR. RIDDLE: I would be more comfortable  
20 knowing that the driving force behind the development  
21 of standards was the NOSB.

22 CHAIRPERSON BRICKEY: Well, that's fine.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 But I'm just saying We're an advisory committee.

2 MS. GOLDBURG: Yes. We can say something  
3 about what the advice would be, but we can not write  
4 standards.

5 MR. RIDDLE: We don't write proposed  
6 rules. We write proposed standards, as we did with  
7 agriculture.

8 CHAIRPERSON BRICKEY: The Chair's intent  
9 is not to debate the whole thing all over again. We  
10 went through quite an extensive process, I think, and  
11 we are at a late hour. And I feel comfortable with  
12 what the report says if a majority of the Board does.

13 MR. SIEMON: But back to your statement  
14 again. Our intent has been to recommend standards.

15 CHAIRPERSON BRICKEY: Yes.

16 MR. RIDDLE: So what Jim is saying agrees  
17 with this intent here.

18 CHAIRPERSON BRICKEY: I don't know what  
19 Jim is saying. I think he wants us to say that the  
20 NOSB will write the standards, and I don't know that  
21 that's true. We have not been charged to write the  
22 standards. I don't think NOP has decided what they

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 want to do, and we will be asked to give them advice.

2 MR. RIDDLE: I just want to capture the  
3 role of the NOSB in this motion. That's all.

4 MR. SIEMON: So read the new second part  
5 of the motion, please.

6 MR. SIDEMAN: It's just the last sentence  
7 that's in your book. It reads, "Our intent has been  
8 to recommend standards for the production of aquatic  
9 animals that reflect an innovative approach to organic  
10 certification."

11 MR. RIDDLE: That's the new second part of  
12 your proposal? Oh, I didn't catch that. Sorry. Then  
13 it's clear We're going to recommend standards. Right?

14 CHAIRPERSON BRICKEY: Yes.

15 MR. SIDEMAN: So just as an editorial  
16 thing, I would change it to current tense, "Our intent  
17 is..."

18 CHAIRPERSON BRICKEY: Yes.

19 MS. GOLDBURG: Are we saying the  
20 production of farmed aquatic animals? I'm just  
21 thinking of making it clear.

22 MR. SIEMON: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. MATHEWS: Let me give you my  
2 understanding of this motion. You are telling us no  
3 to wild-caught. You are telling us that you're going  
4 to sit down and write standards for aquaculture and  
5 submit them --

6 CHAIRPERSON BRICKEY: Where's that?

7 MR. MATHEWS: You're going to recommend  
8 standards. You're going to recommend standards.

9 MR. SIDEMAN: The problem that Becky  
10 brings up is an important one. It doesn't say  
11 "aquaculture" in that last sentence.

12 MS. GOLDBURG: Right. It's what it means,  
13 I think, because we precluded wild, but the way the  
14 resolution is written, the motion is written, it's  
15 unclear.

16 CHAIRPERSON BRICKEY: What term should we  
17 use?

18 MS. GOLDBURG: I think we should say  
19 "farmed aquatic animals".

20 MR. MATHEWS: Is that acceptable to add  
21 the word "farmed"?

22 MR. SIEMON: I don't know if that's farm-

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 produced. It doesn't matter.

2 CHAIRPERSON BRICKEY: Mark, you look  
3 unhappy. Are you unhappy?

4 MS. GOLDBURG: I would also like to  
5 suggest we keep the second part of the recommendation,  
6 to go ahead and say that the standards be consistent  
7 with this report.

8 MR. SIDEMAN: I do, too, because that's  
9 not in the last sentence.

10 CHAIRPERSON BRICKEY: I'm happy for us to  
11 say -- I wish this damn thing was ready to go so we  
12 could vote. But I'm happy to say that we want them to  
13 use our report as guidance. Of course we do.

14 MR. RIDDLE: Yes. I have no problem with  
15 that. I just wanted to capture the NOSB's role in  
16 continuing the process.

17 CHAIRPERSON BRICKEY: That does that.

18 MR. RIDDLE: Yes.

19 CHAIRPERSON BRICKEY: Would somebody write  
20 that down? Can we continue with this?

21 MR. RIDDLE: No. I think we can do it  
22 right now.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON BRICKEY: I don't want to do  
2 any more word smithing. I want to be ready to go  
3 because We're running out of time today. So can we go  
4 to committee report and just get the language right?

5 MR. SIDEMAN: I would take the last  
6 sentence with the "farmed" edit and add it.

7 MR. SIEMON: Let's move on and come back  
8 then. Let's work on the wording. What's the next  
9 subject?

10 CHAIRPERSON BRICKEY: I think the next  
11 subject is committee reports. That's working agenda  
12 We're talking about. So let's just get a quick report  
13 from each person about their plan. Let's be brief.  
14 And Willie wants to go first.

15 MR. LOCKERETZ: We'll set an example by  
16 taking two minutes. We've got three items. The  
17 committee has a draft recommendation on conflict of  
18 interest that we want to post on the website for  
19 public comment. Here are copies for everybody. The  
20 rest of you are invited to comment, too, of course, as  
21 always.

22 MR. RIDDLE: There's copies for the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 audience.

2 MR. LOCKERETZ: Number two, a priority  
3 item for the committee is to get people onto the Peer  
4 Review Panel. We have a handout that mostly consists  
5 of the previous June recommendations on the PRP. The  
6 new material comes in the middle of the flip side  
7 which is how we propose to get members on the PRP.  
8 We're going to put out a notice describing the  
9 positions, inviting people to nominate themselves. We  
10 will make a selection. We need four people  
11 altogether. We'll select more than four, not just our  
12 top priorities, but a bunch of candidates that we  
13 think are most suitable.

14 We'll pass them up to the full board to  
15 make its selection of four which will be our  
16 recommendations to NOP and the Secretary for whom  
17 those positions should be filled by and we also have a  
18 proposed work statement, sort of a description of the  
19 work, so they know what they're getting into and so  
20 forth. At the bottom, at Rick's request, we developed  
21 a proposed budget to fund the travel of the PRP people  
22 as detailed at the bottom of the second page. So,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Rick, that's especially for your attention.

2 MR. RIDDLE: The peer review.

3 MR. LOCKERETZ: Yes. The first page and a  
4 half is repeat from the June meeting. The new  
5 material is how we will get nominees for the PRP, then  
6 how we will pass that up to you guys to make the  
7 selection of your four best which in turn will go to  
8 the NOP for approval or appointment.

9 So we'll put this out. Rick, this by  
10 itself is not ready for the web, but we'll tailor this  
11 to give you a version very soon, change things around  
12 and ask you to post it on the web for us. You'll have  
13 that in a few days. But this is the essential content  
14 of it. This is not going on the web right away, so if  
15 any of you have any comments or improvements or  
16 suggestions on this, please let us know pretty soon  
17 because we want to post it within, say, a week or so.

18 MR. MATHEWS: My first reaction is why do  
19 you need three four-day trips?

20 MR. LOCKERETZ: Well, because on the  
21 earlier, the previous page, it says each member --  
22 let's do that later.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           The third item was brought up by several  
2 public commenters on Monday, which is We're going to  
3 draft for your consideration recommended language for  
4 how to deal with group certification. This is not a  
5 rule change. This is part of the accreditation  
6 process. We have the raw materials which we'll craft  
7 into something for NOSB consideration shortly, and the  
8 Accreditation Committee's work plan.

9           MR. MATHEWS: Willie is working this one.  
10 Right?

11           MR. LOCKERETZ: I'm done.

12           CHAIRPERSON BRICKEY: I have to interrupt  
13 you here. I want to introduce a very important person  
14 to this group. She's getting nervous already about  
15 what I'm going to say. This is Barbara Robinson. On  
16 Monday we had three very distinguished guests come and  
17 talk to us from the Department and from ANS. This is  
18 the fourth one and she's probably more important to us  
19 frankly than any of the people we've had so far.  
20 Barbara is head of the Transportation and Marketing  
21 Division and Deputy Secretary to Ken Boyton.

22           So I wanted to welcome here her. I wanted

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 all of you to meet her. She's been already enormously  
2 important to us in giving us advice, support and we  
3 welcome you and are glad you're here and hope you'll  
4 say a few words.

5 MS. ROBINSON: Thank you. Well, I don't  
6 want to interrupt your work. I sat here yesterday  
7 listening for a little while while Steve was talking  
8 and I would need an entirely new lesson in the English  
9 language to say half the things that you said. I got  
10 lost in the diethyl-methyl-whatever. But I do  
11 understand basically where you're going and I also  
12 want to tell you that, as I've told Carolyn and I've  
13 told a lot of other people including my bosses -- I've  
14 worked for USDA for 22 years --

15 I am kind of picky about one thing and  
16 sort of tried to build my reputation on it, and that  
17 is meeting deadlines.

18 So I've given everybody my solemn  
19 commitment -- and I'd give them my first born but  
20 that's an impossibility -- that we will have this  
21 program up and running in October 2002 if I have to  
22 get in the trenches with the guys myself, which I am

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 willing to do and have started to do.

2 We've already taken a number of steps to  
3 try to leverage the scarce resources that we have.  
4 You guys know that there's more of you than there is  
5 of us, but We're doing some things in the Department  
6 to stretch those resources and get this program up and  
7 launched and running for next October. I just want to  
8 give you that assurance.

9 I don't want to get in your way, but I do  
10 want to show you my face so that when you're looking  
11 for somebody to shoot at, you'll remember me and try  
12 not to beat up the staff too much. You can always  
13 come to me.

14 CHAIRPERSON BRICKEY: Organic people are  
15 pacifists, you know.

16 MS. ROBINSON: Those gentle souls.  
17 Anyway, I just wanted to come by and get a chance to  
18 meet you because I didn't get to come out to the June  
19 meeting. I have met some of you on occasion before  
20 and look forward to working with you but working on  
21 your behalf, mainly, in the Department. So good luck.  
22 I know your agenda. I looked at your agenda. Good

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Lord. You have a lot to squeeze in just a few days  
2 and try to wrap up with elections this afternoon. So  
3 I'll let you get back to it, and I'll get back to my  
4 work. Glad to meet you all.

5 (Applause.)

6 MR. SIEMON: Okay. I have a question  
7 about accreditation. I personally am not comfortable  
8 with all the implementation time lines that I'm  
9 hearing and that's mostly, I think, an NOP's decision  
10 but I just heard from FSIS something that I'm very  
11 disturbed about. Are you all not dealing with these  
12 issues about when people get accredited? This whole  
13 gap between April 21st and April 20th, this whole gap  
14 in the implementation. It's actually April 20th. A  
15 whole year later, depending on when you are certified.

16 As well as, now I just heard that you can use the  
17 organic label starting April 22nd if you're accredited  
18 but, if you're not, you have to wait until you do get  
19 accredited. Therefore, an uneven playing field in the  
20 labeling. I feel like there's a whole lot of  
21 questions in this zone here that aren't answered.

22 MR. MATHEWS: And I'm confused. I thought

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 you can't use the label until October.

2 MR. SIEMON: We're mixing up the science  
3 issues here. Are you all through with this? You're  
4 satisfied. I'm concerned. I don't know if anybody  
5 else is concerned. The farmers are confused, I'm  
6 confused.

7 MR. LOCKERETZ: We have no particular  
8 action on that.

9 MR. SIEMON: I don't know why We're not  
10 doing it October 21st for everything.

11 MR. MATHEWS: Doing what?

12 MR. SIEMON: Everybody has to satisfy the  
13 rule by then. I'm still confused by it. Maybe I'm  
14 just dense but I know what --

15 MR. MATHEWS: There is a six-month period  
16 to allow those who haven't already been certified or  
17 those who have certifying agents who opt out of the  
18 system or who don't make the grade. It gives those  
19 people six months to get to playing the game.

20 MR. SIEMON: I don't want to go into  
21 discussion. I'm just asking. I'm definitely  
22 concerned about FSIS. I know that's a different role

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 than this role, but that's adding on -- You have no  
2 issues. Right? I must be dense then. I have  
3 concerns.

4 MR. WELSH: We've got to know. We didn't  
5 get a chance to even ask the question I wanted to ask.  
6 When can we apply for a label? After April?

7 MR. HARPER: You can apply for a label  
8 right now.

9 MR. WELSH: We've got to show that We're  
10 accredited.

11 MR. MATHEWS: Everybody listen up for a  
12 second, please. FSIS has a meat-labeling program in  
13 place right now for organic. That continues. It will  
14 go away after October 21st of 2002. Right now it  
15 stays in place. Those people who get accredited,  
16 their clients will be able to begin labeling meat  
17 products to our standards upon accreditation of their  
18 certifying agents. They will not be able to use our  
19 seal, but they will be labeling according to our  
20 regulations. FSIS has said that is okay with us.  
21 We'll approve labels using your standards once their  
22 certifying agent is accredited.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Those certifying agents who have not  
2 gotten accredited, their clients will have to continue  
3 to use the FSIS labeling until one of two things  
4 happens. Either October 21, 2002 comes, at which case  
5 they'll have to stop unless the second issue, their  
6 client gets accredited before that date. Everybody  
7 clear on that?

8           MR. SIEMON: That's clearly unfair.

9           MR. MATHEWS: Well, the other option is  
10 that they do away with their labeling program, and  
11 nobody wanted to do that.

12          MR. SIEMON: The other option is they all  
13 start October 2002.

14          MR. MATHEWS: But they can not make a  
15 truthful labeling claim at that time because they  
16 won't have a certifying agent that is accredited.

17          MR. SIEMON: Well, if they don't get it,  
18 they can't do it.

19          MR. MATHEWS: We can't debate it. That's  
20 the rule.

21          MS. BURTON: Materials next?

22          CHAIRPERSON BRICKEY: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. BURTON: Okay, let's go. We've had  
2 two very productive meetings over the last couple of  
3 days, working lunch meetings mainly. Prioritized a  
4 couple of new policies that We're going to be  
5 presenting in the next meeting. One is We're going to  
6 update the materials. That again is a continuous  
7 improvement that we have heard from the IMs and the  
8 committee briefs. We're going to work on prioritizing  
9 TAP reviews and the distribution of those TAP reviews  
10 to the new contractors. We'll come up with some  
11 guidelines for that.

12 We already have a policy for prioritizing  
13 materials for removal from the national list. I think  
14 it's time for the committee to start working on that  
15 also. Developed a process for material review prior  
16 to NOSB meetings. Again, the committee felt that just  
17 to get the board ready for meetings we want to come up  
18 with some guidelines. Make sure you've read your tabs  
19 and all that sort of thing.

20 Next would be to develop policy for  
21 material review process for contractors. Again, the  
22 committee felt that the new contractors are going to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 be educated and we brainstormed a number of great  
2 ideas which the committee will be working on and  
3 putting down on paper and submitting to the board.

4 MR. RIDDLE: I'm sorry, Kim. Could you  
5 repeat that one.

6 MS. BURTON: Develop policy for material  
7 review process for contractors and a number of very  
8 good ideas came out. Clarity and guidance on TAP  
9 reviews. Make sure everybody knows our expectations.

10 Educating and then ongoing communications between the  
11 contractors and the committee.

12 We also heard that we need to develop  
13 recommendations for evaluating inerts and incipients  
14 in processing materials. Throughout the last few days  
15 we heard that and then also develop criteria for  
16 processing technology guidelines.

17 MR. HARPER: That's in the Processing  
18 Committee.

19 MS. BURTON: Right, but if it's an  
20 internal review, we have to work on that and how we  
21 get that into this whole material review process. And  
22 then also assisting EPA on clarifying the inerts and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Rosie has agreed from the Materials Committee to do  
2 that representation with EPA and NOP.

3 CHAIRPERSON BRICKEY: Good. Any quick  
4 comments? Owusu.

5 MR. BANDELE: Yes. As you know, from the  
6 Compost Task Force that Eric will serve as chair of  
7 that task force. So those issues and the related  
8 issues of vermiculture, composting, et cetera, will be  
9 included in that package. We have several TAP reviews  
10 scheduled already, one dealing with spirulina which is  
11 a hydroponics system, but we don't even have a policy  
12 on hydroponics so we need to really come up with a  
13 policy on hydroponics.

14 We also will put up the two drafts, one on  
15 the organic handlers and producers using the organic  
16 claim pending final approval of actions that the NOSB  
17 has already approved and the other being on  
18 transitional labeling. We do have some other areas  
19 that we'll deal with this of allowable, non-  
20 synthetics. That's more or less a guidance type  
21 document of commonly used or allowable non-synthetic  
22 products used in crop production.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           There are several other items that we will  
2 be dealing with. Mark has instituted a regular  
3 conference call, so we will take up some additional  
4 items during that period. But the main issues are the  
5 ones that I just outlined.

6           MR. SIDEMAN: Owusu, I have one more.  
7 This is for the NOP and I don't know what you want to  
8 do with this one. A couple of years ago when I was at  
9 the meeting, I think I even made the motion, that FOP  
10 be allowed for the de-greening of citrus and when you  
11 look in the final rule, that's not included in the  
12 annotation. That was from the Crop Committee back  
13 when I was chair of the Crop Committee. So I guess we  
14 have to reconsider that and make a recommendation to  
15 NOP.

16           MR. MATHEWS: Well, we've got the docket  
17 that's going to be coming out for amending -- no,  
18 that's not going to be a correction because that was  
19 never even in the proposed rule so it can't go out as  
20 a correction. However, what we can do if this body  
21 acts today is to reaffirm what you had said before  
22 that that's what should be in the annotation. What we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 will do is amend the national list and include that in  
2 the annotation. But We're not going to be able to do  
3 it unless you tell us to do it because it's kind of  
4 after the fact now. It got missed somewhere down the  
5 line. I suspect that a lot of these problems came from  
6 the fact that the list got expanded and then when it  
7 was said, "Contract it," I would suspect it got  
8 contracted a little too much in a couple of spots.

9 So really what you need to tell us is,  
10 this was missed. Let's stick it in. We'll put it in  
11 the corrections or we'll put it in the docket to amend  
12 the national list and it'll get taken care of that  
13 way.

14 MR. HARPER: This recommendation occurred  
15 after the first proposed rule.

16 MR. MATHEWS: Yes, but it never got picked  
17 up in the second proposal.

18 MR. HARPER: It didn't get picked up by  
19 the second proposal but it clearly got voted on. I  
20 was there.

21 MR. SIDEMAN: Unusual situation, Richard.  
22 This is a different board than was there and that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 board voted yes. I'm not sure this board will vote  
2 yes.

3 MR. MATHEWS: That's why I say I wanted  
4 you guys to vote on whether or not to make that  
5 change.

6 MS. KOENIG: We know that it's in the  
7 minutes or maybe it's not. So why can't we just make  
8 a motion to agree with the minutes of that Board. I  
9 don't think we want to get into discussing that. Why  
10 don't we make a vote that we agree to go by the  
11 minutes of that recommendation from before and be done  
12 with it.

13 MR. SIDEMAN: I'll second that motion.

14 MR. HARPER: Sounds like Rose made a  
15 motion.

16 MR. RIDDLE: I think this applies to  
17 several materials. This is just really getting thrown  
18 fast. I'm uncomfortable. I think we need to study  
19 this and capture it. There are several annotations  
20 which aren't reflected in the rule that the NOSB made.

21 MR. MATHEWS: Oh, I'm not saying this is a  
22 one-time deal. I'm not saying that at all, Jim.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Really, I mean, Emily put together that great document  
2 that says this is what she found. You were all asked  
3 to look at that great document and come up with where  
4 there are problems. I've been told there's one  
5 problem which is exactly this one that Eric has just  
6 brought up. There's nothing to prevent you guys from  
7 coming back at the next meeting and saying here's some  
8 more that needs to go into the next amending docket.  
9 So we don't have to stop now but at least we can get  
10 this one done.

11 MR. RIDDLE: Sure.

12 MS. BURTON: We did do a technical  
13 correction. We did get other materials from the  
14 Materials Committee compilation.

15 MR. RIDDLE: Did those go before the  
16 Board?

17 MS. BURTON: That was part of that  
18 project, going through that spreadsheet and submitting  
19 it to NOP by a certain date.

20 MR. SIDEMAN: I have one more comment and  
21 it may alleviate what Becky is thinking. I don't even  
22 know if I support this anymore, but I don't want to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 set the precedent that when we make decisions at NOSB  
2 that they're ignored by the states and NOP and we  
3 don't address that. So I'm supporting Rose's  
4 amendment that we just use what was in the minutes as  
5 our recommendation.

6 MS. BURTON: Recommended in the minutes?

7 MS. GOLDBURG: It was voted on.

8 MR. SIDEMAN: Go back to the old minutes.

9 It says that the NOSB recommended ethylene be used  
10 for de-greening.

11 AUDIENCE MEMBER: There was something else  
12 that was never in the minutes that I saw.

13 MR. SIDEMAN: Oh, please don't bring it  
14 up.

15 CHAIRPERSON BRICKEY: Call for the vote.

16 MR. MATHEWS: All right. The motion is  
17 that the annotation found in the minutes of November  
18 1999, something like that, that the annotation for  
19 ethylene be included in the amending docket for the  
20 national list.

21 Dave?

22 MR. CARTER: Aye.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. MATHEWS: Kim?  
2 MS. BURTON: Yes.  
3 MR. MATHEWS: Owusu?  
4 MR. BANDELE: Yes.  
5 MR. MATHEWS: Goldie?  
6 MS. CAUGHLIN: I think I'll abstain.  
7 MS. GOLDBURG: I think I'll abstain, too.  
8 MR. RIDDLE: Abstain.  
9 MR. MATHEWS: Eric?  
10 MR. SIDEMAN: Yes.  
11 MR. MATHEWS: Carolyn?  
12 CHAIRPERSON BRICKEY: Yes.  
13 MR. MATHEWS: Steve?  
14 MR. HARPER: Yes.  
15 MR. MATHEWS: Mark?  
16 MR. KING: Yes.  
17 MR. MATHEWS: Rosie?  
18 MS. KOENIG: Yes.  
19 MR. MATHEWS: Willie?  
20 MR. LOCKERETZ: Yes.  
21 MR. MATHEWS: George?  
22 MR. SIEMON: Abstain.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. MATHEWS: Bill?

2 MR. WELSH: Yes.

3 MR. MATHEWS: The motion carries 10 for,  
4 zero against, four abstaining, one absent.

5 MR. SIDEMAN: Livestock Committee. Our  
6 work plan is actually in the notebook for the NOSB.  
7 It's the last page of Section 4 which is the Livestock  
8 but I have a couple of things to add to it. I can  
9 briefly go through and read this and tell you how I'm  
10 hoping to handle it. Of course, it's up to the  
11 committee.

12 Number one is identify synthetic  
13 medications potentially suitable for use in organic  
14 livestock production and expedite review through the  
15 TAP process. I'm hoping we can set up a subcommittee  
16 to do that and have NOP staffers work with us for that  
17 one, to identify synthetic medications.

18 Number two, finalize recommendation on  
19 access to the outdoors for poultry. George handed out  
20 a rough draft of that. Number three, finalize  
21 recommendation on livestock feed ingredients. We  
22 actually had recommendations on that entitled

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 "National Organic Standards Board Livestock Committee  
2 Draft Recommendations." I was going to summarize all  
3 of these but for the sake of time I'm not going to.

4 MR. SIEMON: But they will be posted now.

5 MR. SIDEMAN: And that's what I was just  
6 going to say. My note here is that they should be  
7 posted on the web for comment and the committee will  
8 discuss them.

9 Number four, identify sanitation and  
10 cleansing agents including chlorine used in livestock  
11 production and number five, develop recommendations on  
12 confined livestock living conditions, e.g., barns,  
13 with an emphasis on bovine and poultry. Number six --  
14 I'm reading fast because most of us here have this in  
15 front of us. Develop recommendations on allowed  
16 livestock physical alterations.

17 Seven, develop additional guidance on  
18 replacement of dairy herd animals. I'm confused about  
19 this one because it's just recently come to my  
20 attention. When I called Mark about a month ago and  
21 asked about the replacement dairy animals, I was told  
22 the interpretation of the rule is that other than the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 whole herd conversion, they have to be from the last  
2 third of gestation. But now I hear from the OTA  
3 Livestock Committee that that may be true for on farm  
4 animals but if you buy them off the farm, you can go  
5 to a year.

6 MR. SIEMON: We're not here to discuss the  
7 issue.

8 MR. SIDEMAN: Hopefully that'll get  
9 straightened out.

10 Number eight, develop recommendations on  
11 labeling for pet foods.

12 Number nine -- and this is a new one that  
13 I'm adding -- work with NOP -- this is from Rose  
14 yesterday -- work with NOP to facilitate on-farm  
15 trials of poultry feed rations using only natural  
16 sources of methionine. Tell me when you catch up.

17 MR. MATHEWS: Work with NOP to  
18 facilitate--

19 MR. SIDEMAN: To facilitate farm trials of  
20 poultry feed rations using only natural sources of  
21 methionine. Natural forms. Natural sources of  
22 methionine. Natural sources. Is that it? Some of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 which may be conventional agricultural products. And  
2 that's the product problem. We need to work on how we  
3 figure out working exception into the rules for these  
4 products.

5 MR. MATHEWS: Conventional agriculture  
6 products.

7 MR. SIDEMAN: Right. That's it. I'll  
8 take up the rest later.

9 MR. MATHEWS: Wait a minute. I have to  
10 interject here. I'm sorry. This first item where you  
11 want Mark working with you. Mark can be involved to a  
12 limited extent. Mark is part of a very limited  
13 resource staff and I can't have Mark doing board work.

14 MR. SIDEMAN: If you're going to  
15 accreditation.

16 MR. MATHEWS: Because We're doing  
17 accreditation and approval of state programs and  
18 international, plus we've got a rule making action now  
19 for mushrooms, a rule making action for greenhouse, a  
20 rule making action on apiculture, a rule making action  
21 to do a corrections docket, a rule making action to --

22 MR. SIDEMAN: Point well taken.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. MATHEWS: So I can not -- I would love  
2 to just say Mark, go work for the board. Mark can not  
3 work for the board. He can be a resource but he can  
4 not do the work.

5 MR. SIDEMAN: Hopefully we get two Marks  
6 some day.

7 MR. MATHEWS: We did get the two people I  
8 told you on Monday I was trying to hire.

9 (Applause.)

10 MR. MATHEWS: Hopefully they'll be  
11 starting very soon.

12 MR. RIDDLE: Two points, Eric. One is on  
13 that last one about facilitating on farm trials. Keep  
14 in mind that it applies to other things besides just  
15 livestock and methionine. The criteria for evaluating  
16 the appropriateness of those trials that you develop  
17 here should be thought in terms of how it could apply  
18 in crops or other sectors.

19 One other item, and that is in the  
20 apiculture report that we approved to ask for  
21 expediting review of the inputs, and I don't know if  
22 that should go to Livestock Committee or Materials,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the report calls for expediting those reviews. That's  
2 all. It's not been mentioned in a work plan yet.

3 CHAIRPERSON BRICKEY: I also had this idea  
4 of working on field trials is kind of a new thing. I  
5 don't know if it's --

6 MS. KOENIG: It's not the field trials.  
7 It's working at the research exemption and how we can  
8 allow research exemptions to --

9 MR. SIDEMAN: That's what I'm talking  
10 about. I'm talking about getting the exemption so  
11 farmers can use conventional materials. It's in the  
12 rule. I don't know how to get it out.

13 MR. MATHEWS: So this is going to be  
14 procedures.

15 MS. KOENIG: Rick, to just state, I know  
16 that there's a number of researchers out there that  
17 are going to be asking about microbials for weed  
18 control and such. So it's something that's going to  
19 continue. Just looking at that policy and letting us  
20 know what it means, how they guide researchers.

21 MR. SIDEMAN: Rick, to make it better for  
22 you, why don't we go to work with NOP to facilitate

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 procedure for allowing --

2 MR. SIEMON: So what about the incidentals  
3 in medicines? Is that what number one is supposed to  
4 do?

5 MR. SIDEMAN: Yes.

6 MR. SIEMON: It's really a different  
7 subject. Okay. As long as it's in there because I'm  
8 looking for a broad-brush approach compared to  
9 specific TAP process reviews like we were doing with  
10 the feed.

11 MR. SIDEMAN: And that'll work within the  
12 committee.

13 MR. MATHEWS: I know we want to charge  
14 ahead but we need to backtrack just one item real  
15 quick. Under the things that the Crops Committee is  
16 doing, we really need this board to look at the issue  
17 of strawberries and other things that really are  
18 perennials that some people are using as annuals.  
19 It's causing some problems, especially with those who  
20 want to use transplants.

21 MR. SIDEMAN: I've got conflict of  
22 interest on that one, by the way.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. MATHEWS: It's a real problem out  
2 there because a strict interpretation will put them  
3 under the perennial rules and that really doesn't work  
4 for them. So I think that you can get with Mark. He  
5 understands the issue. But you guys need to add that  
6 to the task force and have to have an answer by May.

7 MR. SIEMON: My other one was just about  
8 livestock feed ingredients. I asked this before but I  
9 got to ask it again. We need to put our drafts out in  
10 the public world before we make a recommendation  
11 because I'm quite concerned when the next discussion  
12 comes about delaying our meeting and in doing the 18  
13 months for feed that We're going to delay the farmers'  
14 ability to know where they stand on all these issues  
15 another period of time and there's no way we can vote  
16 on those today and there's no way we can vote but in  
17 physical meetings on such an issue as this. So  
18 therefore, whenever we meet next, 12 months, 18 months  
19 from then is when farmers will know how these feed  
20 additives and feed carriers and all these wonderful  
21 subjects here, where they're at. Leaving a gap  
22 between 2002 October and that time period when they

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 won't be able to use those substances is a real  
2 alarming thing for the livestock industry. We have to  
3 have public comment before we can vote.

4 MR. HARPER: Processing. We're putting  
5 the guidelines out on the web for comment. We'll keep  
6 on working on that. That's the only thing --

7 MR. SIDEMAN: Okay. We're ready for the  
8 vote on aquaculture.

9 MS. GOLDBURG: Aquatic species.

10 MR. SIDEMAN: Thank you. You correct me  
11 every time. Aquatic Animal Task Force. Our motion is  
12 the NOSB accepts the report of the Aquatic Animal Task  
13 Force and we recommend that no standards be developed  
14 for wild-caught aquatic animals. We have that. So  
15 number two, we put those two items together and it's  
16 going to read the second one first: Standards be  
17 developed for the production of farmed aquatic animals  
18 that reflect an innovative approach to organic  
19 certification.

20 CHAIRPERSON BRICKEY: It's just parroting  
21 the language of the report.

22 MR. SIDEMAN: While remaining fully

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 consistent with the requirements of OFPA and the  
2 second sentence is what I had earlier. If standards  
3 are developed, we recommend that NOP and NOSB use the  
4 Aquatic Animal Task Force report as guidance. Who  
5 seconded?

6 CHAIRPERSON BRICKEY: I did.

7 MR. CARTER: Just in terms of disclosure,  
8 I need to disclose that I've been working on a  
9 consulting basis on an aquatic project, aquaculture  
10 project, for the last few months.

11 MR. SIDEMAN: And they want to be  
12 certified organic?

13 MR. CARTER: They have no intention of  
14 being certified organic.

15 MR. SIEMON: That's an asset, not a  
16 conflict.

17 MR. SIDEMAN: Any other discussion?  
18 Can we vote?

19 MR. MATHEWS: "Guidance" is the last word.  
20 Take this out.

21 CHAIRPERSON BRICKEY: All right. We're  
22 ready to vote.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. MATHEWS: All right. Dave?  
2 MR. CARTER: Approve.  
3 MR. MATHEWS: Kim?  
4 MS. BURTON: Approve.  
5 MR. BANDELE: Approve.  
6 MR. MATHEWS: Rosie?  
7 MS. KOENIG: Approve.  
8 MR. MATHEWS: Goldie, I mean.  
9 MS. CAUGHLIN: Approve.  
10 MR. MATHEWS: Becky?  
11 MS. GOLDBURG: Approve.  
12 MR. MATHEWS: Eric? I mean, Jim.  
13 MR. RIDDLE: Yes.  
14 MR. MATHEWS: Eric?  
15 MR. SIDEMAN: Yes.  
16 MR. MATHEWS: Carolyn?  
17 CHAIRPERSON BRICKEY: Yes.  
18 MR. MATHEWS: Steve?  
19 MR. HARPER: Yes.  
20 MR. MATHEWS: Mark?  
21 MR. KING: Yes.  
22 MR. MATHEWS: Now Rosie.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. KOENIG: Yes.

2 MR. MATHEWS: Will?

3 MR. LOCKERETZ: Yes.

4 MR. MATHEWS: George?

5 MR. SIEMON: Yes.

6 MR. MATHEWS: And Bill?

7 MR. WELSH: Yes.

8 MR. MATHEWS: The score is fourteen to  
9 zero to zero with one absent.

10 CHAIRPERSON BRICKEY: Is there any other  
11 business before the Board has election of officers?

12 MR. SIEMON: Discussion of the next  
13 meeting.

14 CHAIRPERSON BRICKEY: Elections first.  
15 Based on the nominations I have received for chair, we  
16 have prepared a ballot. We don't want to preclude  
17 someone who might want to nominate from the floor. I  
18 don't want to preclude the members of the board is  
19 there's anyone who wants to nominate someone from the  
20 floor. I want to allow an opportunity to do that.

21 MS. KOENIG: I want to nominate Dave  
22 Carter if he was interested.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON BRICKEY: Is this a surprise  
2 to you?

3 MR. CARTER: No, it's not a surprise.  
4 Yes, I'll go ahead.

5 CHAIRPERSON BRICKEY: So we need to have  
6 Dave Carter's name added to the ballots.

7 MR. MATHEWS: We've got a line for a write  
8 in.

9 CHAIRPERSON BRICKEY: All right. And I  
10 also want to ask if at this time anyone wants to  
11 nominate anyone else for any other office, not  
12 precluding the opportunity to do it subsequently.

13 MR. LOCKERETZ: We haven't had any  
14 nominees for the other offices, have we?

15 CHAIRPERSON BRICKEY: Yes. We have  
16 nominees for vice chair. I've had two.

17 MR. RIDDLE: Why don't we just do one  
18 office at a time.

19 CHAIRPERSON BRICKEY: I just wanted to  
20 provide that opportunity at any time to nominate  
21 someone else. I want to provide that opportunity.

22 MS. KOENIG: Carolyn, clarification on the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 nomination process. Am I under the right  
2 understanding? I know it's been done differently by  
3 the board, but starting with this election that we  
4 will have annual elections to these positions.

5 CHAIRPERSON BRICKEY: That's up to the  
6 board.

7 MR. LOCKERETZ: That was decided last  
8 meeting.

9 MR. RIDDLE: That was actually a  
10 recommendation of the Executive Committee on a fall  
11 cycle.

12 CHAIRPERSON BRICKEY: Then are we ready to  
13 vote for the position of chair?

14 MR. MATHEWS: There's already two names on  
15 there. Dave's is a write-in.

16 MR. SIEMON: Majority wins. If there's a  
17 tie, then we'll redo it.

18 (Off the record discussion.)

19 MS. CAUGHLIN: Will there be a farm plan  
20 for the record?

21 (Off the record discussion.)

22 MR. MATHEWS: Hey, Katherine, you've never

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 been to Florida, have you?

2 MS. BENHAM: No, I haven't.

3 CHAIRPERSON BRICKEY: I guess while We're  
4 waiting I just wanted to say that I was teasing Eric  
5 yesterday that we don't control what the board does  
6 after we leave. But I also have my agenda for the  
7 board. Everything I know about chairing the committee  
8 or not chairing the committee I learned from Pat Leahy  
9 and he always said that even if he sat in a meeting  
10 and had a very strong agenda item of his own, that he  
11 had to put that second for what the board wanted to  
12 do. And that's what I've tried to and I hope the next  
13 chair of this committee will do that. It's very, very  
14 important.

15 I think it's also very important for you  
16 to keep together and keep working together, keep  
17 bridging your differences because, as you know, a few  
18 years ago that wasn't really what was happening with  
19 the board. And there's also a lot of division and  
20 tension with the National Organic Program. I think  
21 we've come past that period with flying colors, and I  
22 really want to thank Rick today and his staff for all

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the hard work they've done on this meeting and also  
2 for the high level of cooperation we've had. It's  
3 been incredible. So we want to thank you.

4 (Applause.)

5 CHAIRPERSON BRICKEY: I wanted to remind  
6 the board and those of you in the audience that we  
7 have a new administration in place, in case you  
8 haven't noticed, but they thus far have been  
9 incredibly supportive and cordial and they've welcomed  
10 us to visit them in their offices and to give them  
11 feedback and they've told us that We're an important  
12 part of USDA now. We owe that in large part to some  
13 of the folks who are no longer here. Mike Dunn,  
14 Kathleen Marrigan, and Keith as head of this program.

15 We also owe it to Dan Glickman who was incredibly  
16 upset and embarrassed by the release of that first  
17 rule and told me personally that he was going to get  
18 that right as the major thing he was going to do  
19 before he left office, and I believe he did that. And  
20 so we owe all those folks a lot of credit for getting  
21 us to where we are now, and I just want to admonish  
22 you and exhort you not to let that spirit of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 cooperation and unity slip away from you because when  
2 it's gone, it's very, very hard to get back.

3 (Applause.)

4 MS. BENHAM: Burton, three, Riddle, five,  
5 Carter, six.

6 CHAIRPERSON BRICKEY: It's all that  
7 campaign money you spent. I'm looking for my Toyota  
8 any day now. Okay. Then we need to vote again.

9 MR. LOCKERETZ: It's not a majority.

10 CHAIRPERSON BRICKEY: We need to vote  
11 again. That's what I'm saying. Oh, I see what you're  
12 saying.

13 MR. LOCKERETZ: We said there would be a  
14 majority so that the third place candidate would drop  
15 off.

16 CHAIRPERSON BRICKEY: That's what I said.

17 (Off the record discussion.)

18 MR. MATHEWS: Carolyn did that great job  
19 of the layman speech and I think she's right. We have  
20 come a long way in the system. In the three and a  
21 half years that I've been here, there's been a big  
22 difference from that first proposed rule and I have to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 say that none of this would really be possible where  
2 we are today if it wasn't for all the hard work of all  
3 the board members. Yes, staff worked hard but we've  
4 really taken our direction from the board and we've  
5 all worked hard together.

6 We've got some tokens of appreciation to  
7 those board members who are due to go off and the  
8 first one is Bill.

9 MR. SIEMON: Get the camera out.

10 (Applause)

11 MR. MATHEWS: The plaque reads,  
12 "Certificate of appreciation presented to William P.  
13 Welsh for his dedicated service as a member of the  
14 USDA's National Organic Standards Board from 1997 to  
15 2001." Now to Bill and all of you, this does not mean  
16 that your duty is done. It just means that if we  
17 appoint somebody before the next board meeting, you  
18 really don't have to come back.

19 (Applause)

20 MR. MATHEWS: The next one is for Eric.  
21 You get almost the exact same reading only they did  
22 put your name on it.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 (Applause)

2 MR. SIDEMAN: I want to say that it's  
3 really been a great experience for me.

4 MR. MATHEWS: The next one is for Steven  
5 Harper. Thank you for all your hard work.

6 (Applause)

7 MR. HARPER: I just want to say that it's  
8 been a really, not only a great incredible experience,  
9 it's been an interesting experience trying to bridge  
10 all the differences and work with people in the  
11 various organizations. I really do plan on staying  
12 involved.

13 MR. MATHEWS: Carolyn, this is your plaque  
14 and thank you very much for all your hard work and we  
15 really appreciate it and even when you yelled at me.

16 (Applause)

17 MR. MATHEWS: But I think the important  
18 thing is that I think we all worked pretty well  
19 together. I know that I get to be a little testy once  
20 in a while, but I think that's only -- just a little.

21 But I think that's because, like you, even though I  
22 didn't come from an organic background, I and everyone

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 on the staff are very dedicated to making this program  
2 work. Mark and I butt heads on almost a daily basis  
3 over this stuff, but the bottom line is we all want to  
4 do what is really important to the organic industry  
5 and we want to work well with the board and we really  
6 appreciate all of your involvement. I have to say I  
7 have only been here like three and a half years but  
8 it's been a great experience with all of you and  
9 especially with those of you who are now going to be  
10 leaving. You'll be missed.

11 (Off the record briefly at 3:11 p.m.)

12 (Applause for Mr. Carter.)

13 MR. SIDEMAN: I would like to nominate Jim  
14 Riddle for vice chair.

15 CHAIRPERSON BRICKEY: I second it. Do you  
16 want it?

17 MR. RIDDLE: It would be a relief after  
18 being secretary. Yes, I would accept.

19 MR. LOCKERETZ: I nominate Kim Burton for  
20 vice chair.

21 MR. SIEMON: Are we tearing up more paper?

22 (Off the record discussion.)

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. SIEMON: The new NOSB, is there one  
2 for each seat?

3 MR. MATHEWS: There's five seats  
4 available. Five different positions. There's  
5 nominees for all the positions.

6 MR. SIEMON: In which categories is what I  
7 need to understand.

8 MR. MATHEWS: Producer, handler,  
9 environmentalist, scientist, consumer public rep. One  
10 of each.

11 MR. RIDDLE: And Rick, maybe you should  
12 explain what you explained to me, that those -- or I  
13 will -- that those categories that are listed there,  
14 George, in that table, those were the ones that they -  
15 - yes, signed by NOP.

16 MR. SIEMON: But consumer/public interest  
17 is one. That's what confused me. With the slash,  
18 that would have been six categories. Okay. Fine.  
19 One for each.

20 MS. BENHAM: Riddle nine, Burton five.

21 CHAIRPERSON BRICKEY: Do I hear nominees  
22 for secretary?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. GOLDBURG: Can I nominate Kim Burton,  
2 if she'll accept.

3 MS. BURTON: I am going to decline on  
4 that. Just the work, not anything --

5 MS. CAUGHLIN: Willie.

6 MR. LOCKERETZ: I couldn't do it. Maybe  
7 we can invite self-nominees.

8 MS. CAUGHLIN: Certainly not currently the  
9 way it has been working. I'd have to know more about  
10 really what your involvement is as far as --

11 CHAIRPERSON BRICKEY: Let me suggest this.  
12 We don't have essentially any kind of -- an executive  
13 committee and then recommend some nominees for those  
14 who are interested. I don't want to sit here and  
15 debate this. We don't have time.

16 MS. CAUGHLIN: Because currently our  
17 Materials Committee and as Vice Chair working with Kim  
18 with the Materials Committee, I anticipate that that  
19 in and of itself -- We're going to be dividing that up  
20 a great deal.

21 MR. SIDEMAN: Carolyn, I think your idea  
22 is a good idea.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. RIDDLE: I can review the minutes from  
2 this meeting. I see that I was secretary during this  
3 meeting, so yes, that would be part of the follow-up.

4 It's the upcoming executive meetings that I  
5 essentially would be filling two seats.

6 AUDIENCE MEMBER: We operated without a  
7 secretary for quite a while before you came on the  
8 board.

9 MR. RIDDLE: That's not a precedent to  
10 follow.

11 AUDIENCE MEMBER: The advantage is that we  
12 can move -- but it's not a bad position for a new  
13 board member. It's an excellent way for a new person  
14 to -- and you may find somebody that's really --

15 CHAIRPERSON BRICKEY: My recommendation  
16 for the board is for this to be a topic for the next  
17 executive meeting. I don't want to push somebody into  
18 taking it who doesn't want it and I don't want to rush  
19 the decision making on that.

20 MR. SIEMON: All right. Schedule.

21 MR. SIDEMAN: I would like a clarification  
22 on committee chairs. I just got a plaque, does that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 mean --

2 MR. LOCKERETZ: It means you've just  
3 gotten access to pasture.

4 CHAIRPERSON BRICKEY: I think we need to  
5 let the new chair, who seems as surprised as I am,  
6 figure out what he wants to do with this.

7 MR. CARTER: The new chair is still trying  
8 to figure out where the bathrooms are.

9 CHAIRPERSON BRICKEY: Let's discuss the  
10 timing and location of the next meeting because We're  
11 short of time. Rick had indicated that there is an  
12 overload of work in Programs trying to meet all the  
13 deadlines and get ready essentially for April, I  
14 think. right? And some things in between and all the  
15 rule making.

16 So he asked us to delay our meeting that  
17 we had tentatively scheduled for February which I  
18 believe we should definitely do and I've talked to a  
19 number of you who wanted to accommodate NOP on this.  
20 We did not, however, come to an agreement and it was  
21 not for any reason other than timing and logistics as  
22 to when that meeting is going to be and where. So I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 want to defer to the folks who are going to be here  
2 chairing that meeting and working on that meeting to  
3 help decide what you want to do. Would you like to  
4 comment first?

5 MR. MATHEWS: I just don't want to do it  
6 before May 5th. It's an absolute impossibility.

7 MR. CARTER: Before May 5 is impossible?

8 MR. SIDEMAN: Why not May 4th?

9 MR. MATHEWS: We're hoping to have  
10 accreditations out by the 21st of April. I mean even  
11 later is better for us because there's a lot of work  
12 that staff does getting ready for this meeting. It  
13 takes over half of our staff time just to prepare for  
14 a meeting so the closer we get to it, the less work we  
15 do on everything else. With trying to announce  
16 accreditations on the 21st of April, We're just not  
17 going to be able to devote the resources to what the  
18 board is going to need from us. And the same thing  
19 goes with getting accreditations and all these  
20 rulemakings done. We just can't be involved in board  
21 activities during that time period.

22 MR. SIEMON: But you're asking us to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 choose between accommodating you or leaving the whole  
2 producer group without materials another few months.

3 MR. MATHEWS: No, I'm not and I'll tell  
4 you my logic for that. To be real blunt, I think that  
5 you guys tend to be rather inefficient at times.

6 MR. SIEMON: Right.

7 MR. MATHEWS: And that a lot of the things  
8 that are on your plate now, what will happen is that  
9 if you schedule a meeting before May, you're going to  
10 come back at that meeting. You're going to say, well,  
11 we've got our first draft. Now we've got to schedule  
12 another meeting so that we can finalize this thing.

13 My recommendation would be that you do a  
14 timeline for all of these activities. There's  
15 absolutely no reason why the committees can't set a  
16 time that let's say the 1st of February or whatever  
17 you want to have your project completely drafted. You  
18 send it in to us. We put it up on the website. We  
19 seek the 45-day comment period that OTA is asking for.

20 You guys then get your comments in two to four weeks  
21 before the board meeting. You get your revised  
22 document out to the board members. You communicate

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 with each other. You come into the meeting. You know  
2 how you want that thing crafted. You vote on it.  
3 It's over with. Same with materials.

4 MR. SIEMON: That doesn't answer my  
5 question though.

6 MR. MATHEWS: Yes, it does.

7 MR. SIEMON: The approvals still didn't  
8 happen until May instead of February which is still  
9 three months --

10 MR. MATHEWS: It's not going to happen in  
11 February anyway.

12 MR. SIEMON: It's still three months that  
13 producers are going to suffer without these materials  
14 because it's going to take a year to 18 months to get  
15 there.

16 MR. MATHEWS: You're not going to have  
17 them in February. You're just not going to have them.

18 CHAIRPERSON BRICKEY: Let Kim speak to the  
19 Materials.

20 MR. SIEMON: I'm talking about the feed  
21 additive specifically that's going out for public  
22 comment right now.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. BURTON: As far as having materials up  
2 until October 21, I mean you have until October 21 to  
3 become compliant with the law. So we still have one  
4 meeting to go. The Material Committee is going to  
5 make some recommendations on possibly -- and I don't  
6 know if this is possible -- but if we approve a  
7 material for the national list, that that be somehow  
8 considered as at least forwarded for approval for the  
9 national list and maybe NOP can grant the variance or  
10 something. I don't know.

11 You did allude to the fact earlier that  
12 materials -- and I don't know what you were getting at  
13 -- but that there might be some different policies for  
14 the list.

15 MR. MATHEWS: We would like to see  
16 flexibility that would not take a material out before  
17 October of 2002.

18 MS. BURTON: The Materials Committee is  
19 going to make a recommendation that if the material is  
20 approved for the national list by this board that it  
21 be considered approved for use in organics up until it  
22 actually gets on the national list.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. SIEMON: So therefore not having the  
2 12 month to 18 month delay that we were told about  
3 Monday.

4 MR. MATHEWS: That is to get a final  
5 definitive answer.

6 MR. SIEMON: That's right. You just put  
7 it in place tomorrow if you choose to. That's what  
8 you're saying.

9 MR. MATHEWS: Well, no. What I'm saying  
10 is that we can sit down with the attorneys and talk  
11 about if the board has recommended approval of the  
12 substance, is it okay for us to allow it to be  
13 continued to be used beyond the deadline?

14 MR. SIEMON: That's satisfactory to me.

15 MR. MATHEWS: And if they come back and  
16 say yes, then we'll go ahead and tell the certifiers  
17 until we get a definitive answer on this. Now, the  
18 definitive answer might be that it has to be stopped  
19 being used. I don't know. I have to present this to  
20 the attorneys. The Materials Committee was going to  
21 provide us with something on what they would like to  
22 see us do. It's an enforcement issue that is really a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 creative implementation.

2 MS. BURTON: And I see us continuing to  
3 work on materials. The TAP reviews are going to  
4 continue to come forward to us, even prior to that  
5 next meeting date.

6 CHAIRPERSON BRICKEY: I don't speak to  
7 May, but I think another reason to delay the meeting  
8 somewhat is to give Dave and the group some time to  
9 get together and get the process on the move. I'm not  
10 sure how ready you're going to feel in February.

11 MR. RIDDLE: Plus, there's a good chance  
12 there'll be five new board members, too.

13 CHAIRPERSON BRICKEY: That's what I mean.

14 MR. HARPER: If we have it in February,  
15 there's actually a chance that the new board members  
16 won't even be --

17 MR. MATHEWS: That's correct.

18 MR. RIDDLE: Okay. There's been a  
19 suggestion to hold the meeting in Austin in  
20 conjunction with the OTA show and the NASOP meeting.  
21 What does Rick think about the staff and all servicing  
22 that?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. MATHEWS: Well, if you guys want to go  
2 there and give me out to May 5, I'm willing to  
3 negotiate. For us, it always works best for us to  
4 have it here. That's the bottom line. But it's up to  
5 you.

6 MS. CAUGHLIN: It would seem to make more  
7 sense to have it, however, in the days immediately  
8 preceding the organic show rather than the other way  
9 around given the drain of energy.

10 MR. SIEMON: May 10, 11, 12 and the 12th  
11 is Mother's Day.

12 MS. CAUGHLIN: Immediately prior, not  
13 after. This has been exhausting for a lot of us.

14 MR. MATHEWS: When is Mother's Day?

15 MR. SIEMON: The 12th. I personally think  
16 if we're going to be conscious of the NOP's work load,  
17 we would meet here.

18 MR. KING: A lot of us will be attending  
19 that show so if we can't have it in conjunction with  
20 that show, then we at least have a few days in between  
21 so that we can go home and then come to D.C. I mean  
22 I'm indifferent to what we do, but just so we have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that window of time.

2 CHAIRPERSON BRICKEY: What do you want to  
3 do?

4 MR. KING: If it's not in conjunction with  
5 OTA, that we have a few days window before coming to  
6 D.C. because a lot of us will be at that meeting.

7 MR. SIEMON: I'm willing to do it there.  
8 I just think with NOP it might be better to do it here  
9 for them.

10 CHAIRPERSON BRICKEY: I think it would be  
11 great to do it in Austin.

12 MR. SIEMON: The 6th, 7th and 8th, Monday,  
13 Tuesday, Wednesday?

14 MR. RIDDLE: -- taking motions. I move  
15 that it be held preceding the OTA show.

16 MR. MATHEWS: We've got two sets of dates  
17 now. We've got 6, 7, 8 or 7, 8 and 9.

18 MR. SIEMON: I think 7, 8, 9 is better.

19 MS. KOENIG: My concern on some of it, I'd  
20 like to narrow it down to at least as many days as we  
21 have to because of the switch in schedule. So I mean  
22 if we can do it in two days, fine. I know we have a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 lot of -- during this which are informative.

2 (Off the record discussion.)

3 MR. CARTER: I think the next meeting,  
4 particularly given the fact that We're going to have  
5 one-third new board members, we need to have something  
6 ahead of time like we tried to do in California just  
7 to get to know the new board members and do some  
8 planning and some things like that before we go into  
9 official meetings.

10 CHAIRPERSON BRICKEY: A retreat and  
11 planning session.

12 MR. CARTER: Yes.

13 MR. SIEMON: We need to know What OTA is  
14 doing on Thursday to really make this determination  
15 whether we want to meet on that day. Whether there  
16 are some meetings We're going to go to anyway on  
17 Thursday. I just don't know.

18 CHAIRPERSON BRICKEY: Let me suggest this.  
19 I hate it when people start rushing out the door and  
20 trying to do things. You just always screw up, or I  
21 do.

22 I would suggest that you plan your meeting

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 either before or after that meeting, that everybody  
2 get their feedback in on What their concerns are about  
3 the dates and the number of days and all those things  
4 and then you can discuss that on your next executive  
5 phone call and work this out because I don't think  
6 it's a good idea to work it out here. Everybody's  
7 tired and distracted and ready to leave.

8 MR. CARTER: One more time, What are the  
9 dates of the OTA?

10 MR. SIEMON: I have written down the 9th,  
11 10th, 11th and 12th. I believe it's just the 10th,  
12 11th and 12th. I don't know that there's anything  
13 going on Thursday.

14 AUDIENCE MEMBER: The conference part of  
15 it will be Thursday and half of Friday. The trade  
16 show is half of Friday and Saturday. The certifier's  
17 council and NASOP are thinking about having individual  
18 meetings and then a joint meeting on that Wednesday  
19 preceding that.

20 MR. SIEMON: So that would push us to  
21 Monday.

22 MS. CAUGHLIN: Retreat on Sunday?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   CHAIRPERSON BRICKEY: With the retreat on  
2 Sunday. All right. No more milling and flowing.  
3 Without objection, this meeting is adjourned.

4                   (The meeting was adjourned at 3:31 p.m.)  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701